

R E S O L U T I O N

WHEREAS, Vox II, LLC is the owner of a 281-acre parcel of land known as Parcel 69, Tax Map 170, Grid F-4, said property being in the 5th Election District of Prince George's County, Maryland, and being zoned R-S; and

WHEREAS, on December 31, 2002, Vox II, LLC filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 303 lots and 13 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-02124 for Homeland 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 15, 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 May 15, 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/5/03), and further APPROVED Preliminary Plan of Subdivision 4-02124, Homeland for Lots 1-303 and Parcels A-M with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the plan shall be revised as necessary to bring the preliminary plan into conformance with the approved Comprehensive Design Plan.
2. Prior to the issuance of any building permits within the subject property, the following road improvements shall have full financial assurances, have been permitted for construction, and have an agreed-upon timetable for construction with SHA/DPW&T:
  - a. At the MD 210/MD 373/Livingston Road intersection, provide an exclusive westbound right-turn lane along MD 373.
  - b. At the MD 210/MD 373/Livingston Road intersection, provide a second westbound left-turn lane along MD 373.
  - c. The two modifications in a. and b. above would allow the westbound approach to function

with an exclusive right-turn lane, an exclusive through lane, and dual left-turn lanes.

3. Prior to the issuance of any building permits within the subject property, the applicant shall provide a roadway connection between the subject site and the existing MD 210/Shiloh Church Road intersection in Charles County. This connection shall have, at a minimum, the following characteristics:
  - a. A 120-foot right-of-way.
  - b. Four lanes (two each direction) with a median, and two westbound approach lanes at MD 210, one exclusive right-turn lane, and a shared through/left-turn lane.
  - c. A southbound left-turn lane along MD 210 at that location.
4. The intersection at MD 210 is subject to the requirements of SHA for design of left-turn storage lane areas, acceleration lanes, deceleration lanes, and tapers, along with intersection lighting, signage, and markings.
5. Prior to the issuance of grading permits on the site, the applicant shall design a temporary widening to Independence Road to provide a 22-foot-wide travel way for construction traffic. The temporary widening shall be constructed to DPW&T standards.
6. At the time of final plat, the applicant, his heirs, successors and/or assignees shall dedicate to M-NCPPC 132.95± acres as shown on Department of Parks and Recreation Exhibit "A." Land to be dedicated shall be subject to the following:
  - a. An original, special warranty deed for the property to be conveyed, (signed by the WSSC Assessment Supervisor) 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 grading permits.

- e. Storm drain outfalls shall be designed to avoid adverse impacts on land to be conveyed to or owned by M-NCPPC. If the outfalls require drainage improvements on adjacent 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 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.
- 7. The parkland shall have a 60-foot-wide frontage and access to a primary residential street (60-foot right-of-way).
  - 8. The applicant shall construct an 8-foot-wide asphalt hiker/biker trail and 10-foot-wide equestrian trail within dedicated parkland as shown on attached Exhibit "A."
  - 9. The applicant shall construct the access road from Billingsley Road to the trailhead facilities. A 60-foot-wide right-of-way shall be dedicated to the Charles County for public access to the trailhead.
  - 10. All trails shall be constructed to assured dry passage. If wet areas must be traversed, suitable structures shall be constructed to assure dry passage along the trail.
  - 11. The applicant shall construct the following trailhead facilities:
    - a. 22-foot-wide access road
    - b. 20-space parking lot
    - c. Shelter
  - 12. The recreational facilities shall be constructed in accordance with the applicable standards in the *Parks and Recreation Facilities Guidelines*.

13. Construction drawings for the recreational facilities on parkland shall be reviewed and approved by the PP&D staff prior to SDP approval.
14. Prior to a submission of any final plats of subdivision, the applicant shall enter into a public Recreational Facilities Agreement (RFA) with the Commission for the construction of recreation facilities on parkland. The applicant shall submit three originals executed RFA to the Department of Parks and Recreation (DPR) for their approval three weeks prior to the submission of final plats. Upon approval by DPR, the RFA shall be recorded among the land records of Prince George's County.
15. Submission to DPR of a performance bond, a letter of credit or other suitable financial guarantee, for the construction of the of public recreation facilities in the amount to be determined by DPR, within at least two weeks prior to issuance of grading permits.
16. The applicant, his successors, and/or assignees shall construct the master planned trail in phase with development; no building permit shall be issued for the lots directly adjacent to the trail (Lots 44-77) until the trail is under construction. Prior to issuance of 50 percent of the building permits, all public recreation facilities shall be constructed.
17. In the event that the trailhead facilities cannot be constructed on the parkland located at the end of Billingsley Road, the applicant shall provide additional parkland for the construction of these facilities at the end of the spine road (Street "B") as shown on DPR Exhibit "A."
18. The following note shall be placed on the final plat:

"An automatic fire suppression system shall be provided in all proposed buildings in accordance with National Fire Protection Association Standard 13 and all applicable Prince George's County laws, unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate."
19. 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 is 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.
20. Prior to final plat approval, the applicant shall demonstrate, to the satisfaction of the Health Department, that all oil- and lead-contaminated soils have been cleaned and that debris has been removed from the property.

BE IT FURTHER RESOLVED, that the findings and reasons for the decision of the Prince George's County Planning Board are as follows:

1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.
2. The property is located at the terminus of Independence Road, one-half mile south of the intersection with MD 210, and extending to the Charles County boundary on the west and southeast.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	R-S	R-S
Use(s)	Undeveloped	Residential Community including single-family detached homes and recreational facilities
Acreage	281.3	281.3
Lots	0	303
Parcels	3	13
Detached Dwelling Units:	0	303

4. **Environmental**— According to current air photos about 90 percent of the site is wooded. No designated scenic or historic roads are affected by this proposal. There are no nearby noise sources of traffic-generated noise. The proposed use is not expected to be a noise generator. There are streams, wetlands and floodplain associated with Mattawoman Creek in the Potomac River watershed. No species listed by the State of Maryland as rare, threatened or endangered are known to occur in the in the general region. The Prince George's County Soils Survey indicates that the principal soils on the site are in the Aura, Beltsville, Bibb, Elkton, Keyport, Matapeake, Othello and Sassafra soils series. Marlboro Clay does not occur in this area. The site is in the Developing Tier according to the adopted General Plan.

#### **Woodland Conservation**

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 Tree Conservation Plan is required.

The Forest Stand Delineation was reviewed as part of the Comprehensive Design Plan. The Type I Tree Conservation Plan was reviewed and approved as part of the Comprehensive Design Plan (CDP). In order to conform to the Type I Tree Conservation Plan, TCPI/5/03, some adjustments may be needed to the Preliminary Plan of Subdivision. The cul-de-sacs of streets “F,” “J,” “K,” “N” and “O” may need to be shortened and the abutting lots reconfigured. The connection of street “D” to Charles County needs to be moved or eliminated. Prior to final plat, a Specific Design Plan and Type II Tree Conservation need to be approved that are in conformance with the approved CDP and Type I Tree Conservation Plan.

### **Natural Reserve Area**

This site contains natural features that are required to be protected under Section 24-130 of the Subdivision Regulations. The *Subregion V Master Plan* indicates that there are substantial areas designated as Natural Reserve on the site. As noted on page 136 of the *Subregion V Master Plan*:

“The Natural Reserve Area is composed of areas having physical features which exhibit severe constraints to development or which are important to sensitive ecological systems. Natural Reserve Areas must be preserved in their natural state.”

The *Subregion V Master Plan* elaborates on page 139:

“The Natural Reserve Areas, containing floodplain and other areas unsuitable for development should be restricted from development except for agricultural, recreational and other similar uses. Land grading should be discouraged. When disturbance is permitted, all necessary conditions should be imposed.”

From the plans submitted it is not possible to quantify the proposed impacts to the Natural Reserve; however, it is clear that impacts are proposed. The plan must be revised to be in conformance with the *Subregion V Master Plan* and preserve to the greatest extent possible the areas shown as Natural Reserve. For the purposes of this review, these areas include the expanded stream buffer and any isolated sensitive environmental features. All disturbance not essential to the development of the site as a whole is prohibited within stream and wetland buffers. Essential development includes such features as public utility lines (including sewer and stormwater outfalls), streets, and so forth, which are mandated for public health and safety; non-essential activities are those, such as grading for lots, stormwater management ponds, parking areas, and so forth, which can be designed to eliminate the impacts. Impacts for essential development features require variations to the Subdivision Regulations.

### **Streams, Wetlands and Floodplain**

Streams, minimum 50-foot stream buffers, wetlands, minimum 25-foot wetland buffers, the 100-

year floodplain and the expanded buffer are correctly shown on the plans. Condition 7 of the basic plan requires a 100-year floodplain study to be approved by DER prior to preliminary plan approval. This has been accomplished. The applicant proposes disturbance to the stream and buffers. A review of the variations requests is provided below. At time of final plat, a conservation easement should be described by bearings and distances. The conservation easement should contain the expanded stream buffer, excluding those areas where variation requests have been approved, and be reviewed by the Environmental Planning Section prior to certification.

The plan proposes impacts to stream buffers and wetland buffers. Impacts to these buffers are prohibited by Section 24-130 of the Subdivision Regulations unless the Planning Board grants a variation to the Subdivision Regulations in accordance with Section 24-113. Two requests were submitted with this application.

### **Review of Variation Requests**

The plan proposes impacts to stream buffers and wetland buffers. Impacts to these buffers are prohibited by Section 24-130 of the Subdivision Regulations unless the Planning Board grants a variation to the Subdivision Regulations in accordance with Section 24-113. 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. The additional permit review will assure that the impacts are minimized and that there will be no detrimental effects to public safety, health, or welfare, or be injurious to other property.

The variation requests are for the connection of the proposed development to an existing sewer line, for the construction of the principal road to access the site, for the construction of a master plan trail, and for other necessary infrastructure. These will impact wetlands, a wetland buffer, and an expanded stream buffer.

Section 24-113(a) of the Subdivision Regulations sets forth the required findings for approval of variation requests. While they must be accompanied by specific findings, variations are less strictly enforced than are variances. Section 24-113(a) reads:

**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.** Comment: The variations sought are to provide required infrastructure that will provide for public

safety, health or welfare, not harm it. Neither the trail connection nor the infrastructure impacts are injurious to other properties because they do not affect other properties or the public in general.

- 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.** Comment: The conditions associated with the variations are unique. The property is severely encumbered with wetlands, floodplain, streams and slopes and the associated buffers. Unlike other properties in this part of Prince George's County, sole access will be from Charles County.
- C. **The variation does not constitute a violation of any other applicable law, ordinance, or regulation.** Comment: The granting of the variation requests will not constitute a violation of any other law, ordinance, or regulation. Federal and state permits for encroachment will be required ensuring that other laws are not violated.
- 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.** Comment: There is a hardship on the owner if the variations are not granted. If the strict letter of the law is applied, the applicant will not be able to provide necessary infrastructure and required recreational facilities and therefore will not be able to develop the property

## Soils

The *Prince George's County Soils Survey* indicates that the principal soils on the site are in the Aura, Beltsville, Bibb, Elkton, Keyport, Matapeake, Othello and Sassafra soils series. Aura, Beltsville, Elkton, Keyport and Othello soils are highly erodible. Bibb soils are associated with floodplains. Beltsville, Bibb, Elkton, Keyport and Othello soils may experience seasonally high water tables. Sassafra soils pose no special problems for development. Bibb, Elkton, Keyport and Othello soils are unsuited for use of low impact development stormwater management. A soils report may be required by the Prince George's County Department of Environmental Resources during the permit process review.

- 5. **Community Planning**—The property is in Planning Area 83, Accokeek. The 2002 General Plan places the property in the Developing Tier. Suburban-Estate/Low-Density Planned Neighborhood Development and M-NCPPC Stream Valley and Community Parks are the recommended land uses in the 1993 Subregion V Master Plan. The 1993 Subregion V SMA retained this property in the R-S Comprehensive Design Zone (Residential-Suburban Development) as approved by rezoning application A-9854-C on September 22, 1992.

The Natural Features and Environmental Facilities map shows a Natural Reserve Area on the



southeastern third of the property, adjacent to the Charles County boundary. The map indicates that the site was primarily wooded in 1990. A major sewer line exists along Mattawoman Creek and the property boundary.

Independence Road is a narrow, local residential street that intersects with Indian Head Highway approximately one-half mile to the north. There are no master plan roads that directly serve this property.

An M-NCPPC stream valley park is proposed on the southeast side of the property along Mattawoman Creek. The plan also shows a 30-acre M-NCPPC community park proposed along the northeast side of the property adjacent to the stream valley park (text. p.166). A hiker-biker-equestrian trail is proposed in the stream valley park proposed along Mattawoman Creek. Finally, a pedestrian bikeway is proposed along Independence Road through the subject property and connecting to the Mattawoman stream valley park.

The area in which these applications are located is identified as a suburban living area in Accokeek. Within this suburban community area, recommended development densities are low: Low-Suburban, Suburban-Estate and Permanent Low-Density Planned Development. Flexible development techniques available in the low-density comprehensive design zones are encouraged to consolidate construction activity, preserve more land from disruption, and at the same time preserve land values. There is an emphasis on maintaining Accokeek as a community of single-family detached homes on both small and large lots. (Plan text, p. 89)

As indicated in the text of the application for CDP-0203 (pp. 29-30), the R-S Zone on the subject property was approved by the District Council in 1992, approximately one year before the current 1993 Subregion V Master Plan was approved. That rezoning approval was based on policies of the previous 1974 master plan for Subregion V, which identified this property as in a provisional priority area for eventual development at 1.6 to 2.6 dwelling units per acre. The application was approved for development at a density slightly **below** the range recommended by the 1974 master plan. (The Zoning Hearing Examiner decision on application A-9854-C [pp. 3-10] provided a detailed discussion of the 1974 master plan recommendations and how they relate to the approval of this application.)

The restricted density approved in A-9854-C was somewhat greater than that proposed by the 1992 Preliminary Master Plan for Subregion V for properties along this section of Mattawoman Creek. Following the Council's approval of the rezoning application, land use recommendations of the preliminary master plan were adjusted to reflect and reinforce the character and density of the approved rezoning application. As such, the development proposed by applications CDP-0203 and Preliminary Plan 4-02124 generally conform to land use policies of the 1993 Master Plan for Subregion V, which recommend Residential-Estate/Low-Density Planned Neighborhood Development at a maximum density of up to 1.5 dwelling units per acre, stream valley park and community park land uses.

6. **Parks and Recreation**—The Basic Plan 9854-C (CR-71-199) Conditions 2, 3 and 4 states:

- “2. Any area to be dedicated to public use shall be clearly defined with respect to adjacent land uses at specific design plan approval. Dedication may not be required prior to subdivision approval unless otherwise required by law. Local subdivision recreation facilities may not be located in a fashion to substitute for regional facilities.
- “3. The applicant shall dedicate a minimum 50’ strip of land, in addition to any of the 100-year floodplain, to M-NCPPC for the future location of the Hiker-Biker-Equestrian Trail along Mattawoman Creek Stream Valley Park.
- “4. In the vicinity of the proposed recreation facilities at the Prince George’s County line, land shall be reserved for the purpose of establishing the future regional trailhead facility for parking area, rest area, and shelter type development. This land may be in Charles County, off Billingsley Road.”

The Basic Plan 9854-C (CR-71-199) Considerations 1 and 2 state:

- “1. The exact acreage and boundaries of the proposed public open space dedication shall be determined in conjunction with the Department of Parks and Recreation consistent with this Decision.
- “2. The land to be dedicated shall have convenient location and safe access from and within and adjacent to the proposed development and shall be subject to the conditions in Exhibit B attached to the May 30, 1991 referral from the Department of Parks and Recreation, except that stormwater management facilities are not subject to items 4 & 7 of Exhibit B.”

The Adopted and Approved Subregion V Master Plan identifies the following on the subject property:

- a. Mattawoman Creek Stream Valley Park
- b. 30-acre Community Park floating symbol
- c. Hiker-biker-equestrian trail along Mattawoman Creek
- d. Hiker-biker trail connector from Independence Road to Mattawoman Creek trails system.

Section 24-134 of the Prince George’s County Subdivision Regulations requires the mandatory dedication of 14 acres of parkland suitable for active and passive recreation.

## DISCUSSION

The proposed residential development is located in the Accokeek area of Subregion V. The Mattawoman Stream Valley corridor is a significant natural resource area in Prince George’s and in adjacent Charles County. The Commission maintains an ongoing acquisition program along this creek in accordance with the approved capital improvement program. The master plan identifies a master-planned hiker-biker-equestrian trail through the Mattawoman Stream Valley Park, which

will provide an important recreational link between the communities in southern Prince George's County. In addition, based on the Land Preservation and Recreation Program for Prince George's County, the projected level of service for outdoor facilities and parkland indicates a high need for these amenities in the surrounding community.

The subject property is located in the southwestern tip of Prince George's County. The planned regional multipurpose trail along Mattawoman Creek is located on the site. Council Resolution CR-71-199 directed the applicant to reserve land at the Prince George's County line for the purpose of establishing a future regional trail head facility to include a parking area, rest area and shelter. The applicant has identified an area for the trailhead facilities, located the master-planned trail along the stream but there is no proposal for construction of the hiker-biker-equestrian trail or trailhead facilities.

The applicant proposes dedication of 135 acres for the Mattawoman Creek Stream Valley Park. The dedicated parkland is located on the back of the development and comprised of a 100-year floodplain and 50 feet floodplain buffer along the creek. There is no suitable vehicular access to the dedicated parkland.

The Basic Plan indicates that the land to be dedicated shall be at a convenient location and have safe access from and within the proposed development. The dedicated parkland does not have safe access from and within the proposed subdivision. Staff believes that dedicated parkland shall have an access to and frontage on primarily residential street (60-foot-wide right-of-way) and must be usable. We recommend that the parkland be extended to the public street and have a minimum 60-foot-wide frontage on primarily residential street (60-foot-wide right-of-way).

Although the applicant proposes private recreation facilities on the site, the proposed recreation facilities will serve only the residents of the subdivision. The existing level of service for outdoor facilities and parkland in the Accokeek Community indicates a high need for public parkland and recreation facilities. The demand for parkland and recreation facilities will grow with extensive residential development in southern Prince George's County.

The applicant is not proposing the construction of master-planned hiker-biker-equestrian trail along Mattawoman Creek or the trailhead facilities mentioned above. The 30-acre master plan community park-floating symbol is not satisfied on subject property. In addition, according to the Subdivision Ordinance, the applicant will be required to dedicate 14 acres of parkland for active and passive recreation. There is no developable land dedicated for a public park. Staff is of the opinion that the applicant must construct the trailhead facilities and the master-planned hiker-biker-equestrian trail along Mattawoman Creek to satisfy master plan recommendations.

The applicant proposes the dedication of an area for the trailhead facilities at the Prince George's County line with access from Billingsley Road in Charles County. The area available for the construction is only one acre in size and surrounded by a 100-year floodplain and wetlands. The construction of the parking lot at this environmentally sensitive location may create a challenge. In addition, the master-planned trail link on the east of proposed trailhead facilities may require a

construction of boardwalk or other structures for wetlands and stream crossing. The Department of Parks and Recreation (DPR) staff believes that an alternative location for the trailhead facilities should be identified in the event that construction in the previously discussed area is not possible. Staff believes that the exact location for the trailhead facilities shall be determined during the Specific Design Plan review. If staff finds that the alternative location is preferable, the additional land shall be dedicated for construction of trailhead facilities, as shown on attached DPR Exhibit "A."

In summary, staff believes that the dedication of 137 acres of parkland as shown on attached DPR Exhibit "A," the provision of improved access to Mattawoman Creek Stream Valley Park from primarily residential street (60-foot right-of-way) with 60-foot-wide frontage, and construction of the master planned trail and trailhead facilities shall satisfy master plan recommendations, meet requirements for the mandatory dedication of parkland and the Basic Plans A-9854-C and current zoning and Subdivision Regulations as they pertain to public parks and recreation in the planned community.

The 1993 Subregion V Master Plan shows a community park symbol which is primarily located on a parcel of land known as the Operating Engineer's parcel and which is located immediately north of the Homeland property. A portion of this park symbol touches the Homeland property. This community park is shown as a floating symbol; as such, the park is proposed in the general area, not specifically on any one property. The Department of Parks and Recreation has studied the area and has determined that there are several other properties within a mile or two of the Homeland and Operating Engineer's sites that would be appropriate for this park. Therefore, the staff concluded that it would not be necessary to locate this park on either the Homeland or Operating Engineer's sites.

7. **Trails**—Two master plan trail recommendations impact the subject property. There is a master plan, multiuse stream valley trail proposed along Mattawoman Creek. This is reflected on the concurrent CDP. A master plan trail/bikeway is also proposed along Independence Road. This is reflected on the concurrent CDP as an eight-foot-wide trail/wide sidewalk along internal roads within the subject site. Staff supports the conceptual location of both of these trails. In addition, it is recommended that a trail connection be provided within HOA land from the trail along the internal roadway to the end of Independence Road (as reflected on the plan). This will ensure bicycle and pedestrian access from the communities to the north to the master plan trails on the subject site.

Several conditions of the approved Basic Plan also need to be addressed. Condition 4 recommends the provision of land for a regional trail head. This area is reflected on the CDP within Prince George's County. Any access issues to this trail head and stream valley parkland should be resolved to the satisfaction of DPR.

Condition 5 recommends that all development pods and recreational facilities shall be connected to the main trail network via feeder trails. There is no indication of this in the submitted plan. It is recommended that a comprehensive network of feeder trails and sidewalks be reflected on the

SDP. Per Condition 5, the internal open space should be utilized not only for the preservation of natural features, but also for the provision of feeder trail connections.

Condition 6 requires that at the time of CDP, the location of all trails, paths and sidewalks be evaluated on the interrelationship within the entire development site with respect to pedestrian movement. In order to fulfill this requirement, staff requests the provision of a plan showing comprehensively all master plan trails, feeder trails, and sidewalks to be provided. Only the master plan trails are currently shown. This map will help to ensure that the entire development is connected via a trail and sidewalk network, as required in Condition 5.

6. **Transportation**—The applicant has submitted a traffic study dated December 2002. During review of the application, strong concerns were raised about the use of Independence Road for primary access, as was assumed by the study. Furthermore, the applicant determined that all properties needed to implement needed improvements to Independence Road could not be acquired. Therefore, a revised and superceding traffic study dated March 2003 was submitted. The findings and recommendations outlined below are based upon a review of these materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*. The study has been referred to the appropriate operating agencies, and comments from the County Department of Public Works and Transportation (DPW&T) and the State Highway Administration (SHA) are attached.

### **Growth Policy - Service Level Standards**

The subject property is located within the Developing 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) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 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.

### **Staff Analysis of Traffic Impacts**

The applicant has prepared a traffic impact study in support of the application using new counts taken in September 2002. With the development of the subject property, the traffic consultant has determined that adequate transportation facilities in the area can be attained. The traffic impact

study prepared and submitted on behalf of the applicant analyzed the following intersections:

MD 210/MD 373/Livingston Road  
MD 210/MD 228  
MD 210/Independence Road/Livingston Road (unsignalized)  
MD 210/Shiloh Church Road/site access (unsignalized)  
Independence Road/Beech Lane (unsignalized)  
Independence Road/Gabriel Drive (unsignalized)  
Beech Lane/Shanna Drive (unsignalized)

The original study did not include the fourth intersection above, but showed traffic impacts to the last three intersections. The current plan will not utilize Independence Road and proposes no connection to it. Therefore, because they are no longer critical and to simplify the review, staff will merely note that the last three intersections above are in the traffic study, but undertake no further review in this memorandum.

The following conditions exist at the critical intersections:

<b>EXISTING TRAFFIC CONDITIONS</b>				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 210/MD 373/Livingston Road	1,422	1,519	D	E
MD 210/MD 228	960	969	A	A
MD 210/Independence Road/Livingston Road	28.3*	63.5*	--	--
MD 210/Shiloh Church Road/site access	28.0*	57.9*	--	--
<p>*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are outside of the normal range of the procedure, and should be interpreted as a severe inadequacy.</p>				

The list of nearby developments is extensive. Traffic along MD 210 includes a factor of one percent annually to account for growth in through traffic. There are no funded capital improvements in the area, so the resulting transportation network is the same as was assumed under Existing Traffic. Given these assumptions, the following background traffic conditions were determined:

<b>BACKGROUND TRAFFIC CONDITIONS</b>				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 210/MD 373/Livingston Road	1,582	1,840	E	F
MD 210/MD 228	1,120	1,112	B	B
MD 210/Independence Road/Livingston Road	32.7*	81.9*	--	--
MD 210/Shiloh Church Road/site access	31.8*	71.7*	--	--
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are outside of the normal range of the procedure, and should be interpreted as a severe inadequacy.				

The site is analyzed in the traffic study as a residential development of 300 residences. Environmental and design factors have resulted in the plan being revised, and the current plan shows 303 single-family detached residences. The resulting site trip generation would be 227 AM peak hour trips (45 in, 182 out) and 273 PM peak hour trips (179 in, 94 out). With site traffic, the following operating conditions were determined:

<b>TOTAL TRAFFIC CONDITIONS</b>				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 210/MD 373/Livingston Road	1,635	1,892	F	F
MD 210/MD 228	1,199	1,153	C	C
MD 210/Independence Road/Livingston Road	41.9*	117.1*	--	--
MD 210/Shiloh Church Road/site access	88.3*	230.6*	--	--
*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 Guidelines, an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are outside of the normal range of the procedure, and should be interpreted as a severe inadequacy.				

The traffic analysis identifies inadequacies at the signalized intersection of MD 210/MD 373/Livingston Road during both peak hours and at each unsignalized intersection during at least one peak hour. The study identified improvements at these intersections that would provide adequacy:

**At MD 210 and MD 373/Livingston Road**, install a free right-turn along the westbound approach to the intersection. Also, install a second left-turn lane along the westbound approach. These improvements are offered as a transportation facilities mitigation plan in accordance with Section 24-124 of the Subdivision Ordinance and will be more thoroughly discussed and analyzed later in this memorandum.

**At MD 210 and Shiloh Church Road/site access**, provide a westbound approach from the site with a shared through/left-turn lane and an exclusive right-turn lane. This must also include a southbound left-turn lane and acceleration/deceleration lanes along northbound MD 210.

**At both unsignalized intersections**, staff has determined that the minimum delay for any movement exceeds 50.0 seconds in at least one peak hour. 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 if it is deemed warranted by the appropriate operating agency. The warrant study is, in itself, a more detailed study of the adequacy of the existing unsignalized intersection. In these circumstances, the traffic study includes the needed signal warrant studies and concludes that signals are not warranted.

SHA and DPW&T both reviewed the traffic study. DPW&T noted that the applicant must design and construct an acceptable termination at the end of Independence Road prior to construction on the site. As the nonimpact of the site on Independence Road is a major factor in the traffic study, and staff concurs that having construction vehicles using Independence Road would be a severe impact on operations, staff will recommend a condition in this regard. SHA had more extensive comments on the study, as outlined below:

**At the MD 210 and Shiloh Church Road/site access intersection**, SHA has noted that potentially another 95 residences in Charles County could be served by the new site access roadway. While SHA did not agree or disagree with the study finding that a signal was not warranted at this location, SHA did indicate that an updated study at this intersection would be required prior to approval of the 95 residences by Charles County. Also, SHA determined that further design of storage lane areas, acceleration lanes, deceleration lanes, and tapers would be needed, along with intersection lighting.

**At the MD 210 and MD 373/Livingston Road intersection**, SHA expressed concern about the buildability of the improvements given the limited right-of-way available at this intersection. The applicant's traffic consultant has indicated, however, that the improvements are on the westbound (east) leg of the intersection, where there is currently sufficient right-of-way for their construction.

At the MD 210 and MD 373/Livingston Road intersection, the applicant has proposed the use of



mitigation in accordance with Section 24-124(a)(6). The Subdivision Ordinance indicates that “consideration of certain mitigating actions is appropriate...” in accordance with the Guidelines for Mitigation Action and the requirements of that portion of Section 24-124. The applicant proposes to employ mitigation by means of criterion (d) in the Guidelines for Mitigation Action, which were approved by the District Council as CR-29-1994. Criterion (d) allows mitigation at intersections along MD 210 outside of the Beltway (among other facilities) and was not superseded by the approval of the 2002 Prince George’s County General Plan.

At the MD 210 and MD 373/Livingston Road intersection, the applicant recommends the improvements described below to mitigate the impact of the applicant's development in accordance with the provisions of Section 24-124(a)(6). The improvements include:

1. The addition of a westbound right-turn lane along MD 373.
2. The addition of a second westbound left-turn lane along MD 373.
3. These two modifications would allow the westbound approach to function with an exclusive right-turn lane, an exclusive through lane, and dual left-turn lanes.

The impact of the mitigation actions at this intersection is summarized as follows:

IMPACT OF MITIGATION				
Intersection	LOS and CLV (AM & PM)		CLV Difference (AM & PM)	
MD 210/MD 373/Livingston Road				
Background Conditions	E/1582	F/1840		
Total Traffic Conditions	F/1635	F/1892	+53	+52
Total Traffic Conditions w/Mitigation	E/1456	D/1739	-179	-153

As the CLV at MD 210/MD 373/Livingston Road is between 1,450 and 1,813 during the AM peak hour, the proposed mitigation action must mitigate at least 150 percent of the trips generated by the subject property during the AM peak hour, according to the Guidelines. Also, as the CLV is greater than 1,813 during the PM peak hour, the proposed mitigation action must mitigate at least 100 percent of the trips generated by the subject property during the PM peak hour and bring the CLV to no greater than 1,813. The above table indicates that the proposed mitigation action would mitigate more than 150 percent of site-generated trips during the AM peak hour, and it would mitigate at least 100 percent of site trips during the PM peak hour, bringing the CLV below 1,813. **Therefore, the proposed mitigation at MD 210 and MD 373/Livingston Road meets the requirements of Section 24-124(a)(6)(B)(i) of the Subdivision Ordinance in considering traffic impacts.**

The mitigation plan was reviewed by DPW&T and SHA. Comments from both agencies were provided earlier in this memorandum. SHA agreed that the mitigation was acceptable. DPW&T did not raise objection to the mitigation that was proposed.

### **Plan Comments**

The subject plan has undergone a number of revisions since the initial application. The current plan is indeed acceptable from the standpoints of access and circulation. The applicant has made major revisions to the internal street network, and these are acceptable. We continue to have a couple of concerns:

1. The main entrance roadway is within Charles County and subject to that county's review processes. However, the subdivision plan does not display this roadway at all. Staff's primary reference to the roadway is derived from the accompanying Comprehensive Design Plan, CDP-0203. Staff must ensure that the main entrance roadway is actually built in a similar configuration to that shown on the CDP; that is, the roadway will be built within a 120-foot right-of-way and at least four lanes (two each direction) with a median, intersecting MD 210 across from existing Shiloh Church Road.
2. Two stub streets are shown into Charles County, one a 60-foot right-of-way and one a 50-foot right-of-way. There are currently no approved platted streets in Charles County to which these streets would connect. Regardless of where these streets are located or if the smaller of the two streets is eliminated, staff would want to ensure as the subject development moves forward that there is connectivity between the Charles and Prince George's County portions of the site.

The area of the subdivision is not within or adjacent to any master plan rights-of-way.

The preliminary plan conforms to the CDP, and it is in substantial conformance, from the standpoint of transportation, to the underlying Basic Plan A-9854.

Based on these 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 conditions.

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 CR-38-2002) and concluded the following.

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 6	Middle School Cluster 3	High School Cluster 3
Dwelling Units	303 sfd	303 sfd	303 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	72.72	18.18	36.36
Actual Enrollment	4651	4598	8393
Completion Enrollment	82	66	132
Wait Enrollment	39	15	29
Cumulative Enrollment	66.72	28.68	57.36
Total Enrollment	4911.44	4725.86	8647.72
State Rated Capacity	4492	5114	7752
Percent Capacity	109.34%	92.41%	111.55%
Funded School	N/a	N/a	Surrattsville Addn.

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

The affected elementary and high school cluster percent capacities are greater than 105 percent. There is no Funded School in the affected elementary cluster. The Surrattsville addition is the Funded School in the affected high 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 Growth Policy 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 Accokeek Fire Station, Company 24, located at 16111 Livingston Road, has a service travel time of 5.92 minutes, which is beyond the 5.25-minute travel time guideline.
  - b. The existing ambulance service at Accokeek Fire Station, Company 24, has a service travel time of 6.25 minutes, which is within the 6.25-minute travel time guideline for Block A, Lots 1-8; Block C, Lots 1-5 and Lots 10-15; Block D, Lots 1-3, 11 and 12. All

other lots are beyond.

- c. The existing paramedic service at Allentown Road Station, Company 47, located at 10900 Fort Washington Road, has a service travel time of 18.77 minutes, which is beyond the 7.25-minute travel time guideline.

These findings are in conformance with the *Adopted and Approved Public Safety Master Plan 1990* and the *Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities*. To alleviate the negative impact on fire and rescue services due to the inadequate service discussed, the Fire Department requires that a fire suppression system be installed in all residential structures in accordance with National Fire Protection Association Standard 13D and all applicable Prince George's County laws. Since this is a matter of county law, no condition is required.

The Historic Preservation and Public Facilities Planning Section has concluded that only 33 of the 300 dwelling units proposed are within response time standards for ambulance service to Company 24, Accokeek. Furthermore, there are no programmed or proposed projects that would mitigate this inadequacy. However, the subject 281-acre property is located at the southwestern most corner of Prince George's County, approximately two miles from a facility (Bryans Road) in Charles County. The subject property straddles the Prince George's/Charles County line with a significant amount of the property (not in this application) within Charles County. The issue we have is that the property is deemed inadequately served, in part due to excessive response time based upon existing and planned facilities in Prince George's County.

Staff has been assured by Charles County that the Bryans Road Fire Station (Charles County) in accordance with the approved (July 1981) mutual aid agreement is able and willing to provide **First Arrival** services (engine and ambulance) to the subject property. The Accokeek Fire Station, Company 24, would retain first due responsibility as the closest fire station in Prince George's County although the Bryans Road facility is significantly closer to the development than Company 24.

The Historic Preservation and Public Facilities Planning Section has concluded that the entire development is beyond the recommended response times from existing facilities which provide paramedic service. This finding is based on using the existing road system and existing stations. Further, there are no programmed or proposed projects that mitigate these inadequacies. The existing Accokeek Emergency Services Facility (Company 24) would be the first due station that would provide paramedic service to this development if the station had paramedic service. In order to mitigate the paramedic response time deficiencies, the staff recommends that the applicant participate by providing a contribution toward the provision of the paramedic vehicle. The fee amount is based on the cost of a paramedic unit of \$130,000.

The entrance road providing sole access to the 300-lot development is significantly undersized. The current access road (Independence Road) is a Prince George's County maintained road approximately 18 feet wide with no shoulders, which is unacceptable for emergency vehicle use.

In some emergency situations large emergency vehicles cannot easily access this extremely narrow road.

11. **Police Facilities**—The proposed development is within the service area for Police District IV-Oxon Hill. In accordance with Section 24-122.01(c) of the Subdivision Regulations of Prince George's County, existing county police facilities will be adequate to serve the proposed Homeland development. This police facility will adequately serve the population generated by the proposed subdivision.
12. **Health Department**—The Health Department has reviewed the application and noted that there are lead-contaminated soils, oil and debris on the property. The lead apparently has come from the rifle range. Soil samples demonstrating that the lead and oil have been removed must be submitted to the Health Department prior to final plat approval.
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, #40002-2002-00, 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 or any revisions thereto.
14. **Cemeteries**—The applicant's engineer has certified that there are no known cemeteries on 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 Lowe, seconded by Commissioner Scott, with Commissioners Lowe, Scott, Eley and Hewlett voting in favor of the motion, and with Commissioner Vaughns opposing at its regular meeting held on Thursday, May 15, 2003, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 19th day of June 2003.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

TMJ:FJG:JD:rmk