

R E S O L U T I O N

WHEREAS, Frandel Properties, Inc., et al is the owner of a 101.88-acre parcel of land known as Parcels 167, 172, 175, 178 and Outlot A, Tax Map 143 @ 57 and Tax Map 114, Grid D-3, said property being in the 5th Election District of Prince George's County, Maryland, and being zoned R-E; and

WHEREAS, on August 20, 2002, Frandel-Underwood, L.L.C. filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 89 lots, 5 outlots and 4 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-02068 for Capital Christian 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 January 23, 2003, 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 January 23, 2003, 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/41/02), and further APPROVED Preliminary Plan of Subdivision 4-02068, Washington Overlook for Lots 1-89, Outlots 1-5 and Parcels A-D with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the plan shall be revised as follows:
  - a. To label the 190 feet of the existing farm road as Outparcel 6 to be conveyed to Parcel 174 for access.
  - b. To revise the outlot table to indicate the parcel for which the outparcel will serve as access.
  - c. To demonstrate the lot width at the front building line is adequate for all lots.
  - d. To provide distances on all property lines.
  - e. To provide reference that the access easement serving Lots 81 and 82 is pursuant to Section 24-128(b)(3) of the Subdivision Regulations.

- f. To provide the conceptual stormwater management concept plan number and approval date.
    - g. To relabel all outlots serving as access as parcels.
- 2. Prior to the issuance of permits, a Type II Tree Conservation Plan shall be approved.
- 3. Prior to 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.
- 4. 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.
- 5. Prior to approval of the Final Plat, in accordance with Sections 24-134 and 24-135 of the Subdivision Regulations, the applicant, his heirs, successors and or assignees shall dedicate Parcel C to The Maryland-National Capital Park and Planning Commission. Lands to be dedicated shall be subject to the following:
  - a. An original, special warranty deed for the property to be conveyed (signed by the Assessment Supervisor, Washington Suburban Sanitary Commission) shall be submitted to the Subdivision Section of the Development Review Division, The Maryland-National Capital Park and Planning Commission (M-NCPPC), along with the Final Plat.
  - b. M-NCPPC shall be held harmless for the cost of public improvements associated with land to be conveyed, including but not limited to sewer extensions, adjacent road improvements, drains, sidewalks, curbs and gutters, and front-foot benefit charges, prior to and subsequent to Final Plat.
  - c. The boundaries and acreage of land to be conveyed to M-NCPPC shall be indicated on all development plans and permits, which include such property.

- d. The land to be conveyed shall not be disturbed or filled in any way without the prior, written consent of the Department of Parks and Recreation (DPR). If the land is to be disturbed, DPR shall require that a performance bond be posted to warrant restoration, repair, or improvements made necessary or required by the M-NCPPC development approval process. The bond or other suitable financial guarantee (suitability to be judged by the General Counsel's Office, M-NCPPC) shall be submitted to DPR within two weeks prior to applying for permits.
  - e. Storm drain outfalls shall be designed to avoid adverse impacts on land to be conveyed to or owned by M-NCPPC. DPR shall review and approve the location and design of these facilities. DPR may require a performance bond and easement agreement prior to the issuance of grading permits.
  - f. All waste matter of any kind shall be removed from the property to be conveyed. DPR shall inspect the site and verify that it is in acceptable condition for conveyance prior to Final Plat approval.
  - g. No stormwater management facilities, or tree conservation or utility easements shall be proposed on lands owned by or to be conveyed to M-NCPPC without the prior written consent of DPR. DPR shall review and approve the location and/or design of these features. If such proposals are approved by DPR, a performance bond and an easement agreement may be required prior to the issuance of grading permits.
  - h. The applicant, his successors and/or assignees shall submit a letter to the Subdivision Section, DRD, prior to final plat indicating that the Department of Parks and Recreation has conducted a site inspection and found the land to be dedicated to M-NCPPC in acceptable condition for conveyance.
6. Prior to final plat approval the applicant, his successors and/or assignees shall submit executed deeds of conveyance of the proposed outlots to the property owners for which they will serve as access. The deed of conveyance shall include the signature of the grantee. If agreed to by the grantees, the deeds shall include the following:
- a. A requirement that the applicant, his heirs, successors and/or assignees construct an access apron on each outlot serving as access to a public street at the time of construction of street on which it fronts.
  - b. For Parcel 174 the applicant shall construct the driveway from Penny Lane to Parcel 174 and it will be constructed of the same materials and to the same standard as the abutting lots.
  - c. A requirement that the applicant, his heirs, successors and/or assignees shall ensure uninterrupted access for all properties currently being served by the existing farm road through the construction phase of this development.

- d. The recordation of the deeds of conveyance of the outlots to the property owners for which they will serve will be the responsibility of the applicant, his heirs, successors and/or assignees.
7. Prior to the issuance of grading permits, a Limited Detailed Site Plan (LDSP) shall be approved by the Planning Board or its designee to evaluate landscaping associated with the stormwater management facilities located on Parcels B and D. Evaluation shall include plant materials, quantities and location of those plant units to provide pleasing views and enhance the overall appearance of the facilities.
8. Prior to the approval of the final plat of subdivision, the applicant, his heirs, successors and or assignees shall provide evidence that the Health Department is satisfied that domestic trash and debris, and fuel storage tanks containing gas, motor oil and antifreeze found on the property have been removed and properly stored or discarded.
9. No building permits shall be issued for this subdivision until the percent capacity, as adjusted pursuant to the School Regulations, at all the affected school clusters are less than or equal to 105 percent or 6 years have elapsed since the time of the approval of the preliminary plan of subdivision; or pursuant to the terms of an executed school facilities agreement whereby the subdivision applicant, to avoid a waiting period, agrees with the County Executive and County Council to construct or secure funding for construction of all or part of a school to advance capacity.
10. The applicant, his heirs, successors and or assignees shall construct standard sidewalks along both sides of all internal roads, consistent with adjoining subdivisions, unless modified by the Department of Public Works and Transportation.
11. Development of this property must be in conformance with the approved stormwater management concept plan #26260-2002-00.
12. The applicant, his heirs, successors and/or assignees shall submit three original Recreational Facilities Agreements (RFA) for construction of recreational trail facilities on park property to the Park Planning and Development Division (PP&D) for approval prior to the submission of final plats. Upon approval by the PP&D, the RFA shall be recorded among the County Land Records.
13. The applicant, his heirs, successors and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee prior to building permits for the construction of recreational facilities on park property.
14. Prior to approval of the final plats which contains Lots 18 and/or 82, the applicant shall demonstrate that Lots 18 and Lot 82 are not necessary for the implementation of stormwater management. If the applicant fails to do so, Lot 18 and/or Lot 82 will be reflected on the final plat as Parcels E and F to be conveyed to the homeowners association and utilized for stormwater management facilities. The applicant shall ensure continued conformance to the Lot Size Averaging requirements.

15. At time of approval of the final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the entire extended stream buffer except for approved impacts and shall be reviewed by the Environmental Planning Section prior to certificate approval. The following note shall be placed on the plat:

"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."

16. The following note shall be placed on the record plat:

"All applications for permits affecting streams, wetlands, and/or wetland buffers shall contain a copy of the approved federal and/or state permits."

17. Prior to certification of the Type I Tree Conservation Plan, TCPI/41/02, the plan shall be revised to:

- a. Correct the patterns in the legend to accurately reflect those used for preservation and afforestation areas.
- b. Add the following note:

"The Type II Tree Conservation Plan shall show split rail fencing along the outer edge of all reforestation/afforestation areas. This fencing shall be installed prior to the Use and Occupancy Permit for the adjacent lots."

- c. Have the plan signed and dated by the qualified professional.

18. The applicant, his heirs, successors and/or assignees shall convey Parcel C (2.3 acres) to M-NCPPC for parkland.

19. In accordance with Section 24-134 of the Subdivision Regulations, the applicant, his heirs, successors and/or assignees shall construct the following recreational facilities on the adjacent K Della Underwood Community Park:

- a. An extension of the existing parking lot (14 parking spaces) with connecting asphalt and sidewalk on the east side separated by wheel stops.
- b. 1,000 linear feet of the eight-foot-wide asphalt trail connecting the subject subdivision to the existing facilities in the park.

20. Improvements required to the K Della Underwood Community Park shall be subject to the following:

- a. The recreational facilities shall be constructed in accordance with the applicable standards in the *Parks and Recreation Facilities Guidelines*.
  - b. Detailed construction drawings for recreational facilities on park property including grading plan, sections and details shall be submitted to DPR for review and approval prior to submission of application for grading permit on subject subdivision.
  - c. The trail shall be constructed to assure dry passage. If wet areas must be traversed, suitable structures shall be constructed. Designs for any needed structures shall be reviewed by DPR
  - d. The location of the trail shall be staked in the field and approved by DPR prior to construction.
  - e. The construction of the recreational facilities shall be completed prior to issuance of 50 percent of building permit.
  - f. Building permits shall not be issued for residential Lots 83 and 84 until the trail is under construction.
21. Prior to approval of the final plat, the applicant, his heirs, successors and/or assignees shall pay a fee-in-lieu of parkland dedication of \$10,000.00 for improvements to the area parks. The funds shall be used in Community SC.
  22. The preliminary plan shall be revised to locate the centerline of Allentown Road and to demonstrate the dedication of 40 feet from centerline of the public right-of-way.
  23. Per the approval by the SHA and/or the county DPW&T, the following improvements and all necessary signal modifications shall be in place or bonded for construction by the applicant prior to the issuance of building permits:

Widen the westbound approach of the Old Fort Road at its intersections with MD 210 and the MD 210 Service Road to include an exclusive left turn lane, a through lane, and two exclusive right-turn lanes. The proposed left turn lane along Old Fort Road shall be at least 175 feet plus taper. The first right-turn lane shall be at least 300 feet plus taper, and the second right turn lane shall be at least 100 feet plus taper.

Pursuant to the applicant's proffer, construction of these improvements will commence concurrent with the issuance of the first 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 subject property is located on the west side of Allentown Road approximately 350 feet south of Doris Drive in the Allentown Community.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	R-E	R-E
Use(s)	Residential	Residential
Acreage	102.95	102.95
Lots	89	89
Outlots	0	5
Parcels	4	4
Dwelling Units:		
Detached	1	89

4. **Environmental**—This site is subject to the provisions of the Woodland Conservation Ordinance because the entire site is more than 40,000 square feet in size and has more than 10,000 square feet of woodland.

A revised Forest Stand Delineation (FSD), stamped as accepted for processing on December 24, 2002, has been reviewed. The FSD indicates a single stand type of 52 acres with 32 specimen trees. The plan correctly shows existing environmental features and soils boundaries. The FSD meets the requirements of the Woodland Conservation Ordinance.

The Type I Tree Conservation Plan, TCPI/41/02, has been reviewed. The TCP should demonstrate complete, or nearly so, preservation of all priority woodland on-site, avoidance of forest fragmentation, and the provision of all required woodland conservation on-site. Priority woodlands include all of the floodplain and all stream buffers. Because this site proposes to use lot size averaging, woodland fragments less than one acre in size should not be used to meet any requirements of the Woodland Conservation Ordinance.

The plan proposes clearing 33.18 acres of the existing 63.32 acres of upland woodland and clearing of 1.59 acres of the existing 6.81 acres of floodplain woodland. Based upon this clearing and the woodland conservation threshold for the site, the amount of woodland conservation required has been correctly calculated as 34.01 acres. The plan proposes to meet this requirement by providing 28.93 acres of on-site preservation and 5.08 acres of on-site afforestation. Except for clearing for required stormwater management and sewer line connections, all priority woodland on the site is proposed to be preserved. The pattern of preservation and afforestation avoids forest fragmentation.

The afforestation area of 5.40 acres will almost certainly be done using whips and seedlings. The Type II Tree Conservation Plan should provide appropriate signage and protection measures for these areas. A minor drafting error should be corrected before the Type I TCP is certified. The patterns in the legend indicating preservation areas and afforestation areas have been reversed. The Environmental Planning Section has reviewed the Preliminary Plan of Subdivision for Washington Overlook, 4-02071, and the Type I Tree Conservation Plan, TCPI/41/02, and recommends approval of TCPI/41/02 subject to conditions.

There are streams, wetlands, and floodplain on the property associated with the Hunters Mill Branch in the Potomac watershed. Current air photos indicate that about one-half of the site is forested. The *Subregion VII Master Plan* indicates extensive Conditional Reserve on the site. No historic or scenic roads are nearby. Allentown Road is the nearest existing noise source. The proposed use is not expected to be a noise generator. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program, publication titled "Ecologically Significant Areas in Anne Arundel and Prince George's Counties," December 1997, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. According to the Sewer Service and Water Service maps produced by DER, the property is in categories S-4 and W-4. The *Prince George's County Soils Survey* indicates that the principal soils on the site are in the Aura, Bibb, Beltsville, Iuka, Keyport, and Ochlockonee soils series. The property is in the Developing Tier according to the adopted *General Plan*.

This site contains natural features that are required to be protected under Section 24-130 of the Subdivision Regulations. The *Subregion VII Master Plan* indicates extensive Conditional Reserve on the site. The Master Plan notes: "Conditional Reserve Areas have moderate development constraints and some bearing on natural processes. Parts of the Conditional Reserve Areas are appropriate for active recreation facilities, and some portions may bear limited development within prescribed guidelines. Development is permissible; but careful, innovative site planning is required to protect environmental assets and to meet environmental needs."

The plan shows all of the streams on the site, the required minimum 50-foot stream buffers, wetlands, the required 25-foot wetland buffers, the 100-year floodplain, all slopes exceeding 25 percent, and all slopes between 15 and 25 percent. The expanded stream buffer shown on the plans meets the requirements of Section 24-130 of the Subdivision Regulations. Except for disturbances required for stormwater management, streets, and connections to existing sewer lines, the Conditional Reserve Area shown on the *Subregion VII Master Plan* has been preserved.

The plan proposes impacts to stream buffers and wetland buffers. Impacts to these buffers are restricted 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. Even if approved by the Planning Board, the applicant will need to obtain federal and state permits prior to the issuance of any grading permit. Each variation is described individually below. However, for purposes of discussion relating to Section 24-113(a) of the Subdivision Regulations, the impacts were discussed collectively.

Section 24-113(a) of the Subdivision Regulations sets forth the required findings for approval of



variation requests:

**Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon the evidence presented to it in each specific case that:**

- A. **That the granting of the variation will not be detrimental to the public safety, health or welfare, or injurious to other property.**

The approval of the proposed impacts will allow for the construction of an access road onto and through the property and for the construction of storm water management and the extension of required water and sewer service. The approval of these impacts will not create conditions detrimental to the public safety, health, or welfare, or injurious to other property. In fact the approvals will help to avoid such conditions by safely conveying stormwater to the stream, avoiding erosion and the subsequent stream pollution, and by allowing for safe access to the property.

- B. **The conditions of which the variation is based are unique to the property for which the variation is sought and are not applicable generally to other properties.**

The conditions of the property are unique with respect to location of the stream and associated expanded buffer that impacts three of the four exterior property lines. The proposed impacts are necessary for access, providing necessary water and sewer services and general safety issues including the safe conveyance of stormwater.

- C. **The variation does not constitute a violation of any other applicable law, ordinance, or regulation.**

No other variances, departures, or waivers are required. All appropriate federal and state permits must be obtained before the construction can proceed.

- D. **Because of the particular physical surroundings, shape, or topographical 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.**

As noted above the failure to allow for the proposed disturbances would severely affect the development of this property. Due to the configuration of the site and the existing

topography no other reasonable options are possible which would further reduce or eliminate the number and extent of the proposed impacts.

Staff supports and recommends approval of the five variations requested by the applicant as described below.

**Variation request #1** is for the construction of the extension of Caltor Lane and will impact wetlands, a stream, wetlands buffer, and extended stream buffer. This street connection has been requested by the M-NCPPC Transportation Planning Section to improve access and circulation for fire, police, and emergency vehicles on the subject property and adjacent existing development. Because of the location of existing Caltor Lane and the location of the stream and the wetlands, there is no practicable alternative. The Environmental Planning Section supports variation request #1.

**Variation request #2** is for the construction of a stormwater management pond and the piping of its outfall and will impact wetlands, a stream, wetlands buffer, and extended stream buffer. The proposed pond, in addition to providing stormwater management for the proposed development, is intended to retrofit an existing problem. When the Dania Hills Subdivision was constructed many years ago a substantial segment of stream was piped. The upstream segment which was not piped is subject to flooding because the pipe was not properly sized. The Prince George's County Department of Environmental Resources has determined that the proposed pond and piping will alleviate this problem. The Environmental Planning Section supports variation request #2.

**Variation requests #3 and #5** are for the connection of the proposed development to an existing sewer line and will impact wetlands, a stream, wetlands buffer, and extended stream buffer. The Washington Suburban Sanitary Commission has determined that these connections are required in these specific locations to properly connect to the existing sewer line. There are no practicable alternatives for these alignments because of the location of the existing sewer line and the topography of the site for the proposed development. The Environmental Planning Section supports variation requests #3 and #5.

**Variation request #4** is for the construction of a stormwater management pond outfall that will impact the extended stream buffer. This pond is necessary to control stormwater on the development. The pond has been reconfigured from previous submissions to move the pond out of the extended buffer; however, no outfall for the pond can be created that would have no impact on the extended buffer. The single outfall has been located to minimize impact to the extended stream buffer. The Environmental Planning Section supports variation request #4.

The *Prince George's County Soils Survey* indicates that the principal soils on the site are in the Aura, Bibb, Beltsville, Iuka, Keyport, and Ochlockonee soils series. Almost all of the site contains highly erodible soils in the Aura, Beltsville, and Keyport soils series and will require special attention to erosion and sediment control. Bibb soils are associated with floodplains. Iuka soils may be subject to high water table, impeded drainage, and flooding. The proposed development avoids the areas with the most serious concerns.

The *Subregion VII Master Plan* indicates that “unsafe land” may occur on the site. The *Map of Landslide Susceptibility* prepared by the United States Geological Survey indicates that Marlboro Clay may occur on the site. No Marlboro Clay was observed during a field visit on September 10, 2002. No recent slope failures or suggestions of older slope failures were observed.

A Phase I Soils Study was submitted. The study includes a map showing the locations of all boreholes, records of the borehole logs, and fence diagrams illustrating the stratigraphy detected. The Phase I Soils Study conclusively demonstrates that there are no slope stability issues.

5. **Community Planning**—The property is located within the limits of the 1981 *Master Plan for Subregion VII*, in Planning Area 76B in the Allentown Community. The 2002 *General Plan* locates the property in the Developing Tier. The recommended land use from the property is Low Suburban Residential at a density up to 2.6 dwelling units per acre and Estate Residential at a density up to 1.0 dwelling units per acre.

The 1984 Subregion VII Sectional Map Amendment classified this property in the R-E Zone, in accordance with SMA policies established for “staged future development” areas. Staged future development is proposed for the portion of the subject property in proximity to Allentown Road, which is shown for Low Suburban Residential. The rest of the property is designated for Estate Residential development. The staged future development depends on the proposed major improvements to intersections on MD 210 and Allentown Road, which have not yet materialized.

The entire property is classified in the R-E Zone. Development of the entire site at a slightly lower density will not impair the integrity of the master plan.

The preliminary plan as proposed is consistent with the land use recommendations as contained in the master plan and the *General Plan*.

6. **Parks and Recreation**—Staff of Department of Parks and Recreation (DRP) has reviewed the submitted subdivision plans and made the following findings. Subject property is adjacent to K Della Underwood Community Park on the west. The applicant is required to dedicate four acres of public parkland for the fulfillment of the requirement of mandatory dedication of parkland pursuant to Section 24-134 of the Subdivision Regulations.

DPR staff met with the applicant and developed a mutually acceptable package of land dedication, recreational facilities on parkland and the payment of a fee-in-lieu contribution to fulfill the requirements of Section 24-134 of the Subdivision Regulations. The Park Planning and Development Division staff recommends the following:

- a. The conveyance to the M-NCPPC of 2.3± acres of parkland as show on the preliminary plan of subdivision as Parcel C.
- b. The applicant construct the following recreational facilities on the K Della Underwood Community Park, adjacent parkland to the southwest:

1. An extension of the existing parking lot (14 parking spaces) with connecting asphalt and sidewalk on the east side separated by wheel stops.
  2. 1,000 linear feet of the 8-foot wide asphalt trail connecting the subject subdivision to the existing facilities in the park.
- c. Contribute \$10,000.00 for the improvements to area parks, to be used in Community SC.
7. **Trails**—The Adopted and Approved Subregion VII Master Plan designates Allentown Road as a master plan trail/bikeway corridor and recommends the dedication of parkland and construction of a stream valley trail along the Hunter’s Branch Stream Valley.

Allentown Road currently includes both open and closed cross sections, with frontage improvements typically involving curb and gutter and standard sidewalks. Given the existing condition of the road, ultimate pedestrian and bicycle facilities may involve continuous sidewalks and wide curb lanes and/or designated bike lanes to accommodate bicyclists. However, these improvements will probably be implemented corridor-wide by the Department of Public Works and Transportation.

No portions of the planned Hunter’s Branch Stream Valley Trail have been implemented to date. The Department of Parks and Recreation (DPR) does have land along the stream valley in the adjacent Fran-Del subdivision. As DPR is not requiring dedication of the subject site’s portion of the stream valley, and due to presence of the stormwater management facility and steep slopes in this area, it has been determined that if this master plan trail is implemented, it will most appropriately be located on the DPR land along Hunter’s Branch, which is located off of the subject site. Therefore, there are no recommendations made regarding this planned trail for the subject site.

The Adopted and Approved *Subregion VII Master Plan* and the 1985 Equestrian Addendum to the Adopted and Approved *Countywide Trails Plan* recommends that standard sidewalks be constructed along the subject property’s frontage of Allentown Road. If additional road frontage improvements are required, wide outside curb lanes are encouraged, in conformance with AASHTO’s 1999 Guide for the Development of Bicycle Facilities.

Standard sidewalks are recommended along both sides of all internal roads, consistent with adjoining subdivisions, unless modified by the Department of Public Works and Transportation. All sidewalks should be ramped at street crossings to accommodate those with disabilities, and should be free of above-ground utilities and street trees.

8. **Transportation**—The Transportation Planning Section has reviewed the subdivision application for 89 lots. In response to the comments provided to the applicant at the Subdivision Review meeting on September 30, 2002, staff received six copies of the traffic impacts study prepared in support of the proposed application and found the study to be acceptable. On October 4, 2002, the submitted traffic study was referred to appropriate state and county agencies for their review and comments. In accordance with the *Guidelines for the Analysis of the Traffic Impact for*

*Development Proposals*, a traffic impact study is recommended if the proposed development generates more than 50 vehicle trips during the AM or PM peak hour. The findings and recommendations outlined below are based on upon a review of all relevant materials and analyses conducted by the staff, which is consistent with the *Guidelines*.

The *Guidelines* provide generalized trip rates for residential units in the R-E Zone. Using the recommended trip generation rates, the proposed development of an additional 89 residential lots would generate 67 (12 in and 55 out), and 80 (52 in and 28 out) new trips during the AM and PM peak hour, respectively.

The transportation staff has determined that the following intersections would be impacted by the proposed development:

MD210 (Indian Head Highway) and Old Fort Road-West (Signalized),  
Allentown Road with Old Fort Road (Unsignalized), and  
Allentown Road and Steed Road (Signalized).

The existing conditions at these intersections are summarized below:

	Critical Lane Volume (CLV) (AM–PM)	Levels of Service (LOS) (AM–PM)
MD210 and Old Fort Road W.	1713–1799	F–F
Allentown Road/ Steed Road	670–635	A–A
Old Fort Rd/Allentown Rd	10–13 *	A–B

Note: (\*) refers to peak-hour delays per vehicle (seconds) in the critical movement and is to evaluate the levels-of-service for unsignalized intersections.

The traffic conditions with background traffic (existing plus growth in through traffic plus traffic generated by approved but not built and/or occupied developments within the study area) are summarized below:

	Critical Lane Volume (CLV) (AM–PM)	Levels of Service (LOS) (AM–PM)
MD210 and Old Fort Road W.	1836–1893	F–F
Allentown Road/Steed Road	757–715	A–A
Old Fort Rd/Allentown Rd	12*–15 *	B–C

Note: (\*) refers to peak-hour delays per vehicle (seconds) in the critical movement and is to evaluate the levels-of service for unsignalized intersections.

The total future traffic that represent the existing, projected background and the traffic that would be generated by the proposed development would further deteriorate the traffic conditions of

these intersections. Staff would note that the difference between the 96 lots originally represented and the 89 lots currently proposed does not alter the finding at the intersection of MD 210 and Old Fort Road W as indicated below. However, the resolution for this preliminary plan of subdivision, if approved by the Planning Board, will represent the proposal of 89 lots. Total traffic under future conditions without any improvements is summarized below:

	Critical Lane Volume (CLV) (AM–PM)	Levels of Service (LOS) (AM - PM)
MD210 and Old Fort Road W.	1853–1893	F–F
Allentown Road/ Steed Road	773–732	A–A
Old Fort Rd /Allentown Rd	13*–20*	B–C

Note: (\*) refers to peak-hour delays per vehicle (seconds) in the critical movement and is to evaluate the levels-of service for unsignalized intersections.

The applicant has proposed to mitigate the impact of the proposed development on the intersection of MD 210 with Old Fort Road in accordance with the provision of Sec. 24-124(a)(6). Staff concurs with the applicant that this intersection is eligible for the mitigation. As a result, the applicant has proposed to widen the westbound approach of the Old Fort Road at this intersection to include an exclusive left turn lane, a through lane, and two exclusive right-turn lanes.

With the suggested and recommended improvements, the projected future traffic conditions is summarized below:

	Critical Lane Volume (CLV) (AM–PM)	Levels of Service (LOS) (AM–PM)
MD210 and Old Fort Road W.	1806–1775	F–F
Allentown Road/ Steed Road	779–733	A–A
Old Fort Rd /Allentown Rd	13*–16 *	B–C

Note: (\*) refers to peak hour delays per vehicle (seconds) in the critical movement, and is to evaluate the levels-of service for unsignalized intersections.

As the shown above, the proposed improvements would provides sufficient mitigation (at least 150 percent of the assigned trips generated by the proposed development) for the intersection of MD 210 with Old Fort Road W.

Based on the above analyses, the Transportation Planning Section concludes that adequate access roads will exist as required by Section 24-124 of the Prince George’s County Code.

7. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and the *Adequate Public Facilities Regulations for Schools*

(CR-23-2001) and concluded the following:

**Finding**

**Impact on Affected Public School Clusters**

Affected School Clusters #	Elementary School Cluster 6	Middle School Cluster 3	High School Cluster 3
Dwelling Units	89 sfd	89 sfd	89 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	21.36	5.34	10.68
Actual Enrollment	4651	4598	8393
Completion Enrollment	82	66	132
Wait Enrollment	39	15	29
Cumulative Enrollment	0	0.60	1.20
Total Enrollment	4793.36	4684.94	8565.88
State Rated Capacity	4492	5114	7752
Percent Capacity	106.71%	91.61%	110.50%
Funded School	N/a	N/a	Surrattsville addn.

Source: Prince George's County Planning Department, M-NCPPC, July 2002

The affected elementary and high school cluster percent capacities are greater than 105 percent. There is no Funded School in the affected elementary school cluster. The Surrattsville addition is the Funded School in the affected high school cluster. Therefore, this subdivision can be approved with a six-year waiting period.

Based on this information, staff finds that the subdivision may be approved subject to conditions, in accordance with Section 24-122.02.

10. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of fire and rescue facilities and concluded the following:

- a. The existing fire engine service at Allentown Road Fire Station, Company 32, located at 8709 Allentown Road, has a service travel time of 3.58 minutes, which is within the 5.25-minute travel time guideline.
- b. The existing ambulance service at Allentown Road Fire Station, Company 32, located at 8709 Allentown Road, has a service travel time of 3.58 minutes, which is within the 6.25-minute travel time guideline.
- c. The existing paramedic service at Allentown Road Fire Station, Company 47, located at 10900 Fort Washington Road, has a service travel time of 7.13 minutes, which is within



the 7.25-minute travel 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*.

The proposed subdivision will be within the adequate coverage area of the nearest existing fire/rescue facilities for fire engine, ambulance, and paramedic services.

11. **Police Facilities**—The proposed development is within the service area for District IV-Oxon Hill police station. In accordance with Section 24-122.01(c) of the Subdivision Regulations, the existing county police facilities will be adequate to serve the proposed Washington Overlook development. This police facility will adequately serve the population generated by the proposed subdivision.

12. **Health Department**—The Health Department has noted that a significant amount of domestic trash and other debris (cans, glass, rusted tank, tires and vehicles) were found on the property. This debris should be removed and properly stored or discarded.

Several fuel storage tanks containing gas, motor oil and antifreeze were found on the property. These tanks should be removed prior to approval of the final plat and the contents properly discarded. The area around the tanks should be cleaned and any stained soils must be removed to a depth where no visible signs of oil are noted. Any contaminated soils must be disposed of at an approved facility.

13. **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, # 26260-2002-00, 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.

The stormwater management approval letter indicates that implementation of the proposed stormwater may result in a loss of lots. The Department of Environmental Resources has indicated that the land area of Lot 18, abutting Parcel B and Lot 82, abutting Parcel D may be necessary for the construction and use of the stormwater management facilities. If the applicant at the time of final plat has not secured technical approval of the stormwater management these two lots should be identified as Parcels E and F to be conveyed to the homeowners association.

If the applicant can demonstrate at a later date, through the review and approval of the technical stormwater management plan, that these two lots (parcels) are not necessary, the applicant may file a final plat in accordance with Section 24-108 of the Subdivision Regulations to convert the parcels to lots in accordance with the preliminary plan as long as the preliminary plan of subdivision remains valid.

14. **Lot Size Averaging**  $\frac{3}{4}$  The applicant has proposed to utilize the Lot Size Averaging (LSA)

provision provided for in Section 24-121(a)(12) of the Subdivision Regulations for development of this property.

The property is approximately 102.95 acres and in the R-E Zone. Section 27-423 of the Prince George's County Zoning Ordinance establishes 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).
- 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).

For the 102.95 acres located in the R-E Zone, 112 lots would be allowed. The applicant proposes 89 lots; 46 of the proposed lots meet or exceed 40,000 square feet. Therefore, the proposed subdivision meets the minimum Zoning Ordinance standards for lot size averaging.

Further, Section 24-121(a)(12) requires that the Planning Board make the following findings in permitting the use of lot size averaging. The following discussion is applicable to either of the scenarios discussed above regarding lot yield

- A. The subdivision design provides for better access, protects or enhances historic resource or natural features and amenities, or otherwise provides for a better environment than that which could be achieved by the exclusive use of standard lots.**

The site has several significant environmental features to include wetlands, floodplain and steep and sever slopes. The applicant has utilized LSA to locate these features on the largest lots and the lots at the perimeter to provide adequate usable yards for all the proposed lots. The proposed subdivision layout protects and enhances the existing natural features of the site that could not be accomplished utilizing conventional R-E zoning standards.

- B. The subdivision design provides for an adequate transition between the proposed lot sizes and locations of lots and the lots, or lot size standards, of any adjacent residentially zoned parcels.**

The property abutting the north is zoning R-E and was developed generally with lots of 40,000 square feet in size. The applicant has proposed the larger lots (40,000 square feet) in the subdivision abutting the north property line.

The property abutting to the south is zoned R-R and was developed with lots of 20,000 square feet in size in general. The applicant has proposed the smaller lots (30,000 square feet) along the south property line.

The applicant's proposal is sensitive to the zoning and established lot sizes of the

surrounding properties and provides an appropriate transition between the proposed lot sizes and lots of the adjacent residential properties.

**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.**

The subject property has significant environmental features on-site that extend onto surrounding properties. The applicant has proposed the largest lots in the subdivision, 40,000 square feet and greater, abutting these natural features. The proposed design provides an appropriate transition to the adjacent properties in the vicinity of the floodplain, wetlands, and steep and severe slopes.

Staff supports the applicant's proposal to utilize the LSA provision for the development of this property.

15. **Farm Road/Outparcels**<sup>3/4</sup> An existing farm road crosses the subject property from Allentown Road. The farm road serves as sole vehicular access for Parcels 156, 225, 224, 177 and 176. These parcels are located abutting the subject property along the northeast property line. The existing farm road also serves Parcel 174 that is interior and landlocked by the subject property. The applicant has proposed to abandon that portion of the farm road that serves these parcels and create outlots. The outlots, which are proposed abutting the internal public streets, would be conveyed to these abutting property owners to provide direct vehicular access onto the internal public road system. The applicant has proposed to create an additional outlot to contain the remaining portion of the existing farm road to serve Parcel 174. The outlot will contain 190 linear feet of the farm road from Parcel 174 to a point of intersection with Penny Lane, a proposed internal street. The inclusion of the outlot will result in Parcel 174 being a flag lot.

Staff recommends that the applicant construct access aprons on each outparcel that will provide access to an existing dwelling. The construction of the access aprons will provide uniformity in design and appearance for these properties with the proposed lots and improve the overall community appearance. In addition, Outlot 6 that is proposed to contain the existing gravel driveway serving Parcel 174 should be improved to appear compatible with the driveways on proposed Lots 40 and 41. Staff recommends that the applicant construct the access driveway to the standards proposed for the entire development.

The applicant has been advised that it is critical that the conveyance of all of the proposed outlots be accomplished in order to proceed with the subdivision as proposed. Without the conveyance of the outparcels to provide direct vehicular access to a public street for these abutting properties and Parcel 174, the subdivision as proposed would landlock properties that currently enjoy the right of access across this property. If the conveyance does not occur, a redesign of the subdivision to accommodate the existing farm road would be required, to ensure continued access to the property owners is secured. The applicant has been advised of the responsibility to provide uninterrupted access throughout the development of this property to those properties currently utilizing the farm road for access. A new preliminary plan of subdivision could be required if a

redesign of the subdivision is not in substantial conformance with the proposed development.

16. **Limited Detailed Site Plan**  $\frac{3}{4}$  Parcels B and D are open space parcels to be conveyed to the homeowners association. These parcels will contain the required stormwater management facilities. The location of these stormwater management facilities are highly visible locations within the subdivision. These facilities should be landscaped and screened in a manner that would provide pleasing views from the surrounding lots. Staff recommends the approval of a limited detailed site plan by the Planning Board or its designee prior to the approval of grading permits. This timing would allow for the evaluation of the technical stormwater management plan and allow staff to comment and work with the Department of Environmental Resources in the development of these plans.

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 Lowe, seconded by Commissioner Scott, with Commissioners Lowe, Scott, Eley and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, January 23, 2003, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 13th day of February 2003.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

TMJ:FJG:WC:rmk