

R E S O L U T I O N

WHEREAS, Fendall Clagett of a 166.26-acre parcel of land known as Parcel 43, Tax Map 110, Grid B-1 said property being in the 15thth Election District of Prince George's County, Maryland, and being zoned R-A; and

WHEREAS, on August 27, 2002, Clagett, et al filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 34 lots and 1 parcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-02071 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 30, 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 30, 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/33/02), and further APPROVED Preliminary Plan of Subdivision 4-02071, Fendall Clagett Property for Lots 1-34 and Parcel A with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the plan shall be revised to show the 65 dBA contour 409 feet from the centerline of US 301 and to label "Parcel A" of Sheet 1 as "Outparcel A."
2. The following note shall be placed on the final plat:

"Development of the site shall adhere to "Old Crain Highway Scenic Historical Road Justification Statement for Fendall Clagett Subdivision" or any revisions approved by the Prince George's County Department of Public Works and M-NCPPC, Environmental Planning Section."
3. Prior to signature of the preliminary plan of subdivision or the Type I tree conservation plan, the Type I tree conservation plan shall be revised to:
  - a. 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.”

- b. Have the revised plan signed and dated by a qualified professional.
4. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the entirety of the PMA and shall be reviewed by the Environmental Planning Section prior to 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.”
5. Prior to the issuance of grading permits, a Type II tree conservation plan shall be approved.
6. At the time of final plat approval, the applicant shall dedicate a right-of-way along Old Crain Highway of 40 feet from the centerline of the existing pavement, as shown on the submitted plan.
7. The final plat of subdivision shall note that any new driveway onto Lot 34 shall be designed with a turnaround capability to eliminate the need for vehicles to back onto Old Crain Highway.
8. Prior to the issuance of building permits, the applicant, his heirs, successors or assignees shall provide a financial contribution of \$210.00 to the Department of Public Works and Transportation for the placement of a bikeway sign(s) along Old Crain Highway, designated a Class III bikeway. A note shall be placed on the final plat for payment to be received prior to the issuance of the first building permit. If the Department of Public Works and Transportation declines the signage, this condition shall be void.
9. Development of the subject property shall be consistent with the stormwater management concept plan approved by the Department of Environmental Resources (CSD# 18407-2001-00).
10. Prior to the approval of the final plat of subdivision, a water appropriation permits for the 33 new dwelling units shall be approved by the Maryland Department of the Environment, Water Rights Division.

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 has approximately 4,850 feet of frontage along the east side of Old Crain

Highway, and is located approximately 2,200 southwest of its intersection with Croom Station Road and approximately 700 feet north of its intersection with US 301.

3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	R-A	R-A
Use(s)	Residential	Residential
Acreage	166.26	166.26
Parcels	1	0
Lots	0	34
Outparcels	0	1
Dwelling Units:		
Detached	1	33 new

4. **Environmental**—The Environmental Planning Section has reviewed the revised preliminary plan of subdivision for the Fendall Clagett property and the revised Type I Tree Conservation Plan, TCPI/33/02, stamped as accepted for processing on January 8, 2003. The Environmental Planning Section has reviewed previous applications P-01010 and 4-02017 for the subject property. The proposal is for 34 lots and one outparcel in the R-A Zone.

The 166.26-acre property is in the R-A Zone. There are streams, wetlands, and floodplain on the property associated with the Patuxent River watershed. Current air photos indicate that about one-half of the site is forested. The *Subregion VI Master Plan* indicates extensive areas of natural reserve on the site. Old Crain Highway is a designated historic road. US 301 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 entitled “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 the Department of Environmental Resources (DER), the property is in categories S-6 and W-6. The *Prince George’s County Soils Survey* indicates that the principal soils on the site are in the Westphalia soils series. The site is in the Rural Tier, according to the adopted General Plan.

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), accepted for processing on January 15, 2003, has been reviewed. The FSD shows the locations, species, size and condition of 239 specimen trees. The plan indicates the existence of 72.48 acres of woodland that meet the dimensional requirements of the Woodland Conservation Ordinance and an additional 3.03 acres of trees that are in hedgerows and groves, too small to be calculated as woodland, for a total of 75.51 acres. Additionally, the plan shows severe slopes, steep slopes on highly erodible soils, streams, wetlands, floodplain and soils boundaries in accordance with requirements. The FSD meets all requirements of the Woodland Conservation Ordinance.

The Type I Tree Conservation Plan, TCPI/33/01, has been reviewed. The use of 75.51 acres for calculations in the tree conservation plan worksheet is appropriate in this instance because the TCP proposes to use afforestation areas to increase the dimensions of groves and hedgerows so they can meet woodland size requirements of the Woodland Conservation Ordinance. The plan proposes clearing 5.77 acres of the existing 75.51 acres of upland woodland and no clearing of any wooded floodplain. Based upon the woodland conservation threshold for this site, the woodland conservation required has been correctly calculated as 81.28 acres. The plan proposes to meet this requirement by preserving 69.74 acres of woodland on site and afforesting 11.94 acres on site, for a total of 81.68 acres. All priority woodlands on site are proposed for preservation and the proposed afforestation areas will assist in creating larger woodlands.

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. The Type I tree conservation plan is recommended for approval subject to conditions.

The site contains significant natural features, which are required to be protected under Section 24-130 of the Subdivision Regulations and are shown as natural reserve on the adopted and approved master plan. The plan shows all streams and required minimum 50-foot stream buffers. Wetlands and the required minimum 25-foot wetland buffers are shown. Slopes greater than 25 percent are shown and slopes between 15 and 25 percent on highly erodible soils are shown on the plans. The Patuxent River Primary Management Area Preservation Area, as defined by Section 24-101(b)10 of the Subdivision Regulations, is correctly shown on the plans. The Subdivision Regulations require that the PMA be "preserved in a natural state to the fullest extent possible." The plans show no impacts to the PMA.

The soils information included in the review package indicates that the principal soils on the site are in the Westphalia soils series. Westphalia soils are highly erodible. Erosion/sediment control devices for grading of slopes in excess of 15 percent need special attention.

Section 24-121(a)(4) requires that residential lots adjacent to existing or planned roadways of arterial classification or higher be platted to a minimum depth of 150 feet and that adequate protection and screening from traffic nuisances be provided by earthen berms, plant materials, fencing, and/or the establishment of a building restriction line. US 301 is a four-lane divided arterial and an existing noise source.

The noise model used by the Environmental Planning Section predicts the noise contour of 65 dBA to be 409 feet from the centerline of US 301. None of the proposed residential lots are near this predicted noise contour.

Old Crain Highway is a designated historic road. Proposed applications on or adjacent to scenic and historic roads are reviewed for conformance with "Design Guidelines and Standards for Scenic and Historic Roads" prepared by the Prince George's County Department of Public Works and Transportation. The manual currently states that when a scenic or historic road is adjacent to

a proposed subdivision "...a team [to include M-NCPPC staff] will complete a study of the scenic or historic roads around or within the subject site which will include an inventory of scenic and historic features and an evaluation of features most worthy of preservation."

The application includes a "Scenic Historical Road Justification Statement." The statement contains descriptions of the general area and particular visual elements along Old Crain Highway. Additionally, the statement proposes special treatments to mitigate some impacts. Retention of existing bald cypress trees and replacement is in keeping with the theme established with the Meadowgate and Croom Station developments. The proposed installation of white estate fencing is also in keeping with the pattern. The locations of the proposed fence and cypress trees are shown on the Type I tree conservation plan.

5. **Community Planning**—The subject property is located in Planning Area 82A in the Rosaryville community. The 1993 *Subregion VI Study Area Master Plan* recommended the "Rural" land use (0.5 dwelling units per acre). The 1994 *Subregion VI Study Area SMA* retained this property in the R-A Zone. In accordance with the 2002 General Plan, this property is located in the Rural Tier.

At this location, Old Crain Highway is part of an area known as the Clagett Agricultural Area that is eligible for listing in the National Register of Historic Places. There are a significant number of historic sites and resources in the vicinity of the subject property. A historic site known as Weston is west of the subject property across Old Crain Highway; the historic site, Beacon Hill, is further north. As indicated in the master plan, the proposed development should safeguard, to the extent possible, the scenic and historic characteristics of Old Crain Highway.

The application is consistent with the approved master plan and the General Plan.

6. **Parks and Recreation**—In accordance with Section 24-134(a) of the Subdivision Regulations, the proposed subdivision is exempt from the requirement of mandatory dedication of parkland because all of the proposed lots are greater than one acre in size.
7. **Trails**—The Adopted and Approved Subregion VI Master Plan recommends that Old Crain Highway be designated as a Class III bikeway with appropriate signage. Because Old Crain Highway is a county right-of-way, the applicant and the applicant's heirs, successors, or assignees shall provide a financial contribution of \$210 to the Department of Public Works and Transportation for the placement of this signage. A note should be placed on the final plat for payment to be received prior to the issuance of the first building permit. If road improvements are required by the Department of Public Works and Transportation, seven- to ten-foot-wide, asphalt shoulders are recommended.
8. **Transportation**—The Transportation Planning Section reviewed the subject application. The subject property consists of approximately 166.26 acres of land in the R-A Zone. The applicant proposes a residential subdivision consisting of 34 single-family detached residences.

The applicant has not prepared a traffic impact study nor was one required by the transportation staff given the limited amount of development being requested. At the request of staff, however,

the applicant did conduct peak-hour traffic counts at the nearest major intersections. 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*.

### **Growth Policy—Service Level Standards**

The subject property is located within the Rural Tier, as defined in the General Plan for Prince George's County. As such, the subject property is evaluated according to the following standards:

**Links and signalized intersections:** Level-of-service (LOS) C, with signalized intersections operating at a critical lane volume (CLV) of 1,300 or better.

**Unsignalized intersections:** The *Highway Capacity Manual* procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

The application is a plan for a residential subdivision consisting of 34 single-family detached residences. The proposed development would generate 26 AM (5 in, 21 out) and 31 PM (21 in, 10 out) peak-hour vehicle trips as determined using *The Guidelines for the Analysis of the Traffic Impact of Development Proposals*. The site was analyzed using the following trip distribution:

MD 4 from the west:	58 percent
MD 4 from the east	12 percent
Old Crain Highway from the north:	10 percent
Old Crain Highway from the south:	20 percent

The traffic generated by the proposed plan would primarily impact the intersections of the MD 4 ramps with Old Crain Highway. Neither intersection is signalized. The Prince George's County Planning Board, in the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*, has defined an upper limit of 50.0 seconds of delay in any movement as the lowest acceptable operating condition on the transportation system. The following conditions exist at the critical intersections:

EXISTING TRAFFIC CONDITIONS		
Intersection	Critical Lane Volume (AM & PM)	Level of Service AM & PM)

MD 4 On-Ramp/Old Crain Highway	8.5*	9.7*	--	--
MD 4 Off-Ramp/Old Crain Highway	19.8*	21.1*	--	--
*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 indicates inadequate traffic operations.				

Five nearby developments including over 140 residences and some commercial development were included in background traffic. An annual rate of through traffic growth of 3.3 percent over three years was assumed along Old Crain Highway and to/from the ramps. The following background traffic conditions were determined:

<b>BACKGROUND TRAFFIC CONDITIONS</b>				
Intersection	Critical Lane Volume (AM & PM)		Level of Service AM & PM)	
MD 4 On-Ramp/Old Crain Highway	8.8*	10.3*	--	--
MD 4 Off-Ramp/Old Crain Highway	24.5*	27.6*	--	--
*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 indicates inadequate traffic operations.				

With site traffic, the following operating conditions were determined:

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service AM & PM)	
MD 4 On-Ramp/Old Crain Highway	8.9*	10.4*	--	--
MD 4 Off-Ramp/Old Crain Highway	25.2*	29.9*	--	--
*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 indicates inadequate traffic operations.				

The Prince George's County Planning Board, in the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*, has defined average delay of 50.0 seconds in any movement as the lowest acceptable operating condition for unsignalized intersections on the transportation system. Under total future traffic as developed using the *Guidelines*, adding the impact of the proposed development, both critical intersections were found to be operating acceptably as unsignalized intersections.

Access to the site and circulation within the site are acceptable. Old Crain Highway is a master plan collector facility, and the plan correctly shows required dedication of 40 feet from centerline along the property's frontage. Staff noted that Lot 34 on the plan currently has direct driveway access from Old Crain Highway. Staff expressed concern about that access to Lot 34, given the amount and speed of traffic using Old Crain Highway. Staff generally prefers that access to lots be directed onto internal streets whenever possible. However, regulations do not limit access, and there appear to be environmental features that limit the possibilities for alternative access to this lot. To limit access issues, therefore, any new driveway for Lot 34 should have a turnaround capacity to eliminate the need for vehicles accessing this lot to back onto Old Crain Highway.

Based on the preceding findings, the Transportation Planning Section concludes that 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 the conditions listed at the end of this report.

9. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of public 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 that the subject subdivision is exempt from the APF test for schools because it is proposing fewer than 36 dwelling units that will be served by private well septic systems
10. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of public facilities.
  - a. The existing fire engine service at Marlboro Fire Station, Company 45, located at 7710



Croom Road has a service travel time of 3.84 minutes, which is within the 5.25-minute travel time guideline.

- b. The existing ambulance service at Marlboro Fire Station, Company 45, located at 7710 Croom Road has a service travel time of 3.84 minutes, which is within the 6.25-minute travel time guideline.
- c. The existing paramedic service at Marlboro Fire Station, Company 20, located at 14815 Pratt Street has a service travel time of 4.13 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 V—Clinton. In accordance with Section 24-122.1(c)(1)(A) and (B) of the Subdivision Regulations of Prince George's County, the staff concludes that the existing county police facilities will be adequate to serve the proposed Fendall Clagett property development. This police facility will adequately serve the population generated by the proposed subdivision.
- 12. **Health Department**—The Environmental Engineering Program of the Prince George's County Health Department reviewed the subject application. Their review concluded that all of the proposed lots appear to have adequate sewage disposal areas and that a water appropriation permit is required prior to the approval of the final plat of subdivision. A water appropriation permit application may be obtained from the Health Department or the Maryland Department of the Environment, Water Rights Division.
- 13. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is not required. A Stormwater Management Concept Plan, #18407-2001-00, 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.
- 14. **Cemeteries**¾ Site analysis note #15 on the preliminary plan states that there are no cemeteries located within or adjacent to the site.

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 and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, January 30, 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

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