

R E S O L U T I O N

WHEREAS, Pumpkin, LLC is the owner of a 95.35-acre parcel of land known as Parcel 173, Tax Map 123F-4, said property being in the 5th Election District of Prince George's County, Maryland, and being zoned R-E; and

WHEREAS, on June 7, 2001, Pumpkin, LLC filed an application for approval of a Preliminary Subdivision Plat (Staff Exhibit #1) for 80 lots and 2 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plat, also known as Preliminary Plat 4-01049 for Piscataway Estates 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 13, 2001, 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 September 13, 2001, 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 Tree Conservation Plan, TCPI/30/01, and further APPROVED Preliminary Plat of Subdivision 4-01049, Piscataway Estates for Lots 1-50, Blocks A, Lots 1-30, Parcel A and B and Block A including a Variation Request from Section 24-130 with the following conditions:

1. The following note shall be placed on the final plat:

A This property is in an area subject to overflight by aircraft using a public use general aviation airport, Potomac Airfield, located on Glen Way approximately 3,000 to 4,000 feet to the north. As a result, residents may be subject to some risk or experience inconvenience, annoyance or discomfort arising from the noise of such operations. Residents of property near a public use airport should therefore be prepared to accept such inconvenience, annoyance or discomfort from normal aircraft operations or growth in the amount of air traffic. @

2. Prior to signature approval of the preliminary plan:
 - a. A stormwater concept plan shall be approved.
 - b. The preliminary plan shall be revised to:

- i. Eliminate the flag lots and incorporate their area into adjacent lots.
 - ii. Relocate the stormwater management pond to the area of proposed lots 14-17, if required by the Department of Environmental Resources.
3. Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction, and (c) have an agreed-upon timetable for construction with the SHA/DPW&T:
 - a. MD 223 at Mary Catherine Drive: On the eastbound Mary Catherine Drive approach, provide a two-lane approach with a left-turn lane and a shared through/right-turn lane.
4. The connector roadway to Old Fort Road North, as shown on the plan, should be built to become the primary access into the subject property. As such, it and Old Fort Road North between the subject property and Mary Catherine Drive should be constructed to primary residential standards within the subject property and within existing rights-of-way outside of the subject property. Any signage (construction, realtor, etc.) directing persons to the subject property shall utilize Old Fort Road North and the primary connector. The subject subdivision shall continue to have access to Glissade Drive, but only as a secondary access point.
5. Prior to the issuance of a building permits, the applicant, his heirs, successors and/or assigns shall pay an Adequate Public Facilities fee of **\$3,360.00** per dwelling unit for the schools, unless fully offset by a school facility surcharge payment. Any amount not offset shall be paid and divided among the schools at a rate determined by the guidelines. This adequate public facilities fee would be placed in an account to relieve overcrowding at Clinton Grove Elementary and Gwynn Park High Schools.
6. No permits shall be issued for this subdivision until the projected percentage of capacities at all the affected schools are less than or equal to 130% or four years have elapsed since date of the adoption of the resolution of the approval of this preliminary plan of subdivision.
7. The final plat shall contain the following note:

ADevelopment of this property shall follow the recommendations of the report > Slope Stability Evaluation and Analysis, Piscataway Estates,= dated March 2001, or any other geotechnical report approved by the Prince George=s County Department of Environmental Resources.@
8. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain all 100-year floodplain, stream

buffers, wetlands and wetland buffers except for approved variation requests, and shall be reviewed by the Environmental Planning Section prior to certificate approval. In addition, the following note shall be placed on the plat:

A Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation is prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is permitted. @

9. The stormdrain pipe on Lot 5-B shall be shortened, or the road moved to the east, so that the only impact to the 50 foot stream buffer shall be the installation of riprap or gabions to reduce the erosive force of the stormwater outflow. No impacts to the stream buffer for house siting shall be permitted on Lot 4-B.
10. Prior to certification of the preliminary plan, the stormwater management pond shall be relocated to the general area of Lot 13-B and 14-B, if required by the Department of Environmental Resources. The pond shall be setback so that the street is not used as an embankment.
11. To the extent possible, the grading for the road in the vicinity of Lot 36-A and Lot 25-B shall minimize disturbance to the stream buffer and surrounding woodland areas. Additional grading for house siting is not permitted if it disturbs the minimum 50 foot stream buffer.
12. Prior to certification of the Tree Conservation Plan, note 2 of the Conservation Notes shall be replaced with the following: A The Department of Environmental Resources (DER) must be contacted prior to the start of any work on the site to address implementation of Tree Conservation measures shown on this Plan. @
13. Prior to certification of the Tree Conservation Plan, the TCP I shall be revised to indicate the logged 7.63 acres of woodland along the stream in the center of the property as a A Managed Regeneration Area @. Treatment shall include, but not be limited to, removal of slash, removal of hazardous trees and control of invasive and exotic plants. A draft timetable for initiation and completion of each treatment is required on the TCP I and a final timetable will be required on the TCP II. The Managed Regeneration Area shall be bonded like a reforestation area and the name of the contractor shall be indicated on the Type II TCP.
14. The TCP I shall be revised to include the following note: A No mechanical equipment shall be used within the Managed Regeneration Areas. @
15. The Type II Tree Conservation Plan shall show a minimum 25-foot side yard and a minimum 40 foot rear yard between structures and the woodland conservation areas.
16. The 50 foot floodplain buffer on lots 26 through 30, Block A, shall be a priority for

afforestation should additional woodland conservation areas be needed to meet the requirements of the Woodland Conservation Ordinance.

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 Piscataway Road, approximately 1,300 feet from the intersection of Accolade Drive and Glissade Drive in the Tippet community.
3. Environmental Issues and Variation Requests - Revised preliminary plans and variation requests were received for processing on June 26, 2001 and August 8, 2001. The application includes six variation requests. Staff supports three of the requested variations conditionally, does not support two variation requests, and believes that one variation request is unnecessary.

Background

The Environmental Planning Section previously reviewed applications on this property for a water/sewer category change numbered 00/P-14 and preliminary plan of subdivision 4-01010. Initial written review comments on the current application were presented at the Subdivision Review Committee on June 22, 2001.

Environmental Review of the Preliminary Plan

This site is subject to the provisions of the Woodland Conservation Ordinance because it is more than 40,000 square feet in size and contains more than 10,000 square feet of woodland. A Tree Conservation Plan is required to satisfy the requirements of the Woodland Conservation Ordinance.

A Letter of Exemption, E-86-99, was issued on December 8, 1999 for a logging operation (Logging Permit, 60019-99 and Forest Harvest Operations Sediment Control Plan, SCD 176-00). A Forest Stand Delineation dated January 2001, based upon field work in October 2000, has been reviewed. The report more than adequately describes the woodlands and the condition and location of specimen trees. The Forest Stand Delineation meets all requirements of the Woodland Conservation Ordinance.

A field visit conducted by Environmental Planning Section staff on February 9, 2001 verified the description for Stand C and quotes from Page 5 of the FSD: AAs a result of logging activities, a tremendous amount of slash is present, which makes moving through the stand very difficult. Opening of the canopy has resulted in a herbaceous coverage of nearly 100%, and an average of 1,040 shrubs per acre. @ The existing condition of the

7.63 acres of woodland along the stream in the center of the property makes it unsuitable as a woodland conservation area.

The Type I Tree Conservation Plan, TCP I/3/01, contains errors and inconsistencies. It may be approved with the following corrections:

- a. Note 2 of the Conservation Notes is out of date and needs to be replaced with the current language.
- b. The plan proposes using timbered woodland, which is currently unsuitable, for meeting the requirements of the Woodland Conservation Ordinance.
- c. Woodland conservation areas appear to be too close to proposed structures.
- d. Design changes proposed in this memorandum may require the need for additional woodland conservation areas.
- e. The TCP I shall be revised to include the following note: A No mechanical equipment shall be used within the Managed Regeneration Areas. @

The Type II Tree Conservation Plan shall show a minimum 25-foot side yard and a minimum 40 foot rear yard between structures and the woodland conservation areas.

The 50 foot floodplain buffer on lots 26 through 30, Block A, should be a priority for afforestation should additional woodland conservation areas be needed to meet the requirements of the Woodland Conservation Ordinance.

Section 24-131 of the Subdivision Regulations specifically permits the Planning Board to restrict or prohibit the subdivision of land found to be unsafe for development.

A field visit conducted by Environmental Planning Section staff on February 9, 2001 discovered significant erosion along the stream in the central portion of the site and topography typically created by slope failure. According to the AMap Showing Landslide Susceptibility in Prince George=s County, Maryland@ prepared by the U.S. Geological Survey, there is a A4m@ zone of medium to high susceptibility to landsliding due to Marlboro Clay and a A3c@ zone of low to medium susceptibility, not associated with Marlboro Clay, above that. The combined effect makes this portion of the site unsafe due to unstable soils, severe slopes, and erosive stream action, and meets the criteria of Section 24-131(a) of the Subdivision Regulations dealing with unsafe lands.

The geotechnical report, *Slope Stability Evaluation and Analysis, Piscataway Estates*, submitted for review indicates the presence of Marlboro Clay and at least one

cross-section with a slope stability safety factor of 1.44 [page 9]. The Prince George=s County Department of Environmental Resources has an established policy that any safety factor below 1.50 is deemed unsafe.

The Department of Environmental Resources has reviewed the revised plan accepted for processing on August 8, 2001 which shows the areas of concern removed from the area proposed for development. DER has determined that the proposed development as revised meets their policy guidelines for unsafe lands.

Given this, the final plat should contain the following note:

A Development of this property shall follow the recommendations of the report > Slope Stability Evaluation and Analysis, Piscataway Estates.= dated March 2001, or any other geotechnical report approved by the Prince George=s County Department of Environmental Resources.@

The site contains significant natural features, which are required to be protected under Section 24-130 of the Subdivision Regulations. The 100-year floodplain delineation as shown on the plan meets the requirements. The wetlands delineation had been previously examined in the field and determined to be correct. The 25-foot wetland buffers are shown. 50-foot stream buffers are correctly indicated. At time of final plat, a conservation easement should be described by bearings and distances. The conservation easement should contain all 100-year floodplain, stream buffers, wetlands and wetland buffers except for approved variation requests, and should be reviewed by the Environmental Planning Section prior to certificate approval. In addition, the following note should be placed on the plat:

A Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation is prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is permitted.@

The drainageway leading east to west down the center of the property poses special problems in the design of this site. The base flow is large enough to create a small stream within the steep-sided portion, but the stream ends when it reaches the flat area at the western part. Stormflows have produced an alluvial fan at the mouth of the ravine.

Commission staff consulted with staff of the Prince George=s County Department of Environmental Resources on this issue. An agreed upon design solution requires some changes to the preliminary plan. Prior to signature approval of the preliminary plan, the stormwater management pond should be relocated to the general area of Lots 13-B and 14-B. The pond shall be setback so that the street is not used as an embankment.

Variation Requests

The plan proposes impacts to stream buffers and wetland buffers. Impacts to these buffers are prohibited by Section 24-130 of the Subdivision Regulations unless the Planning Board grants a variation to the Subdivision Regulations in accordance with Section 24-113. A request for six individual variations was accepted for processing on August 6, 2001. Staff note that the site ranges from an elevation of 240⁺ feet at the eastern edge to 75⁺ at the western edge. A steep-sided stream valley runs east to west in the center of the property. The headwater area of the stream has three tributaries.

Variation Request #1 is for an impact to the minimum 50 foot stream buffer associated with the stormdrain outfall on Lot 5-B. The Prince George=s County Department of Environmental Resources has determined that a stormdrain outfall is necessary to transfer water under the proposed road.

Section 24-113 of the Subdivision Regulations sets forth the required findings for approval of variation requests.

- A. **The granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to other property.** Comment: The proposed impacts are temporary. These impacts will be further reviewed during the permit process by the Prince George=s County Department of Environmental Resources to ensure that the impacts will not be detrimental to the public safety, health, or welfare, or injurious to other property.
- B. **AThe conditions on which the variation is sought are not applicable generally to other properties.** Comment: The plans clearly show that the topography of the property dictates the flow pattern of stormwater runoff.
- C. **The variation does not constitute a violation of any other applicable law, ordinance, or regulation.** Comment: Stormwater management is required by Prince George=s County regulations.
- D. **Because of the particular surroundings, shape, or topographic 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 regulations is carried out.** Comment: In the context of stormwater flow on the property, a comprehensive storm drainage system is required for the proposed development. The plans clearly show that the topography of the property dictates the flow pattern of stormwater runoff. The main access road to the property requires adequate the drainage provided by this outfall, however, the location proposed is not the only location possible or design that would allow for proper stormwater run-off.

Staff supports this request for variation for an impact to the minimum 50 foot stream buffer associated with the stormdrain outfall on Lot 5-B provided that the impact is minimized through revised design of the stormdrain. The stormdrain pipe on Lot 5-B should be shortened, or the road moved to the east, so that the only impact to the 50 foot stream buffer shall be the installation of riprap or gabions to reduce the erosive force of the stormwater outflow. No impacts to the stream buffer for house siting should be permitted on Lot 4-B.

Variation Request #2 is for an impact to the minimum 50 foot stream buffer associated with street construction between Lot 21-A and Lot 14-B. The streams and stream buffers shown on the August 8 plans were not shown on the June 7 or June 26 plans. Although labeled AWater of the United States@, these are probably ephemeral streams. A field visit conducted by Environmental Planning Section staff on February 9, 2001 did not note any streams, as defined in the Subdivision Regulations, in this area. Therefore, the Environmental Planning Section does not believe a variation request is needed because the areas labeled as AWaters of the United States@ on Lot 21-A, Lot 14-B, and Lot 13-B are not streams as defined in the Subdivision Regulations.

Variation Request #3 is for an impact to the minimum 50 foot stream buffer associated with the stormdrain outfall for the stormwater management pond. The Prince George=s County Department of Environmental Resources has determined that a stormdrain outfall is necessary to provide a proper outfall for the project.

Section 24-113 of the Subdivision Regulations sets forth the required findings for approval of variation requests.

- A. **The granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to other property.** Comment: The proposed impacts are permanent. These impacts will be further reviewed during the permit process by the Prince George=s County Department of Environmental Resources to ensure that the impacts will not be detrimental to the public safety, health, or welfare, or injurious to other property.
- B. **AThe conditions on which the variation is sought are not applicable generally to other properties.** Comment: The plans clearly show that the topography of the property dictates the flow pattern of stormwater runoff.
- C. **The variation does not constitute a violation of any other applicable law, ordinance, or regulation.** Comment: Stormwater management is required by Prince George=s County regulations.
- D. **Because of the particular surroundings, shape, or topographic 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 regulations is carried out. Comment: In the context of stormwater flow on the property, a comprehensive storm drainage system is required for the proposed development. The plans clearly show that the topography of the property dictates the flow pattern of stormwater runoff. Failure to provide adequate stormwater management would not meet the requirements of the Stormwater Ordinance.

There are no other locations that would result in less impact than that currently proposed. If the pond is moved as recommended, an outfall will still be required at or near this location.

Variation Request #4 is for an impact to the minimum 50 foot stream buffer associated with street construction between Lot 36-A and Lot 25-B.

Section 24-113 of the Subdivision Regulations sets forth the required findings for approval of variation requests.

- A. The granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to other property.** Comment: The proposed impacts are permanent. These impacts will be further reviewed during the permit process by the U.S. Army Corps of Engineers and the Maryland Department of the Environment to ensure that the impacts will not be detrimental to the public safety, health, or welfare, or injurious to other property.
- B. The conditions on which the variation is sought are not applicable generally to other properties.** Comment: The plans clearly show the topography of the property. The waterway system in conjunction with steep slopes limits options for the placement of streets on this site. This variation would not be generally applicable to other properties.
- C. The variation does not constitute a violation of any other applicable law, ordinance, or regulation.** Comment: The main road through the property is necessary for the development concept, however, the amount of clearing and grading shown on the plans dated August 8 appears to be excessive. The Woodland Conservation Ordinance requires that disturbance to woodlands in streams buffers be minimized.
- D. Because of the particular surroundings, shape, or topographic 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 regulations is carried out.** Comment: The main road through the property is necessary for the development concept.

Requiring the plan to be revised to provide cul-de-sacs to avoid impacts would result in a traffic circulation pattern that is unacceptable with regard to access for fire, police, and ambulance vehicles.

Staff supports this request for variation for an impact to the minimum 50 foot stream buffer associated with street construction between Lot 36-A and Lot 25-B. There are no other locations that would result in less impact; however, the grading shown on the plan appears to be excessive. To the extent possible, the grading for the road in the vicinity of Lot 36-A and Lot 25-B should minimize disturbance to the stream buffer and surrounding woodland areas. Additional grading for house siting should not be permitted if it disturbs the minimum 50 foot stream buffer.

Variation Request #5 is for an impact to the minimum 50 foot stream buffer associated with the driveways to Lots 37-A & 38-A.

Section 24-113 of the Subdivision Regulations sets forth the required findings for approval of variation requests.

- A. The granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to other property.** Comment: The proposed impacts are permanent. These impacts will be further reviewed during the permit process by the U.S. Army Corps of Engineers and the Maryland Department of the Environment to ensure that the impacts will not be detrimental to the public safety, health, or welfare, or injurious to other property.
- B. The conditions on which the variation is sought are not applicable generally to other properties.** Comment: The plans clearly show the irregular topography of the property in this area.
- C. The variation does not constitute a violation of any other applicable law, ordinance, or regulation.** Comment: Although a permit will be required, the variation does not constitute a violation of any other applicable law, ordinance, or regulation.
- D. Because of the particular surroundings, shape, or topographic 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 regulations is carried out.** Comment: The denial of this variation request may result in the loss of one lot. In the context of the overall development proposal, staff does not believe the loss of this lot creates a hardship.

Because the required findings can not be made, the variation appears unnecessary

and hardship has not been demonstrated, the applicant has agreed to remove these lots; therefore this variation is no longer needed.

Variation Request #6 is for an impact to the minimum 50 foot stream buffer associated with a stormwater management inlet on Lot 13-B. Staff does not support the variation for the stormwater management inlet on Lot 13-B because the relocation of the stormwater management pond will result in the elimination of the need for this impact. As earlier noted, relocation of the stormwater pond is essential because of the impacts of the drainageway in the middle of the property on potential lots.

4. Community Planning - The proposed residential subdivision is consistent with 1993 *Subregion V Master Plan* land use recommendation for Suburban Estate residential land use in the R-E Zone. The 1993 *Subregion V SMA* classified this property in the R-E Zone. Stream valley park and a community park uses are recommended for the western part of this property by the 1993 *Master Plan for Subregion V*. The proposed subdivision includes dedication of this stream valley system.

This site is located in an area that is underneath the air traffic/flight pattern for Potomac Airfield, which is a small, private, general aviation airport approximately 3,000 to 4,000 feet to the north. Washington Executive Airport is located more than a mile to the northeast. The applicant should be informed again of the possible overflight of low flying aircraft, increased exposure to aircraft noise, and a slightly elevated risk of exposure to small aircraft accidents.

There are presently no county regulations that specifically address development of this parcel for residential land use relative to the impact of air traffic in this area. Subsequent to review of the previous application (4-01010), a proposed *Manual of Regulations for Land Use Around General Aviation Airports, June 2001*, has been prepared by the Planning Department. The Planning Board authorized transmittal of the proposed manual to the District Council and it is anticipated that the Council may consider the proposed regulations later this summer or in the fall as the basis for a legislative proposal to amend the Zoning Ordinance. Regardless, the information and policies contained in the proposed manual, and in the consultant studies that led up to them, provide criteria that can be utilized to help evaluate development proposals in close proximity to airports.

The proposed residential land uses in this subdivision plan conform with the land use safety and compatibility policies of the proposed *Manual of Regulations for Land Use Around General Aviation Airports, June, 2001*, provided adequate purchaser notice is given.

If approved, the subdivision should include a condition requiring notification of prospective purchasers that this property is in an area affected by aircraft overflights as described below.

Noise exposure is another effect of the proximity of the proposed development to airport operations and traffic patterns. The Environmental Planning Section of the Countywide Planning Division should be consulted to determine whether any of the proposed lots close to the airport are affected by noise levels above county standards, and whether additional acoustical buffering should be required for home construction on those lots.

The applicant should be aware of FAA and MAA requirements regarding notice of proposed new construction near public use airports.

5. Parks and Recreation - The preliminary plan includes approximately 9.89 acres of proposed dedication for park purposes, satisfying the requirements for mandatory park dedication of Section 24-134 of the Subdivision Regulations. Dedicated land is subject to several conditions included in the referral from the Department of Parks and Recreation.
6. Trails - The *Adopted and Approved Subregion V Master Plan* recommends a multiuse trail along Tinkers Creek. This planned trail will be accommodated within the land being dedicated to the Department of Parks and Recreation (DPR) as part of the Tinkers Creek Stream Valley Park. This trail will be completed as part of a future DPR CIP project.
7. Transportation - The applicant submitted a traffic study dated March 2001 in support of Preliminary Plan of Subdivision 4-01010, and staff is utilizing the same study in its review of this application. 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*. The study was referred to both the County Department of Public Works and Transportation (DPW&T) and the State Highway Administration (SHA), and the comments of both agencies are attached.

Summary of Traffic Impacts

The applicant has prepared a traffic impact study in support of the application using new counts taken in mid-December 2000. The traffic impact study prepared and submitted on behalf of the applicant analyzed the following intersections:

MD 223/Mary Catherine Drive
MD 223/Steed Road

With the development of the subject property, the traffic consultant has determined that adequate transportation facilities in the area can be attained. The intersection of MD 223 and Mary Catherine Drive was determined to operate unacceptably as an unsignalized intersection, and the traffic study concludes that either restriping or a traffic signal warrant study (with possible installation of a signal, if warranted) will be needed to address the deficiency. The analysis was based on 75 single-family residences; however, with the use of lot size averaging, the current subdivision plan shows 80 lots, and the

transportation staff will make the necessary adjustments to the traffic study.

Staff Analysis of Traffic Study

Existing conditions in the vicinity of the subject property are summarized as follows:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (CLV, AM & PM)		Level of Service (LOS, AM & PM)	
MD 223/Steed Road	1031	952	B	A
MD 223/Mary Catherine Drive	22.3*	18.0*	--	--

*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the *Guidelines*, an average vehicle delay exceeding 50.0 seconds (shown as LOS F by the procedure) indicates inadequate traffic operations.

Existing conditions indicate no operational problems within the study area.

A review of background development in the area was conducted by the applicant in cooperation with transportation staff, and three significant approved but unbuilt developments were identified in the immediate area. The applicant has assumed a growth in through traffic along MD 223 of 1.4 percent per year. Due to the fact that Steed Road currently functions as a through roadway for the area, staff believes the growth factor should be applied to Steed Road and its turning movements as well, and have modified the analysis results to reflect this. Background traffic conditions are summarized below:

BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (CLV, AM & PM)		Level of Service (LOS, AM & PM)	
MD 223/Steed Road	1192	1108	C	B
MD 223/Mary Catherine Drive	36.5*	26.4*	--	--

*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the *Guidelines*, an average vehicle delay exceeding 50.0 seconds (shown as LOS F by the procedure) indicates inadequate traffic operations.

The proposed development of 80 residential lots would generate 60 AM (12 in, 48 out) and 72 PM (47 in, 25 out) peak hour vehicle trips as determined using *The Guidelines for the Analysis of the Traffic Impact of Development Proposals*. The transportation staff does not agree that the site would add no turning movements at the MD 223/Steed Road intersection; therefore, the staff has analyzed the proposal using the following trip distribution:

MD 223 from the southwest:	30%
MD 223 from the northeast:	45%
Steed Road from the northwest:	25%

Total traffic operations under future conditions without improvements, as analyzed by the transportation staff, are summarized below:

TOTAL TRAFFIC CONDITIONS - NO IMPROVEMENTS				
Intersection	Critical Lane Volume (CLV, AM & PM)		Level of Service (LOS, AM & PM)	
MD 223/Steed Road	1217	1147	C	B
MD 223/Mary Catherine Drive	53.6*	32.2*	--	--
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the <i>Guidelines</i> , an average vehicle delay exceeding 50.0 seconds (shown as LOS F by the procedure) indicates inadequate traffic operations.				

The traffic generated by the proposed preliminary plan would result in deteriorating the average delay per vehicle on the Mary Catherine Drive approach to the MD 223/Mary Catherine Drive intersection. The Prince George's County Planning Board, in the *Guidelines*, has defined vehicle delay in any movement exceeding 50.0 seconds as an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has often imposed a condition to perform a traffic signal warrant study in similar circumstances. While recognizing that staff might request a signal study, the applicant has shown that providing an exclusive left-turn lane along the Mary Catherine Drive approach does resolve the inadequacy. With the additional traffic added due to increasing the number of residences to 80 on the current plan, staff's analysis verifies this finding. Given that signal warrants at this location would likely be marginal, the transportation planning staff recommends that the modification of the Mary Catherine Drive approach to the intersection be done.

TOTAL TRAFFIC CONDITIONS - WITH IMPROVEMENTS				
Intersection	Critical Lane Volume (CLV, AM & PM)		Level of Service (LOS, AM & PM)	
MD 223/Steed Road	1217	1147	C	B
MD 223/Mary Catherine Drive	45.6*	28.3*	--	--
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the <i>Guidelines</i> , an average vehicle delay exceeding 50.0 seconds (shown as LOS F by the procedure) indicates inadequate traffic operations.				

DPW&T and SHA both concur with the study and its recommendations.

Plan Comments

The transportation recommendations in the *Subregion V Master Plan* indicate a master plan arterial facility, A-65, passing about 600 feet east of the subject property at its closest point. Given the location of this facility, the subdivision should be better oriented toward the future facility. In order to better provide future access to the subject property to A-65, a primary residential stub street should be provided for future access. This street to the adjacent Faller Property should be provided in the vicinity of Lot 44A as shown on the current preliminary plan. A stub street connection to the Brevard property to the southwest is also desirable, and should be shown on the plan.

The original submittal proposed a single access point via Glissade Drive, a secondary residential street (50-foot right-of-way, and pavement 26 feet in width, with parking allowed on both sides of the street). This proposal was modified with the current plan, which shows a 60-foot roadway connecting to Old Fort Road North, which then connects to Mary Catherine Drive. This is acceptable; staff would have preferred that this new connection would have been aligned to become the direct route out of the subdivision while retaining the Glissade connection as a secondary and indirect route out of the subdivision. Because of existing street patterns within Mary Catherine Estates, transportation staff is very concerned about adding additional traffic to portions of Glissade Drive and Accolade Drive.

To better orient future access to the subject property toward the planned A-65 facility (as shown on the *Subregion V Master Plan*), the plan was modified at staff's request, to show a primary residential stub street to the adjacent Brevard property to the southwest. Staff also recommends that a second stub street be provided to connect to the Faller property to the north. Given the circulation pattern and traffic problems in Mary Catherine Estates, these stubs will provide future connections and improve ultimate circulation in the neighborhood.

Staff would note that Old Fort Road North appears to be platted as a collector with a right-of-way of 80 feet. This is a remnant of a collector roadway from a prior master plan, but is not on the current master plan. Staff would recommend that this roadway be built as a primary residential roadway.

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 if the application is approved with several transportation related conditions included in this report.

8. Schools - The Growth Policy and Public Facilities Planning Section 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 2001) (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
Clinton Grove Elementary School	80 sfd	0.24	19.20	646	0	665.20	459	144.92%
Gwynn Park Middle School	80 sfd	0.06	4.80	715	718.12	722.92	864	83.67%
Gwynn Park High School	80 sfd	0.12	9.60	1687	1690.24	1699.84	1274	133.43%

Source: Prince George's County Planning Department, M-NCPPC, January 2001

Since the affected **Clinton Grove Elementary and Gwynn Park High Schools** projected percentage of capacities are greater than 105 percent, the Adequate Public Facilities fee is **\$3,360.00** per dwelling unit. The amount of the Adequate Public Facilities fee for schools shall be offset by the School Facilities Surcharge. Any amount not offset shall be paid and divided among the schools at a rate determined by the guidelines.

Section 24-122.02 (a) (4) 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.

9. Fire and Rescue - The Growth Policy and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of public fire and rescue facilities.
 - a. The existing fire engine service at Clinton Fire Station, Company 25, located at 9025 Woodyard Road, has a service response time of 7.10 minutes, which is beyond the 5.25 minutes response time guideline.
 - b. The existing ambulance service at Clinton Fire Station, Company 25, has a service response time of 7.10 minutes, which is beyond the 6.25 minutes response time guideline.
 - c. The existing paramedic service at Clinton Fire Station, Company 25, has a service response time of 7.25 minutes, which is within the 7.25 minutes response time guideline for Block A Lots 1-3 , part Lot 4, Lot 47 and Lot 50. All other lots are beyond.

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, the Fire Department recommends that all residential structures be fully sprinklered in accordance with National Fire Protection Association

Standard 13D and all applicable Prince George=s County laws.

10. Police Facilities - The proposed development is within the service area for District IV-Oxon Hill. In accordance with Section 24-122.1(c) of the Subdivision Regulations of Prince George's County, existing county police facilities will be adequate to serve the proposed Piscataway Estates development. This police facility will adequately serve the population generated by the proposed subdivision.
11. Health Department - The Health Department noted that several drums were found on the property and required that they be removed. The applicant has submitted a manifest indicating compliance with this requirement. In addition, the Health Department noted the existence of abandoned well and septic systems. These will need to be pumped and backfilled and/or sealed prior to final plat.
12. 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 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 plan. Development must be in accordance with this approved plan.
13. Public Utility Easement - The plan includes the required 10-foot-wide public utility easement. This easement will be reflected on the final plat.
14. Flag Lots - The proposal includes flag lots. Flag lots are permitted pursuant to Section 24-138.01 of the Subdivision Regulations. Staff does not support the use of flag lots on this location. Flag lots are permitted when it can be demonstrated that they present a superior layout to that which can be achieved conventionally. These flag lots do not create the superior setting envisioned by Section 24-138.01 of the Subdivision Regulations which calls for flag lots to be located and designed to create a court-like setting. These flag lots do not accomplish this. They are simply set in to increase yield. On an environmentally sensitive site such as this, increased yield is not a valid reason for the use of an alternative design approach. In fact, one of the driveways would encroach a stream buffer, requiring variation approval. This encroachment is completely unnecessary and should be avoided completely. The area of these lots should be incorporated into lots with full frontage on Glissade Drive. The applicant has agreed to this.
15. Lot Size Averaging - The preliminary plan proposes the use of Lot Size Averaging and two flag lots. Staff found, and continues to find, that the flag lots do not meet the requirements for approval set forth in Section 24-138.01 of the Subdivision Regulations. Staff also found that the use of the Lot Size Averaging technique was not appropriate for this development. Just before the hearing on September 6, the applicant agreed to remove the flag lots and incorporate their area into the adjoining lots. The proposal for the flag lots was directly tied to staff=s concerns with the use of Lot Size Averaging. The

Lot Size Averaging technique is intended to provide a superior subdivision than that which could be created under conventional methods. With the flag lots, staff was unconvinced that the proposed Lot Size Averaging was superior; with the flag lots removed, the proposed use of lot size averaging yields a superior subdivision.

Section 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.** Originally, the plan proposed smaller lots along the central core of the property, encroaching into the environmentally sensitive stream. The plan was changed to show one-acre lots along the stream. Smaller lots are located adjacent to these lots. Subsequently, the plan was revised to show some lots along the environmentally sensitive area to be approximately one and a half acres. This layout enhances and protects the natural features of the site far better than originally proposed and better than could be expected under conventional development.
- 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.** While this finding was met, by providing one acre lots along the perimeter of the site, staff's concern that the introduction of flag lots created an inferior design. These flag lots resulted in an inappropriate stacked design, leaving what were relatively large lots with a significantly smaller appearance. With the removal of the flag lots, the proposal provides an adequate transition along exterior property lines to adjacent residentially zoned land.
- 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.** As stated in AA@ above, the current preliminary plan without flag lots and with large lots running down the center of the property surrounding the environmental feature on the site, enhances the natural features of the site and provides a transition to adjoining parcels. Additionally, the layout has been modified to reduce the number of environmental encroachments, ultimately eliminating the need for several of the requested variation.

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-E Zone

- A. The maximum number of lots permitted is equal to the gross acreage divided by the largest minimum lot size in the zone (40,000 square feet).** In this case, with approximately 85.46 net tract acres, a total of 93 lots would be

allowed, *given perfect circumstances*. With the removal of the flag lots the preliminary plan proposed 76 lots.

- B. At least 50 percent of the lots created shall equal or exceed the largest minimum lot size in the zone (40,000 square feet).** As proposed, 40 of the proposed 76 lots exceed 40,000 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.

* * * * *

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 Scott, seconded by Commissioner Lowe, with Commissioners Scott, Lowe, Eley, Brown and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, September 13, 2001, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 18th day of October 2001.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:JD:rmk