

PGCPB No. 03-118

File No. 4-03015

R E S O L U T I O N

WHEREAS, Rhett A. and Mary K. Ferrari is the owner of a 5.47-acre parcel of land known as Parcel 50, Lot 1, Tax Map 161, Grid A-3, said property being in the 5th Election District of Prince George's County, Maryland, and being zoned R-R; and

WHEREAS, on March 12, 2003, Woodmeade Homes, Inc. filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 9 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-03015 for South Accokeek 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 29, 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 29, 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/59/02), and further APPROVED Preliminary Plan of Subdivision 4-03015, South Accokeek for Lots 1-9 with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the plan shall be revised to orient the north arrow to accurately reflect conditions.
2. Prior to the issuance of permits, a Type II tree conservation plan shall be approved.
3. Prior to final plat approval, the applicant shall demonstrate that the revision to the building permit for existing Lot 1 (proposed Lot 9) has been filed with the Department of Environmental Resources to reflect direct access to the internal public street only. Proposed Lot 9 shall have driveway access from proposed Woodmead Court.
4. The final plat shall carry a note that garage doors shall not be permitted on the sides of the houses facing Livingston Road on Lots 1 and 9.
5. Development of this subdivision shall be in compliance with the approved Type I Tree Conservation Plan (TCPI/59/02). The following note shall be placed on the final plat of subdivision:

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“Development is subject to restriction shown on the approved Type I Tree Conservation Plan (TCPI/59/02), 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 and Subtitle 25.”

6. Development of this property shall be in conformance with the approved Stormwater Management Concept Plan #35944-2002-00.
7. The applicant shall provide standard sidewalks along at least one side of Woodmead Court street frontage unless modified by the Department of Public Works and Transportation at the time of issuance of street construction permits.
8. Prior to the issuance of building permits, the applicant, his heirs, successors and/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 Livingston Road, a designated 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. Any abandoned well or septic system shall be pumped, backfilled and/or sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative of the Health Department prior to final plat approval.
10. At the time of final plat approval, the applicant shall dedicate a right-of-way along Livingston Road of 40 feet from the existing centerline, as shown on the submitted plan.
11. No building permits shall be issued for this subdivision until the capacities, as adjusted pursuant to the School Regulations, at all the affected school clusters are less than or equal to 105 percent or six 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.

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

1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.
2. The subject property is located on the east side of Livingston Road approximately 900 linear feet northeast of its intersection with Old Marshall Hall Road in Accokeek, generally northwest of MD 210.

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

| | EXISTING | PROPOSED |
|-----------------|---------------------------|---------------------------|
| Zone | R-R | R-R |
| Use(s) | Residential/Single-family | Residential/Single-family |
| Acreage | 5.47 | 5.47 |
| Lots | 1 | 9 |
| Parcels | 1 | 0 |
| Dwelling Units: | | |
| Detached | 1 (to be removed) | 9 (proposed) |

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.

The Environmental Planning Section previously reviewed Preliminary Plan of Subdivision 4-02100 for this site, which was withdrawn prior to being heard before the Planning Board. The revised Type I Tree Conservation Plan submitted with this application, TCPI/59/02, has been reviewed. The plan proposes clearing 0.07 acre of the existing 0.40 acre of woodland. The worksheet correctly calculates the requirement for this proposal as 1.06 acres. The plan proposes to meet this requirement by providing 0.33 acre of on-site preservation, 0.75 acre of on-site afforestation, and preservation of an additional 0.02 acre of woodland retained but not part of any requirement. A forest stand delineation (FSD) was submitted with the previous application that included this property and was found to address the criteria for a forest stand delineation as found in the *Woodland Conservation and Tree Preservation Technical Manual*. There are no priority woodlands located on the site. The Environmental Planning Section recommends approval of Type I Tree Conservation Plan TCPI/59/02.

The plan is in conformance with standards because it provides for a minimum 40-foot rear yard and 20-foot side yards between the proposed structures and woodland conservation areas. The use of afforestation is an acceptable option; however, a minor change to the plan could create greater flexibility. The Environmental Planning Section notes that none of the proposed afforestation is in or adjacent to any prior woodland area as defined in the policy document. There is a possibility that the use of an off-site easement may be more cost effective and equally fulfill the intent of the Woodland Conservation Ordinance. If afforestation is to be provided on the lots, a permanent fence must be provided to delineate these areas and prevent its destruction. Fencing, such as split-rail fence, should be provided on the TCPII if provided for this purpose.

A review of the available information indicates that there are no streams, wetlands, or floodplain on the property. The site eventually drains into Mattawoman Creek in the Potomac River watershed. There are no nearby sources of traffic-generated noise. The proposed use is not expected to be a noise generator.

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According to the Prince George's County Soil Survey, the principal soils on the site are in the Beltsville series. Beltsville soils are in the C-hydric series, are high erodible, and are subject to perched water tables and impeded drainage. According to available information, Marlboro clays are not found to occur in the vicinity of this property. This information is provided for the applicant's benefit. No further action is needed as it relates to this preliminary plan of subdivision review. A soils report may be required by the Prince George's County Department of Environmental Resources during the permit process review.

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. There are no designated scenic and historic roads in the vicinity of this property.

5. **Community Planning**—The subject property is located within the limits of the 1993 Subregion V Master Plan, in Planning Area 83 in the Accokeek Community. The 2002 General Plan locates this property in the Developing Tier. The master plan land use recommendation for the property is for Low Suburban residential. The proposed application has been reviewed for conformance with the master plan guidelines and found to be consistent with the land use recommendations in the master plan and General Plan.

The property is located within the limits of the Accokeek Development Review District (ADRD) and was referred to that civic organization. Review of this application has taken into consideration discussion items identified by ADRD in a letter dated December 16, 2002. In general, the relationship of the development to Livingston Road was of the greatest concern. To that end, staff is recommending that garage doors not be allowed to face Livingston Road and that no direct vehicular access from Lots 1 and 9 be permitted to Livingston Road.

6. **Parks and Recreation**—In accordance with Section 24-134 of the Subdivision Regulations, the Department of Parks and Recreation recommends that the applicant pay a fee-in-lieu of the requirement of the mandatory dedication of parkland. The Department of Parks and Recreation has determined that the land available for dedication is unsuitable due to its size and location.
7. **Trails**— The adopted and approved Subregion V Master Plan recommends that Livingston Road be designated as a Class III bikeway with appropriate signage. Because Livingston Road is a county right-of-way, the applicant should provide a financial contribution 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 building permits. If road improvements are required by DPW&T, a wide asphalt shoulder is encouraged to accommodate bicycle traffic and a standard sidewalk is recommended along one side of Woodmead Court to accommodate pedestrians.
8. **Transportation**— The application is a preliminary plan of subdivision for a residential development consisting of nine single-family dwelling units. The subdivision encompasses an

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existing recorded lot along with a parcel that is developed with a residence; therefore, the subdivision would result in seven net residences. The proposed net development would generate 5 AM and 5 PM peak-hour vehicle trips as determined using *Guidelines for the Analysis of the Traffic Impact of Development Proposals* (April 1989).

The site is 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.

The traffic generated by the proposed preliminary plan would impact the signalized intersection of MD 210 and MD 373/Livingston Road.

The intersection identified in number 3 above is not programmed for improvement with 100 percent construction funding within the next six years in the current Maryland Department of Transportation's Consolidated Transportation Program or the Prince George's County Capital Improvement Program.

The staff recently reviewed counts at the critical intersection taken in 2000 in connection with Preliminary Plan Application 4-01012 for Manokeek. In this case, staff determined that the critical intersection would operate acceptably under existing, background, and total future traffic. Nonetheless, due to the limited trip generation of the site, the Prince George's County Planning Board could deem the site's impact at this location to be de minimus. Given the transportation findings made in the above-cited case within the past two years, staff would recommend that the Planning Board find that 5 AM and 5 PM peak-hour trips will have a de minimus impact upon delay in the critical movements at the MD 210/MD 373/Livingston Road intersection.

Based on the preceding findings, adequate transportation facilities would exist to serve the proposed subdivision as required under 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 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-23-2001) and concluded the following.

Finding

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Impact on Affected Public School Clusters

| Affected School Clusters # | Elementary School Cluster 6 | Middle School Cluster 3 | High School Cluster 3 |
|----------------------------|-----------------------------|-------------------------|-----------------------|
| Dwelling Units | 9 sfd | 9 sfd | 9 sfd |
| Pupil Yield Factor | 0.24 | 0.06 | 0.12 |
| Subdivision Enrollment | 2.16 | 0.54 | 1.08 |
| Actual Enrollment | 4651 | 4598 | 8393 |
| Completion Enrollment | 82 | 66 | 132 |
| Wait Enrollment | 39 | 15 | 29 |
| Cumulative Enrollment | 139.44 | 77.64 | 155.28 |
| Total Enrollment | 4913.60 | 4757.18 | 8710.36 |
| State Rated Capacity | 4492 | 5114 | 7752 |
| Percent Capacity | 109.39% | 93.02% | 112.36% |
| Funded School | N/a | N/a | Surrattsville addn. |

Source: Prince George's County Planning Department, M-NCPPC, January 2003

The affected elementary and high school cluster capacities are greater than 105 percent. There is no funded school in the affected elementary school cluster. The Surrattsville addition is the funded school in the affected high school cluster. Therefore, this subdivision can be approved with a six-year waiting period. Based on this information, staff finds that the subdivision may be approved subject to conditions in accordance with Section 24-122.02.

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

- a. The existing fire engine at Accokeek Fire Station, Company 24, located at 16111 Livingston Road has a service travel time of 2.43 minutes, which is within the 5.25-minute travel time guideline.
- b. The existing ambulance at Accokeek Fire Station, Company 24, located at 16111 Livingston Road has a service travel time of 2.43 minutes, which is within the 6.25-minute travel time guideline.
- c. The existing paramedic at Allentown Road Fire Station, Company 47, located at 10900 Old Fort Washington Road has a service travel time of 11.46 minutes, which is beyond the 7.25-minute travel time. The nearest fire station Accokeek, Company 24, is located at

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16111 Livingston Road, which is 2.43 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 District IV-Oxon Hill. In accordance with Section 24-122(c) of the Subdivision Regulations, the existing county police facilities will be adequate to serve the proposed South Accokeek development. This police facility will adequately serve the population generated by the proposed subdivision.

12. **Health Department**—The Health Department has identified an abandoned well on the property and notes that the well must be properly abandoned prior to final plat. In addition, any abandoned septic system must be pumped out and removed or backfilled in place.

A significant amount of domestic trash and other debris (miscellaneous vehicle parts, commercial equipment) was found on the property, which should be removed and properly discarded or stored.

13. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. Stormwater Management Concept Plan # 35944-2002-00 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.

14. The building permit for existing Lot 1 shows direct vehicular access onto Livingston Road. The applicant was advised that staff would recommend there be no direct access to Livingston Road from proposed Lots 1 and 9. The applicant has had the opportunity to remove existing Lot 1 from the preliminary plan application and not be restricted from having direct access onto Livingston Road. However, the applicant has proposed to include the area of existing Lot 1 and utilize it for tree conservation purposes and stormwater management, as well as utilizing it as a building site. The applicant agreed to the reorientation of the driveway serving proposed Lot 9 if this application is approved. The applicant should file the revision to the building permit for existing Lot 1 prior to final plat approval and show the configuration of proposed Lot 9. The dedication of the internal public road through the record plat process and the permit process will provide for a corresponding review.

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

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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, Vaughns and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, May 29, 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

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