

R E S O L U T I O N

WHEREAS, Gallows Corp. is the owner of a 10.60-acre parcel of land known as Parcel 106 in Tax Map 96 in Grid E-2, said property being in the 12th Election District of Prince George's County, Maryland, and being zoned R-T; and

WHEREAS, on December 14, 2001, Cherrywood Development, L.L.C. filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 63 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-01098 for Marjorie R. Perkins Property 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 16, 2002, 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 16, 2002, 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/37/01), and further APPROVED Preliminary Plan of Subdivision 4-01098, Marjorie R. Perkins Property for Lots 1-63 and Parcel A with the following conditions:

1. All land to be dedicated to a homeowners association shall be subject to the following conditions:
 - a. Conveyance shall take place prior to the issuance of building permits.
 - b. All manmade debris shall be removed from the land to be conveyed.
 - c. The conveyed open space shall not suffer the disposition of construction materials, soil filling, discarded plant materials, refuse or similar waste matter.
 - d. Any disturbance of land to be conveyed to a homeowners association shall be in accordance with an approved Detailed Site Plan or shall require the written consent of the Development Review Division. This shall include, but not be limited to: The location of sediment control measures, tree removal, temporary

or permanent stormwater management, utility placement, and storm drain outfalls. If such proposals are approved, a written agreement and financial guarantee shall be required to warrant restoration, repair or improvements required by the approval process.

2. Prior to issuance of building permits the applicant, his heirs, successors and/or assignees shall demonstrate that a homeowners association has been established and that the common areas have been conveyed to the homeowners association.
3. The applicant, his heirs, successors and/or assignees shall provide adequate private recreational facilities on site in accordance with the standards outlined in the *Parks and Recreational Facilities Guidelines*.
4. The applicant, his heirs, successors and/or assignees shall submit three original Recreational Facilities Agreements (RFA) to DRD for approval prior to the submission of final plats for construction of recreational facilities on homeowners land. Upon approval by the DRD, the RFA shall be recorded among the county land records.
5. The applicant, his heirs, successors and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for the construction of recreational facilities on homeowners association land prior to the issuance of building permits.
6. Development of this subdivision shall be in accordance with the approved Stormwater Management Concept Plan #34050-2001-00.
7. Prior to signature approval the preliminary plat shall be revised:
 - a. To indicate the approved conceptual stormwater management plan number and approval date.
 - b. Label Parcel A to be dedicated to a homeowners association.
 - c. To locate any well or septic system associated with the existing structure or provide a note that there are no existing wells or septic systems on the property.
 - d. The applicant shall demonstrate that the existing right-of-way along MD 414 is 120 feet or greater in width or modify the plan to show dedication of 60 feet from the center line of the existing right-of-way and shall demonstrate that the 150-foot lot depth requirement is maintained.
8. Prior to signature approval, the TCP Woodland Conservation Worksheet shall be revised to show the correct amount of woodland on the site.
9. Prior to signature approval, the TCP shall be revised to:

- a. Include the TCP I notes and be signed and dated by the qualified professional who prepared the TCP.
 - b. Include the stream and 50-foot stream buffer in the legend and provide a limits of disturbance that shows the wetlands and their buffer to be preserved.
10. A conservation easement shall be described by bearings and distances on the record plat. The conservation easement shall contain all 100-year floodplain, stream buffers, wetlands, and wetland buffers and shall be reviewed by the Environmental Planning Section prior to approval.
11. 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. @
12. At the time of Detailed Site Plan, a Phase II noise study, certified by a professional engineer with competency in acoustical analysis, shall be submitted. The Phase II noise study shall show that noise corridor mitigation measures have been incorporated to attenuate interior noise levels to 45 dBA(Ldn) and exterior (active rear yard) noise levels to 65 dBA(Ldn) or less.
13. Prior to the issuance of any building permits within the subject property, the following road improvement, along with any necessary signal, signage, and pavement marking modifications, shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency:
 - a. Provision of a second left-turn lane on the southbound Wheeler Road approach at MD 414/Wheeler Road/Winston Road. This improvement is to be limited in scope to that which can be implemented within the existing right-of-way. If this improvement cannot be safely implemented due to nonavailability of the right-of-way, alternative improvements which will improve traffic operations at this intersection shall be identified by the applicant and approved by the appropriate operating agency and the Transportation Planning Section prior to the issuance of a building permit.
14. All improvements within the public right-of-way, as dedicated to the county, are to be in accordance with the county Road Ordinance, DPW&T's Specifications and Standards, and the Americans with Disabilities Act.
15. Prior to approval of the final plat, the approximate configuration and acreage to be placed in reservation for the construction of a fire station will be determined. The approximate

size shall be no more than three usable acres located in the general vicinity along the site's easternmost frontage along Saint Barnabas Road.

16. The applicant, his heirs, successors, and/or assignees, shall place in reservation no more than three usable acres for the construction of a fire station, as recommended in *The Adopted Master Plan for the Heights*, January 2000, per the requirements of Sections 24-139, 24-140, and 24-141 of the Subdivision Regulations. This reservation shall be subject to the following requirements:
 - a. The reservation period shall continue for three years and commence with the recordation of a Reservation Plat with the Final Plat of Subdivision. The reservation area shall also be shown on the Final Plat. The Reservation Plat shall comply with all requirements for recording plats among the Land Records of Prince George's County.
 - b. At the end of the reservation period, if the reservation has not been renewed or if the land reserved has not been acquired for public use and proceedings for acquisition have not been initiated, the reservation shall expire. Prior to the expiration of the three-year reservation period and with the written consent of all landowners, the Planning Board may renew the reservation for additional periods of time (not less than one year) if agreeable to the landowners.
 - c. During the reservation period, no building or structure, other than validly approved utilities, roads and public infrastructure, shall be erected upon the reserved land unless otherwise approved by the Planning Board. No trees, topsoil, or cover shall be removed or destroyed, no grading shall be done, and no drainage structures shall be built so as to discharge water upon the reserved land except as provided in Section 24-140(d) of the Subdivision Regulations.
 - d. All reserved land shall be maintained by the owner as required by county law. The Planning Board shall be notified immediately upon the sale of any land so reserved.
 - e. If, prior to the expiration of the reservation period, the Planning Board determines that the reservation no longer appears necessary, the Planning Board may cancel the reservation with the written consent of the owner.

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.
1. The property is located on the northwest quadrant of the intersection of Saint Barnabas Road and Alice

Avenue, with additional frontage on Virginia Lane.

3. Reservation - The Growth Policy and Public Facilities Planning Section has reviewed the Preliminary Plan of Subdivision for public facility impacts and concluded the following:

Adopted Master Plan for the Heights

The Adopted Master Plan for the Heights, January 2000, recommends that the existing station, Company 42, Oxon Hill, 1110 Marcey Avenue which serves this area be relocated. Marcey Avenue is a dead-end street and the *Heights Master Plan* does not propose connecting the dead-end street to the existing street network. Page 102 of the *Heights Sector Plan* states:

AThe plan recommends that Company 42 (Oxon Hill Station) be relocated to the vicinity of Larry Avenue and St. Barnabas Road. The plan identifies two potential sites for the relocated station via a floating symbol. The two sites are undeveloped: one on the north side of St. Barnabas Road (11 acres) and the other on the south side (6 acres).@

The property on the south side of Saint Barnabas Road was deemed not suitable for a fire station by the Prince George=s County Fire Department and Countywide Planning Division staffs because of its irregular shape and poor access to St. Barnabas Road. The only access to Saint Barnabas Road is located adjacent to the end of the exit ramp of the Capital Beltway. It was concluded that there is no practical way to provide two-way access to the site in a safe manner. No other properties were found to be suitable for a fire station during the *Heights Master Plan*.

The Perkins property, located on the northern side of Saint Barnabas Road is the site identified in the *Heights Master Plan* as the northern site. It was chosen as the best site for a new station because of its suitable size and excellent access to Saint Barnabas Road.

Based on referral responses from the Chairman of the Prince George=s County Council, who stated that the need for the facility (fire station) is identified in the Public Safety Master Plan and is provided for in the County=s CIP in 2006 and that the acquisition is desirable; the Prince George=s County Fire Chief requesting the reservation of three acres on this site for the construction of a fire station; and the Chief Administrative Officer of the Prince George=s County Government who supports the reservation of there acres for the construction of a fire station, staff finds a reasonable expectation that the land to be placed in reservation will be acquired with the three year reservation period.

Reservation Process

The reservation process is governed by Section 24-139 of the Subdivision Regulations. Reservations may be required for highways, street rights-of-way, parks and public buildings. The reservation is referred to appropriate public agency for comments. If an affirmative report is received, the Planning Board can place property in reservation for up to three years. The fire chief, in his memo to Chris Izzo dated April 24, 2002, has stated the intent to acquire a portion of the subject site and improve it with a fire station.

In addition, the staff understands that the developer of the subject property is in the midst of evaluating its preliminary plan for the possibility of being required to accommodate the reservation for a fire station. The basic standards for a fire station=s design and location are contained within the fire and rescue element of the *Public Safety Master Plan, 1990*. The recommended standards are that the site should be approximately three usable acres to accommodate a building with a drive-thru garage for potentially up to nine vehicles and a minimum total building area of 13,770 square feet.

Staff recommends that prior to final plat approval, the applicant prepare a plat of reservation for a fire station site. The exact size and location to be evaluated at the time of Detailed Site Plan (DSP) for the development of the townhouses and approved by the fire chief or his designee prior to approval of the final plat. Unless otherwise agreed to by the county and the property owner, the approximate size shall be no more than three usable acres located in the general vicinity along the site=s easternmost frontage along Saint Barnabas Road.

The development of townhouses in the R-T Zone is subject to the order of approvals in Section 27-270 of the Zoning Ordinance and will require the approval of a Detailed Site Plan (DSP) by the Planning Board prior to final plat approval. If the reservation is approved, the applicant has several options to move forward with the development of townhouses.

The ultimate placement of a portion of this property in reservation would not prohibit the applicant from pursuing approval of a DSP and final plat(s) for the entire property for the development of 63 townhouse lots in accordance with the preliminary plan. However, the applicant could not obtain building permits for development within the limit of the area placed in reservation and shown on a reservation plat. The configuration of the layout of both the area of reservation and the layout of the townhouse lots will take careful consideration to facilitate the highest and best use of the entire site.

The applicant may choose not to pursue the approval of a DSP for the area to be placed in reservation until the reservation period has expired or the land is purchased by the county. In that case, the applicant may file a final plat that would encompass the entire site and create a single parcel for the area to be placed in reservation. If for some reason circumstances do not provide for the acquisition of the property during the reservation

period, the applicant would be able to develop pursuant to the underlying preliminary plan for townhouses as long as the underlying preliminary plan remains valid. A new preliminary plan would be required if the underlying preliminary plan expired.

In a similar process, the applicant could choose not to pursue a DSP at this time and create two parcels, one to contain the area to be placed in reservation and the other to contain the remaining acreage. In this case the applicant could later develop pursuant to the underlying preliminary plan for townhouses for each parcel separately as long as the underlying preliminary plan remains valid. A new preliminary plan would be required if the underlying preliminary plan expired.

4. Environmental - This 10.60-acre, R-T-zoned site is located adjacent to Saint Barnabas Road and Virginia Lane and is primarily wooded. A site visit and review of the information available indicate that streams and wetlands are found to occur on this property. Severe slopes are located on this site, adjacent to the stream. The site is located in the Oxon Run watershed, which is a tributary to the Potomac River.

The soils found to occur on this property, according to the Prince George=s County Soil Survey, include the Sassafras and Beltsville series. The Beltsville soils have a K factor of 0.43 and are considered highly erodible. The Sassafras soils pose no special problems for development. There are no rare, threatened, or endangered species located in the vicinity of this property based on information provided by the Maryland Department of Natural Heritage Program. No historic or scenic roads are affected by this proposal. The sewer and water service categories are S-3 and W-3.

This site is subject to the provisions of the Woodland Conservation Ordinance because it is larger than 40,000 square feet in size and contains more than 10,000 square feet of woodlands. A Tree Conservation Plan (TCP) and Forest Stand Delineation (FSD) were required. The TCP I Woodland Conservation Worksheet indicates that the minimum woodland conservation requirement for this site is 2.12 acres (20 percent of the net tract). An additional 2.44 acres is required due to removal of woodland below the threshold level, for a total requirement of 4.56 acres.

The preservation requirements of the Woodland Conservation Ordinance are proposed to be met with a total of 2.0 acres of on-site preservation/reforestation and 2.56 acres of off-site mitigation. The FSD has identified a two-acre area in the southeast portion of the site as consisting primarily of shrub and sapling vegetative cover. Staff, however, has determined through field observations that this area is woodland as defined by the Woodland Conservation Ordinance. The TCP Woodland Conservation Worksheet should be revised to reflect this determination. In addition, the TCP does not include the TCP I notes that are required to be on all Type I TCPs and the TCP is not signed and dated by the qualified professional who prepared the TCP.

The site contains significant natural features, which are required to be protected under Section 24-130 of the Subdivision Regulations. The wetlands have been delineated and

staff has field checked this delineation and verified it to be correct. A stream is located in the northwest portion of the site. The required 50-foot stream buffer and adjacent severe slopes have been correctly located on the plan.

These features are protected within a Woodland Preservation Area. However, the stream and 50-foot stream buffer must be shown on the legend of the TCP. The wetlands and 25-foot wetland buffer are not shown to be disturbed under this plan, however, the plan does not show a limits of disturbance that protects the wetlands. No variation request was received, and the plan indicates that these features are to remain undisturbed. These environmental features will be placed in a conservation easement to ensure their preservation.

Saint Barnabas Road is classified as an arterial roadway, with the 65 dBA Ldn noise contour occurring approximately 830 feet from the centerline of the roadway as determined by the Environmental Planning Sections model. This noise contour is based on the ultimate road design and service flow for this road and does not consider existing topography. The 65 dBA noise contour has been indicated on the preliminary plan. At time of Detailed Site Plan, a Phase II Noise Study, certified by a professional engineer with competency in acoustical analysis, should be submitted. The Phase II Noise Study should show that noise corridor mitigation measures have been incorporated to attenuate interior noise levels to 45 dBA(Ldn) and exterior (active rear yard) noise levels to 65 dBA(Ldn) or less.

5. Community Planning - The subdivision of the parcel into lots for townhouses is in conformance with the master plan, however, the master plan includes a recommendation for a future relocated fire station at the site. The property is located in the Developed Tier in the 2000 *Interim General Plan* and in the 2000 *Heights and Vicinity Master Plan* in Planning Area 76A. The master plan land use recommendation is for residential low urban.

The master plan recommends a fire station (via a Afloating@symbol) on Saint Barnabas Road in this area. The master plan text identifies either the subject site or the undeveloped site directly across Saint Barnabas Road (next to the Beltway off-ramp) as potential sites. This station would be a replacement for the Oxon Hill Station (Company 42) on Marcey Avenue in Glassmanor, as discussed in Finding 1 of this report. The application is consistent with the master plan recommendations to include the proposal for the reservation of a portion of the property for the construction of a fire station.

6. Parks and Recreation - In accordance with Section 24-135(b) of the Subdivision Regulations, the Department of Parks and Recreation recommends that the applicant provide private recreational facilities in accordance with the *Parks and Recreational Facilities Guidelines*. The preliminary plan proposes a tot lot. However, the specific type of facility as well as its specific location, will be determined at the time of Detailed Site Plan.

7. Trails - There are no master plan trails issues. However, sidewalks should be provided along the internal roads, as shown on the submitted plan, and should be ramped and ADA-compatible. If road improvements are required by DPW&T or SHA on Virginia Lane, Alice Avenue, or Saint Barnabas Road (MD 414), standard sidewalks are recommended.
8. Transportation - The applicant has prepared a traffic impact study dated March 2002. The study has been referred to the county Department of Public Works and Transportation (DPW&T) and the State Highway Administration (SHA), and both agencies have commented on the study. The findings and recommendations outlined below are based upon a review of these materials and analyses conducted by the Transportation Planning Section, consistent with the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*.

Staff Analysis of Traffic Impacts

The traffic study examined the site impact at two intersections in the area:

MD 414/Virginia Lane/I-95 SB Off-Ramp (signalized)

MD 414/Wheeler Road/Winston Road (signalized)

The transportation staff has reviewed the traffic study as submitted by the applicant. The existing conditions at the study intersections are summarized below:

EXISTING CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 414 and Virginia Lane/I-95 SB Off-Ramp	1,301	1,376	D	D
MD 414 and Wheeler Road/Winston Road	1,408	1,450	D	D

Under existing traffic, the two existing intersections under study operate acceptably during both peak hours. The *Guidelines* identify signalized intersections operating at LOS E or F during any peak hour as unacceptable, and both intersections operate at better service levels.

The traffic study shows the limited approved development in the area. Background conditions are summarized below:

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