

R E S O L U T I O N

WHEREAS, Tom Y. Lee and George and David C. Wei is the owner of a 5.33-acre parcel of land known as Parcel 21, Tax Map 108, Grid C-4 said property being in the 9th Election District of Prince George's County, Maryland, and being zoned R-R; and

WHEREAS, on March 25, 2003, Perlco Builders, L.C. filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 8 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-03017 for Matthew's Landing 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 31, 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 31, 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/60/95), and further APPROVED Preliminary Plan of Subdivision 4-03017, Matthew's Landing, for Lots 1-8 with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the plan shall be revised as follows:
  - a. To dimension the lot width at the front building line on Lot 6 as a cord, not an arch.
  - b. To provide the approval date of the stormwater management concept plan.
  - c. To provide a note that the requirement of the mandatory dedication of parkland is being fulfilled by the payment of a fee-in-lieu.
2. Prior to the issuance of permits, a Type II Tree Conservation Plan shall be approved.
3. Development of this subdivision shall be in conformance with the approved Stormwater Management Concept Plan # 27274-2002-00.

4. Prior to the approval of the final plat, the applicant shall provide evidence from the Health Department that the trash and other debris that has been illegally dumped on the property has been removed and properly discarded.
5. Any abandoned well shall be 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.
6. The applicant, his heirs, successors and or assignees shall provide a standard sidewalk along the entire frontage of Clendennin Drive and at least one side of Matthews Court unless modified by the Department of Public Works and Transportation at the time of issuance of street construction permits.
7. Prior to signature approval of the Type I Tree Conservation Plan, TCPI/60/95, the plan shall be revised to:
  - a. To add the following footnote to the worksheet: "In preparation of the Type II Tree Conservation Plan, an off-site easement may be used in lieu of the afforestation requirement."
  - b. To clearly show a proposed limit of disturbance.
  - c. To add the following note:

"If afforestation is to be provided on the lots, a permanent fence must be provided to delineate these areas and prevent their destruction. Fencing, such as split-rail fence, shall be provided on the TCPII."
  - d. To have the revised plan sign and dated by the qualified professional.
8. Prior to the issuance of building permits for the proposed residential structures, the applicant shall submit certification by a professional engineer with competency in acoustical analysis to the Environmental Planning Section demonstrating that the design and construction of building shells will attenuate interior noise levels to 45 dBA (Ldn) or less.
9. The final plat shall carry the following note:

"Due to the proximity of Andrews Air Force Base, properties within this subdivision have been identified as possibly having noise levels that exceed 70 dBA Ldn due to military aircraft overflights."
10. Prior to the issuance of permits, a Type II Tree Conservation Plan shall be approved.

11. Prior to the approval of final plats, that portion of Clendennin Drive from Woodyard Road to the subject property shall be conveyed to and accepted by DPW&T.
12. The applicant, his heirs, successors and/or assignees shall improve the existing Clendening Drive to county standards for a secondary residential street.
13. Prior to the issuance of building permits, the applicant, its successors and/or assigns, shall pay a pro rata share of the cost of the road improvements along MD 223 at Rosaryville and Dower House Roads, as described in the Prince George's County Capital Improvement Program for FY 2003-2008 under CIP ID No. FD669451 (MD 223 Widening). The pro rata share shall be payable to Prince George's County, with evidence of the payment provided to the Planning Department with each building permit application. The pro rata share shall be \$1,062 per dwelling unit x (*Engineering News Record* Highway Construction Cost Index at time of building permit application)/(*Engineering News Record* Highway Construction Cost Index for second quarter 2001).

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 north side of Clendennin Drive approximately 230 feet west from its intersection with Clendennin
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)	Vacant	Residential
Acreage	5.33	5.33
Lots	0	8
Parcels	1	0
Dwelling Units:		
Detached	0	8

4. **Environmental**—This site is subject to the provisions of the Woodland Conservation Ordinance because the entire site is more than 40,000 square feet in size and has more than 10,000 square feet of woodland. The Type I Tree Conservation Plan, TCPI/60/95, has been reviewed and was originally reviewed with 4-95081, another preliminary plan, which was withdrawn by the applicant prior to being heard by the Planning Board. The plan proposes clearing 2.39 acres of the existing 4.12 acres of upland woodland. The woodland conservation requirement for this project has been

correctly calculated as 1.66 acres. The plan further proposes to meet the requirement by providing 1.55 acres of on-site preservation and 0.11 acres of afforestation. Staff recommends approval of TCPI/60/95.

The Forest Stand Delineation (FSD) has been reviewed. The FSD, based upon five sample points, describes a single forest stand containing three specimen trees. The FSD meets the requirements of the Woodland Conservation Ordinance.

There are no wetlands or streams on the site. The M-NCPPC GIS indicates a 100-year floodplain exists in the extreme northeast corner of the site. Only 0.02 acre of 100-year floodplain occurs on the property and the 25-foot building restriction line from the 100-year floodplain is within the 20-foot building setback required for the construction of single-family dwelling in the R-R Zone.

Based on the most recent Air Installation Compatible Use Zone Study (AICUZ) released to the public in August 1998 by Andrews Air Force Base (AAFB), aircraft-generated noise is significant in this area. The study indicates that the noise threshold is within the 70-75 dBA (Ldn) noise contour for this property. This noise level is above the state-acceptable noise level for residential land uses. It will not be possible to mitigate noise in the outdoor activity areas, however, the use of proper construction materials must be used to ensure that the noise inside the residential structures does not exceed 45dBA.

According to the *Prince George's County Soils Survey*, the predominant soil types on site are Galestown and Sassafra series. These soils pose no special problems for development and are suitable for infiltration of stormwater runoff.

5. **Community Planning**—The property is located within the limits of the 1993 master plan for Subregion V in Planning Area 81A in the Clinton community. The land use recommendation is for Low-Suburban residential at up to 2.6 dwelling units per acre. The 2002 General Plan locates the property in the Developing Tier. The proposed subdivision is consistent with the recommendation in the master plan and the General Plan.

The Marshall-Walters House (Miller House) is located on property abutting to the east. The property was evaluated in 2002 by the Historic Preservation Commission and was removed from its inventory of Historic Resources. The Miller House was previously known as Historic Resource 81A-3.

This application is located south of Andrews Air Force Base in an area subject to significant noise impacts from flight operations. The 1998 AICUZ prepared for AAFB by the U.S. Air Force indicates that this property is located in a DNL 70-75 dBA noise exposure area. This is somewhat higher than the noise levels indicated in the master plan text which were based on an earlier 1989 AICUZ Study. Areas exposed to noise levels exceeding state standards (DNL 65dB for residential land use) should include construction techniques that are designed to reduce the adverse impact of such exposure.

6. **Parks and Recreation**—In accordance with Section 24-134(a) of the Subdivision Regulations,

the Park Planning and Development Division recommends that the applicant pay a fee-in-lieu for the mandatory dedication of parkland requirement because the land available for dedication is unsuitable due to its size and location.

7. **Trails**—There are no master plan issues associated with this application. However, staff recommends that standard sidewalks be provided along the property's frontage with Clendennin Drive and one side of Matthews Court to safely accommodate pedestrians.
8. **Transportation**—The critical intersection impacted by the proposed development is MD 223 and Rosaryville Road. Staff did not request a traffic count from the applicant since one was available from a recent preliminary plan review, Estates at Woodyard Farms (4-03012). Therefore, the findings and recommendations outlined below are based upon a review of these materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*.

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

The subject property is in 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 is required in the Developing Tier.

**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.

- MD 223 and Rosaryville Road is the nearest signalized intersection to the site and would serve most if not all of the site-generated traffic. The transportation staff has available counts taken as part of the Estates at Woodyard Farms (4-03012) development application in April 2003. These counts indicate that the critical intersection operates at Level-of-Service (LOS) C, with a critical lane volume (CLV) of 1,295, during the AM peak hour. During the PM peak hour, the intersection operates at LOS F with a CLV of 2,014.

Staff has assumed four years of growth at 1.0 percent per year along all legs of the intersection and also assumed 17 approved but unbuilt developments nearby that would affect turning movements at the intersection. There is a funded capital project in the county Capital Improvement Program (CIP) which would provide widening at the intersection of MD 223 with Rosaryville. This project is funded with 100 percent funding within six years. Full funding in this circumstance includes an assumption that the majority of funding would come from

developer contributions. The applicant has not, to date, proffered any funding toward this improvement. Therefore, the improvements to the MD 223/Rosaryville Road intersection cannot be assumed to be a part of background traffic. With background growth added, the critical intersection would operate as follows: AM peak hour–LOS E, with a CLV of 1,600; PM peak hour–LOS F, with a CLV of 2,457.

With the development of eight residences, the site would generate 6 AM (1 in and 5 out) and 8 PM (5 in and 3 out) peak hour vehicle trips. The site was analyzed with the following trip distribution: 60 percent–north along MD 223, and 40 percent–west along MD 223. Given this trip generation and distribution, staff has analyzed the impact of the proposal. With the site added, the critical intersection would operate as follows: AM peak hour–LOS F, with a CLV of 1,613; PM peak hour–LOS F with a CLV of 2,478.

The improvements to the MD 223/Rosaryville Road intersection are fully funded, but this is dependent upon area developments contributing to the funding of the improvements. CIP Project FD669451 (MD 223 Widening) provides that \$750,000 in construction funds will be provided by developer contributions. The needed improvements include the following:

- a. Provision of a second southbound through lane along Rosaryville Road through the intersection, with appropriate widening along Rosaryville Road south of the intersection to Gambier Drive.
- b. Widen the eastbound approach along MD 223 so that it can function with exclusive right-turn and left-turn lanes; this would require widening the MD 223 bridge over Piscataway Creek.

These improvements are funded in the County’s CIP, but with “developer contributions.” Through his attorney, the applicant proffered to pay the applicant’s fair share of these required improvements. The Planning Board accepted this proffer. The applicant proffered to pay a fee equal to \$1,062 per dwelling unit x (*Engineering News Record* Highway Construction Cost Index at time of building permit application)/(*Engineering News Record* Highway Construction Cost Index for second quarter, 2001). Given this and other developer contributions, these improvements are fully funded and the applicant can proceed once this fee is paid.

With these improvements in place, the critical intersection would operate as follows: AM peak hour–LOS C, with a CLV of 1,289; PM peak hour–LOS D with a CLV of 1,311. Therefore, the above improvements at the intersection of MD 223 and Rosaryville Road should be made a condition for the approval of the subject property.

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, CB-30-2003 and CB-31-2003 and concluded the following:

## Finding

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 5	Middle School Cluster 3	High School Cluster 3
Dwelling Units	8 sfd	8 sfd	8 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	1.92	0.48	0.96
Actual Enrollment	4452	4598	8393
Completion Enrollment	180	66	132
Wait Enrollment	20	15	29
Cumulative Enrollment	239.52	151.50	303
Total Enrollment	4893.44	4830.98	8857.96
State Rated Capacity	4175	5114	7752
Percent Capacity	117.21%	94.47%	114.27%
Funded School	N/a	N/a	N/a

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

County Council bill CB-31-2003 establishes a school facilities surcharge in the amount of: \$7,000 per dwelling if a building is located between I-495 and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts on existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$12,000 per dwelling for all other buildings.

The school surcharge is to be used for the construction of additional school facilities that are intended to accommodate the new students that will be generated by this development proposal. This project meets the adequate public facilities policies of Section 24-122.02, CB-30-2003 and CB-31-2003.

10. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of fire and rescue facilities and concluded the following:
  - a. The existing fire engine service at Clinton Fire Station, Company 25, located at 9025 Woodyard Road has a service travel time of 3.99 minutes, which is within the 5.25-minute travel time guideline.

- b. The existing ambulance service at Clinton Fire Station, Company 25, located at 9025 Woodyard Road has a service travel time of 3.99 minutes, which is within the 6.25-minute travel time guideline.
- c. The existing paramedic service at Clinton Fire Station, Company 25, located at 9025 Woodyard Road has a service travel time of 3.99 minutes, which is within the 7.25-minute travel time guideline.

The above findings are in conformance with the *Adopted and Approved Public Safety Master Plan 1990* and the *Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities*. The proposed subdivision will be within the adequate coverage area of the nearest existing fire/rescue facilities for fire engine, ambulance, and paramedic services.

- 11. **Police Facilities**—The proposed development is within the service area for Police District V—Clinton. In accordance with Section 24-122.1(c) of the Subdivision Regulations of Prince George's County, the existing county police facilities will be adequate to serve the proposed Matthew's Landing 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 6/30/2002, 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. This police facility will adequately serve the population generated by the proposed subdivision.

- 12. **Health Department**—The Health Department has identified an abandoned shallow well on the property and notes that the well must be properly abandoned prior to final plat. In addition, a significant amount of trash and other debris has been illegally dumped on the property and must be removed and properly discarded.
- 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, # 27274-2002-00, 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. Access to Parcel 21, the subject property, is currently via an existing access easement that is known as Clendennin Drive that extends northwest from Woodyard Road, crossing one property to the southeast and the subject property along the south property line. Clendennin Drive also serves several properties to the northwest of the site. In order to subdivide this property, direct vehicle access to a dedicated public street must be provided. The applicant has negotiated with the property owner of Parcel 227 to the southeast for the dedication of 10,390 square feet to the Department of Public Works and Transportation (DPW&T) for use as a 45-foot-wide public street. The applicant has proposed to construct the public street (26-foot-wide paving) extending from Woodyard Road to the southeast corner of the site once it is conveyed to DPW&T. This



dedication will provide direct vehicular access to a dedicated public street for Parcel 21. Dedication of a 50-foot-wide public street will be provided along the south property line of Parcel 21.

The dedication of land to DPW&T from Parcel 227 to the southeast is a legal conveyance of land, pursuant to Section 24-107(c)(5). This section of the Subdivision Regulations provides for the dedication of land to a governmental agency for a public use. As part of this street network, the applicant has proposed to dedicate and construct the extension of Clendennin Drive along the entire south property line of Parcel 21, terminating at the abutting property line with Parcel 192 to the southwest.

Currently the existing access easement is an unimproved "street" that has been graded for convenience, not appropriate drainage. Clendennin Drive will be improved and constructed by the applicant, from Woodyard Road to the property line abutting Parcel 192 to the northwest, in conformance with county standards and will include curb and gutter and appropriate stormdrain systems.

Based on citizen input, site inspections were conducted by staff, the Department of Environmental Resources (DER), and the Department of Public Works and Transportation to evaluate this area and indications that it is prone to flooding. To the northwest of the site is 100-year floodplain that has affected current homeowners in the area during wet seasons. The flooding is an existing situation related to the unimproved nature of the area and the proximity to the floodplain. Through the review of this preliminary plan, representatives of DER and DPW&T have taken into careful consideration the existing situation and have made recommendations that will not exacerbate this situation and, in fact, should improve the flooding problems in the area. The applicant's proposed improvements to Clendennin Drive and the site would assist in the redirection of the existing drainage course. In lieu of the existing sheet flow of runoff from properties to the south across Clendennin Drive and across this property onto adjoining properties, grading and stormdrains are proposed that will channel the flow and manage it into the 100-year floodplain area to the northwest.

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 Lowe, seconded by Commissioner Harley, with Commissioners Lowe, Harley, and Hewlett voting in favor of the motion, Commissioner Vaughns opposing and with Commissioner Eley absent at its regular meeting held on Thursday, July 31, 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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