

R E S O L U T I O N

WHEREAS, Turner and Associates, LLC is the owner of a 69.80-acre parcel of land known as Parcel 28, Tax Map 167, Grid 3, said property being in the 8th Election District of Prince George's County, Maryland, and being zoned O-S; and

WHEREAS, on March 6, 2003, Phoenix Land Design, Inc. filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 11 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-03011 for Bentley Woods 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 July 17, 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 July 17, 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/79/92-01), and further APPROVED Preliminary Plan of Subdivision 4-03011, Bentley Woods for Lots 1-11 with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the plan shall be revised as follows:
 - a. To revise the general notes to reflect that 11 lots are proposed, not 12.
 - b. To renumber the lots 1-11 from Horsehead Road.
 - c. To provide the Stormwater Management Concept Plan number and approval date.
 - d. To deny access to Baden-Westwood Road.
 - e. To add a note that there are no existing structures on the property in accordance with the preliminary plan submitted for review.
 - f. To indicate that access to Horsehead Road is denied from the abutting lots. Access is to be provided via the internal public street.

2. Prior to the issuance of permits, a Type II Tree Conservation Plan shall be approved.
3. Prior to signature approval of the preliminary plan, the applicant shall submit a copy of the Stormwater Management Concept approval letter.
4. Development of this property shall be in conformance with the approved Stormwater Management Concept approval.
5. The applicant and the applicant's heirs, successors, and/or assignees shall designate a public use trail easement on the subject site parallel to Black Swamp Creek in accordance with Staff Exhibit A. The easement shall alternate between 20 feet and 40 feet wide. The applicant and the Trails Coordinator, prior to the issuance of the first building permit, shall stake this easement in the field. This easement shall be marked and labeled on the final plat.
6. Prior to the issuance of grading permits, the applicant shall submit evidence from the Health Department that the tires found on the property have been hauled away by a licensed scrap tire hauler to a licensed scrap tire disposal/recycling facility.
7. The final plat shall provide a note that this property was subdivided utilizing the varying lot size standards.
8. Prior to signature approval of the TCPI, the Forest Stand Delineation shall be revised to:
 - a. Locate 15–25 percent slopes only on highly erodible soils (K-factor of 0.37 or greater), and revise the K factor for Sandy land in the soils table.
 - b. Remove the line indicating the Patuxent River Primary Management Area (PMA) from the plan graphics and the key.
 - c. Remove the line indicating the 100-year floodplain building restriction line from the plan graphics and the key.
 - d. Delineate the Forest Interior Dwelling Species (FIDS) Habitat and the 300-foot-wide FIDS habitat buffer; add graphic symbols and labels to the key.
9. Prior to signature approval of the TCPI, a copy of the approved 100-year floodplain study shall be submitted to confirm water elevation and 100-year floodplain acreage. If the limits and/or area of the 100-year floodplain vary from those currently shown on the plans, all affected plans shall be revised.
10. Prior to signature approval of the TCPI, a complete wetlands study or a Jurisdictional Determination from the U.S. Army Corps of Engineers shall be submitted addressing all potential areas of wetlands on the subject property. The original Wetland Delineation Report (1992) may be submitted as part of this complete study. If a Jurisdictional Determination of nontidal

wetlands is not obtained prior to signature approval, then it shall be submitted prior to final plat approval.

11. Prior to signature approval the TCPI shall be revised as follows:
 - a. The woodland conservation lot-by-lot table shall be completed to add total woodland per lot, woodland cleared per lot, and woodland preserved per lot.
 - b. The TCPI shall be signed and dated by the qualified professional who prepared it.
 - c. To delineate the Forest Interior Dwelling Species (FIDS) Habitat and the 300 foot-wide buffer; add graphic symbols and labels to the key and revise the PMA delineation to include the FIDS habitat.
 - d. To reflect the proposed location of any stormwater management
 - e. To reflect the correct delineation of nontidal wetlands on the property as determined by a complete wetlands study or Jurisdictional Determination.
12. The following note shall be placed on the Final Plat of Subdivision:

“Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/01/03), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation/Tree Preservation Policy.”
13. At the time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain all elements of the delineated Patuxent Primary Management Area, including the area of abutting FIDS habitat outside the limits of disturbance shown on the approved TCPI. 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 are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed."

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

1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.
2. The property is located on the east side of Horsehead Road, approximately 750 feet south of its intersection with Baden-Westwood Road in the Westwood community.

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

	EXISTING	PROPOSED
Zone	O-S	O-S
Use(s)	Vacant	Single-family residential
Acreage	69.8	69.8
Lots	0	11
Parcels	1	0
Dwelling Units:		
Detached	0	11

4. **Environmental**—This property is subject to the provisions of the Prince George’s County Woodland Conservation Ordinance because the gross tract area is in excess of 40,000 square feet and there are more than 10,000 square feet of existing woodland on-site. A Type I Tree Conservation Plan (TCPI/79/92-01) was submitted concurrently with the preliminary plan application.

The Woodland Conservation Threshold for this site is 33.22 acres (50 percent of the net tract). The minimum requirement for this site is 33.22 acres (50 percent of the net tract) plus additional acres due to woodland removal, totaling 5.03 acres of woodland, for a total minimum requirement of 38.45 acres. The TCPI has proposed to meet the requirement with 38.45 acres of on-site preservation.

Woodlands identified as Forest Interior Dwelling Species (FIDS) habitat have a high priority for retention. The area within the 300 foot-wide FIDS buffer is also considered a priority for woodland conservation. Within the 300-foot buffer the clearing should be minimized and fragmentation of the existing forest should be avoided. The significant block of FIDS habitat is located at the eastern end of the property. The plan has been revised to pull the conceptual house locations on several lots closer to the cul-de-sac and reduce the amount of clearing proposed.

A review of the available information indicates that streams, wetlands, 100-year floodplain, severe slopes, and areas of steep slopes with highly erodible soils are found to occur on the property.

The soils found to occur according to the Prince George’s County Soil Survey include Beltsville silt loam; Iuka silt loam; Leonardtown silt loam; Rumsford-Evesboro loamy sands; Sandy land, steep; and Sassafras gravelly sandy loam. The Beltsville and Leonardtown soils may be affected

by a perched water table, slow permeability and impeded drainage. The Iuka soils are subject to high water table, flood hazard and poor drainage. Rumsford, Sandy land, and Sassafras pose few limitations to the development of this property. According to available information, Marlboro clay does not occur on this property.

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; but according to a letter from the Wildlife and Heritage Service, Maryland Department of Natural Resources, the forest area of the project site contains Forest Interior Dwelling Bird Habitat. The applicant has proposed to provide all of the required tree conservation on-site, encouraging the retention of the existing habitat.

There are no designated scenic and historic roads adjacent or abutting this site, although Baden-Naylor Road is a designated historic road 750 linear feet north of this property. The subject property is located in the Black Swamp Creek watershed of the Patuxent River basin and in the Rural Tier as reflected in the adopted General Plan. Section 24-130 of the Subdivision Ordinance requires the preservation of the Patuxent River Primary Management Area to the fullest extent possible. The revised TCPI and preliminary plan have shifted the road location slightly to the south, resulting in the elimination of impacts to the PMA. Impacts to the FIDS habitat have been reduced to the greatest extent possible.

5. **Community Planning**—The subject property is located within the limits of the Subregion VI Study Area Master Plan (1993), in Planning Area 87A in the Westwood Community. The 2002 General Plan locates this property in the Rural Tier. The master plan recommends Large-Lot residential development at up to .5 dwelling unit per acre. The proposed subdivision is consistent with the recommendations in the master plan and 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 the mandatory dedication of parkland because all of the lots are greater than one acre in size.
7. **Trails**—Two master plan trails issues impact the subject site. The Adopted and Approved Subregion VI Master Plan identifies Baden-Westwood Road and Black Swamp Creek as trail/bikeway corridors. Baden-Westwood Road is recommended as a Class III bikeway. However, due to the limited frontage on Baden Westwood Road, access to the subject site will be from Horsehead Road, no recommendations are made regarding the bikeways in the master plan along Horsehead Road.

Black Swamp Creek is designated as a hiker/equestrian trail corridor. This trail will ultimately connect to proposed trails along or near the Patuxent River. It will also provide a connection to the adjacent Baden Elementary School and other nearby public facilities. The portion of the creek on the subject site is not indicated on the master plan as part of the proposed stream valley park for acquisition; however, a hiker-equestrian trail is shown on the master plan crossing the subject property. Therefore, a public use hiker-equestrian easement should be required to accommodate

the trail in this location. The Black Swamp Creek Chapter of the Patuxent Tidewater Land Trust has expressed an interest in developing a trail within a public use easement. A site visit by staff and the Land Trust has determined that a natural surface trail is appropriate and feasible in this location. This trail will provide a pedestrian connection from the subject site to the Baden Elementary School and its activity center.

8. **Transportation**—The proposed development would generate 9 AM (2 in, 7 out) and 11 PM (7 in, 4 out) peak hour vehicle trips as determined using *The Guidelines for the Analysis of the Traffic Impact of Development Proposals*. These trip rates were calculated based on the applicant's original proposal of 12 lots. The reduction to 11 lots has no substantive affect on these findings.

The traffic generated by the proposed preliminary plan would impact the intersection of Horsehead Road and Baden-Westwood Road. This intersection is not programmed for improvement with 100 percent construction funding within the next six years in the current Maryland Department of Transportation Consolidated Transportation Program or the Prince George's County Capital Improvement Program:

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 intersection of Horsehead Road and Baden-Westwood Road, when analyzed with total future traffic as developed using the guidelines, was found to be operating with a delay of 9.0 seconds during the AM peak hour and 9.5 seconds during the PM peak hour. Both projected levels are better than the policy service level identified.

Adequate access roads will exist as required by Section 24-124 of the Subdivision Regulations.

9. **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 CR-38-2002) and concluded that the subdivision is exempt from the APF test for schools because it is less than 36 dwelling units and not served by public water and sewer.

10. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of public facilities and concluded the following:
- a. The existing fire engine at Baden Fire Station, Company 36, located at 16608 Brandywine Road, has a service travel time of 1.79 minutes, which is within the 5.25-minute travel time guideline.
 - b. The existing ambulance at Baden Fire Station, Company 36, located at 16608 Brandywine Road, has a service travel time of 1.79 minutes, which is within the 6.25-minute travel time guideline.
 - c. The existing paramedic at Brandywine Fire Station, Company 40, located at 14201 Brandywine Road, has a service travel time of 8.47 minutes, which is beyond the 7.25-minute travel time guideline. However, the nearest fire station, Baden, Company 36, is located at 16608 Brandywine Road, which is 1.79 minutes from the development. This facility would be within the recommended travel time for paramedic service.

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*.

11. **Police Facilities**—The proposed development is within the service area for Police District V-Clinton. In accordance with Section 24-122.1(c)(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 Bently Woods development. This police facility will adequately serve the population generated by the proposed subdivision. The Planning Board's current test for police adequacy is based on a standard for square footage in police stations relative to the number of sworn duty staff assigned. The standard is 115 square feet per officer. As of June 30, 2002, the county had 874 sworn staff and a total of 101,303 square feet of station space. Based on available space, there is capacity for additional 69 sworn personnel.
12. **Health Department**—The Health Department notes that numerous tires were found on the property. The tires must be hauled away by a licensed scrap tire hauler to a licensed scrap tire disposal/recycling facility, and a receipt for tire disposal must be submitted to the Health Department. All other trash must be removed and properly discarded.

The Health Department noted several concerns with the percolation test performed on the property. As a result one lot was removed and consolidated with another lot, which had satisfactory percolation test sites. Prior to the approval of the final plat, the applicant must demonstrate to the satisfaction of the Health Department all of the percolation test sites are appropriate and will support development. The plan as proposed with 11 lots conforms to the recommendations of the Health Department.

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 has been submitted, but not yet approved. To ensure that development of this site does not result in on-site or downstream flooding, this concept plan must be approved prior to signature approval of the preliminary plan. Development must be in accordance with this approved plan.

14. **Varying Lot Size**—The applicant has proposed to utilize the varying lot size standards provided for in Section 27-442(b), Table I of the Zoning Ordinance. Specifically, in the O-S Zone:
- a. The minimum lot size of a minimum of 60 percent of the lots is five acres. The applicant proposes 8 of the 11 lots to meet or exceed five acres, approximately 72.72 percent.
 - b. The minimum lot size of any one lot in the O-S Zone is two acres. The applicant is allowed one 2-acre lot for every 50 acres of gross tract area. The applicant has not proposed any two-acre lots; one is permitted based on a gross tract area of 69.8 acres.
 - c. The minimum lot size of the remaining lots is three acres. The applicant has proposed three lots that meet or exceed three acres.

The Zoning Ordinance restricts the use of lots created under the varying lot size for agricultural or residential purposes only. The Zoning Ordinance indicates that no portion of the property can be resubdivided unless the land is rezoned to another zone, or the property is resubdivided to all five-acre lots, or the size and number of lots that would be created conform to the varying lot size standards for the entire property. The final plat should provide a note that this property was subdivided utilizing the varying lot size standards.

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.

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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 Eley, seconded by Commissioner Scott, with Commissioners Eley, Scott, Lowe and Hewlett voting in favor of the motion, and with Commissioner Vaughns abstaining at its regular meeting held on Thursday, July 17, 2003, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 4th day of September 2003.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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