

R E S O L U T I O N

WHEREAS, Henson Valley Enterprises is the owner of a 48.10-acre parcel of land known as Tax Map 106, Grid B-1, said property being in the 12th Election District of Prince George's County, Maryland, and being zoned R-R; and

WHEREAS, on March 25, 2003, PDC Land Development, L.L.C. filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 64 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-03019 for Henson Valley Cluster 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 September 11, 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 September 11, 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/21/03), and further APPROVED Preliminary Plan of Subdivision 4-03019, Henson Valley Cluster, including a variation from Section 24-130 of the Subdivision Regulations for Lots 1-64 and Parcels A-H and L with the following conditions:

1. Prior to signature approval of the preliminary plan:
 - a. The plan shall be revised to show Henson Valley Way as a primary residential street with a 60-foot-wide right-of-way, from the site entrance to and including the stub street into the Board of Education property.
 - b. A stormwater management concept plan shall be approved by the Department of Environmental Resources. The approval date and number shall be added to the plan.
2. A detailed site plan shall be approved prior to approval of the final plat.
3. At the time of detailed site plan review, the following shall be provided:
 - a. Appropriate landscaping shall be provided along the Pepco Power lines. The area between Lots 22 and 26 and the power lines shall be landscaped with tall, fast growing

shade and evergreen trees to buffer the front yards of those lots from the power lines.

- b. All corner lots shall have adequate lot frontages that will allow equal building setbacks on each street while keeping a private and usable rear yard.
 - c. Adequate yard areas shall be provided on lots with required bufferyards.
4. At the time of final plat, the applicant, his heirs, successors, and/or assignees shall pay a fee-in-lieu of mandatory park dedication.
5. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall 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 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."
6. Prior to signature approval of the Preliminary Plan of Subdivision, the Preliminary Plan and Type I Tree Conservation Plan shall be revised to remove grading in the expanded stream buffer where no variation request has been approved.
7. Prior to the issuance of any permits which impact jurisdictional wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
8. 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/13/03), 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."
9. Prior to signature approval of the Preliminary Plan of Subdivision 4-03019, the Type II Tree Conservation Plan, TCPII/95/03, shall be revised to eliminate the area transferred to TCPI/13/03.
10. Prior to signature approval of the Preliminary Plan of Subdivision, the Type I Tree Conservation Plan, TCPI/21/03, shall be revised to:
 - a. Revise the floodplain area in the worksheet.
 - b. Revise the area of previously dedicated land in the worksheet.

- c. Revise the woodland conservation threshold in the worksheet (line b.).
 - d. Revise line d. in the worksheet to reflect the correct woodland conservation threshold.
 - e. Revise the grading on the plan to avoid all disturbance to the stream buffer not approved by the variation request.
 - f. Revise lines e. and m. of the worksheet as needed.
 - g. Revise the area of woodland conservation provided on the plan and in the worksheet.
 - h. Revise the total area of woodland conservation provided in the worksheet.
 - i. Revise the area of woodland on the net tract not cleared in the worksheet.
 - j. Revise the area of woodland retained not part of any requirements on the worksheet.
 - k. Have the revised plan signed and dated by the qualified professional who prepared the plan.
11. The land to be conveyed to a homeowners association shall be subject to the following:
- a. A copy of an unrecorded, special warranty deed for the property to be conveyed shall be submitted to the Subdivision Review Section of the Development Review Division (DRD), Upper Marlboro, along with the final plat.
 - b. All waste matter of any kind shall be removed from the property prior to conveyance, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section, or the entire project.
 - c. The land to be conveyed shall not be filled or disturbed in any way without prior written consent of the DRD.
 - d. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to a homeowners association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by DRD prior to the issuance of grading or building permits.
 - e. Temporary or permanent use of land to be conveyed to a homeowners association for stormwater management shall be approved by DRD.
 - f. Stormdrain outfalls shall be designed to avoid adverse impacts on adjacent land owned by, or to be conveyed to The Maryland-National Capital Park and Planning Commission (M-NCPPC). If the outfalls require drainage improvements on land to be conveyed to or owned by M-NCPPC, the Department of Parks and Recreation (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.

- g. There shall be no disturbance of any adjacent land that is owned by, or to be conveyed to M-NCPPC, without the review and approval of DPR.
- h. The Planning Board or its designee, shall be satisfied that there are adequate provisions to assure retention and future maintenance of the property to be conveyed.

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 northwest end of Webster Lane, approximately 2,000 feet west of its intersection with Allentown Road.
- 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)	Undeveloped	Single-family detached homes
Acreage	48.1	48.1
Lots	0	61
Parcels	5	9
Detached Dwelling Units	0	64

4. **Cluster Development Data as proposed by Applicant**

Zone	R-R
Gross Tract Area	48.1 acres
Area with Slopes Greater than 25%	1.45 acres
Area within Preliminary 100-year Floodplain	2.10 acres
Area of PEPCO Right-of-Way	3.33 acres
Cluster Net Tract Area	41.22 acres
Minimum Lot Size Permitted	10,000 sq.ft.
Minimum Lot Size Proposed	10,000 sq.ft.
Number of Lots Permitted	82
Number of Lots Proposed	61

Flag lots proposed	0
Cluster Open Space Required	12.83 acres
2/3 of Required Open Space to be Located Outside of the 100-Year Floodplain and Stormwater Management Facilities	8.5 acres
Cluster Open Space Proposed Outside of the 100-Year Floodplain and Stormwater Management Facilities	14.79 acres
Cluster Open Space Provided	19.75 acres
Mandatory Dedication Required	2.4 acres
Mandatory Dedication Proposed	Fee-in-lieu
Total Open Space Required (Cluster plus Mandatory Dedication)	15.23 acres
Total Open Space Provided	19.75 acres
Open Space to be Conveyed to Homeowners Association	19.75 acres
Open Space to be Conveyed to M-NCPPC	0 acres
Open Space to be Conveyed to Prince George's County	0 acres
Slopes Exceeding 25% in grade	1.45 acres
25% of Steep Slopes	0.36 acres
Area of Steep Slopes to be Disturbed	0.32 acres
Area of Nontidal Wetlands and Waters of the U.S.	0 acres

Modification in Dimensional Standards Permitted in Cluster		Standard in Zone	Modification Allowed Proposed	
27-442(c)	Net Lot Coverage	25%	30%	30%
27-442(d)	Lot Width at Bldg. Line	100'	75'	75'
	Lot Frontage Along Street Line	70'	50'	50'
	Lot Frontage Along Cul-de-sac	60'	50'	50'

5. **Cluster Findings**—Section 24-137(a) sets forth the purposes of the cluster regulations. Cluster development is an optional approach and, as stated in Section 24-137(d), use of the cluster

technique, which allows modification of development regulations, “should not be construed to be authorized as a matter of right.” Pursuant to Section 24-134(a), cluster subdivisions must, among other purposes:

- **Result in improved living environments**
- **Promote more economic subdivision layout**
- **Encourage a variety of designs and dwellings**
- **Encourage ingenuity and originality in total subdivision layout and individual site and building design**
- **Encourage compatibility with historic resources**
- **Preserve open space to serve recreational, scenic and public service purposes**

To make the determination that a cluster satisfies these purposes, staff requires applicants for cluster subdivisions to submit a conventional layout. By examining both cluster and conventional layouts, staff can determine if the cluster technique provides a subdivision with “improved living environments.” The applicant’s original cluster submission was not superior to the conventional plan. However, the applicant has agreed to modifications to the plan that will make it superior.

There were three major concerns regarding the original proposal:

1. The Type I Tree Conservation Plan deficiencies.
2. The internal circulation.
3. The appropriateness of using Cluster techniques on this property.

The original Tree Conservation Plan showed tree save areas within easements set aside for other purposes; not only is this not in accordance with the existing ordinance, it also created errors in the calculations. In summary, the revisions have addressed the original concerns. The Type I Tree Conservation Plan now includes correct calculations and excludes all land in easements from those calculations. (See Finding 6 for a full discussion on the Tree Conservation Plan.)

The proposed cul-de-sac is more than 2,500 feet long. The applicant originally showed this as a secondary residential street (50-foot-wide right-of-way) with only one means of access. Now, the plan shows a stub street into the adjoining site and the applicant has agreed to make part of this cul-de-sac a primary residential street with a 60-foot-wide right-of-way. This modification will ensure open travel lanes even if there is parking on both sides of the street. It also enhances safety by allowing ease of movement for emergency vehicles.

Finally, the original proposal was not significantly superior to conventional subdivision. While the stream was preserved, it was locked away from most of the neighborhood behind lots. Because this stream would be required to be saved even using conventional design, some additional benefit must be realized to justify use of the cluster technique. The applicant’s revised plans have reduced the total number of lots from 67 to 61 and opened up views into the preserved stream area. The new “window” is located near the main road crossing. At this location, the

stream becomes a focal point in the community, rather than a hidden treasure. While the new layout still will require some revision to accommodate landscaping setback requirements, these revisions will be minor in nature and can be addressed at the Detailed Site Plan stage.

Given these changes, the plan is now not only acceptable, but represents a development pattern that is superior to that which could have been achieved under conventional development. Large areas of open space are provided that will be visually accessible to the residents of the subdivision. Minor conditions are necessary to both the tree conservation plan and the preliminary plan; these changes will need to be made prior to signature approval of the preliminary plan.

The new design for the proposed cluster subdivision satisfies the purposes and criteria for approval of cluster developments in the R-R Zone found in Subtitles 27-Zoning and 24-Subdivision of the Prince George's County Code. The following findings are required in accordance with Section 24-137 of the subdivision regulations:

- a. **Individual lots, streets, buildings and parking areas will be designed and situated in conformance with the provisions for woodland conservation and tree preservation set forth in Subtitle 25 of the Prince George's County Code, and in order to minimize alteration of the historic resources or natural site features to be preserved.**

Comment: As will be discussed at length in the Environmental Issues finding of this resolution, the plan is now in conformance with the woodland conservation and tree preservation provisions of Subtitle 25.

- b. **Cluster open space intended for a recreational or public use, conservation purposes, or as a buffer for a historic resource is appropriate, given its size, shape, topography and location, and is suitable for the particular purposes it is to serve on the site.**

Comment: There is a stream that runs through the northwest portion of the property, and the applicant proposes saving this stream and associated buffers. One exception is for a street crossing. While this stream and buffer would be required to be preserved under a conventional subdivision plan, the applicant has revised the plan to open views into this preserved area. This creates an atmosphere of open spaces and vistas that is superior to conventional development for this property.

- c. **Cluster open space will include irreplaceable natural features located on the tract (such as, but not limited to, stream beds, significant stands of trees, steep slopes, individual trees of significant size, and rock outcroppings).**

Comment: Proposed cluster open space fulfills this requirement. The streambed is preserved.

- d. **Cluster open space intended for recreational or public use will be easily accessible to pedestrians; and the means of access will meet the needs of the physically**

handicapped and elderly.

Comment: None of the cluster open space is proposed for recreational or public use.

- e. **Cluster open space intended for scenic value will achieve this purpose through the retention of irreplaceable natural features described above; or where such natural features do not exist, such techniques as berms planted with trees and the use of landscaping material may be required to eliminate visual monotony of the landscape.**

Comment: Much of the open space around the stream is preserved, as well as most of the buffer.

- f. **Diversity and originality of lot layout and individual building design, orientation, and location will achieve the best possible relationship between development and the land.**

Comment: There is originality of lot layout on this preliminary plan. As modified, the proposal includes lots of varying sizes, with varying views. While some lots back to each other, as typically found in conventional subdivisions, other lots back to open space. There are also large views into this open space from both lots and streets.

- g. **Individual lots, buildings, parking areas, and streets will be arranged, designed, situated, and oriented so as to harmoniously relate to surrounding properties, to improve the view from dwellings, and to lessen the area devoted to motor vehicle access and circulation.**

Comment: To make this determination, staff requires applicants for cluster subdivisions to submit a conventional layout. By examining both cluster and conventional layouts, staff can determine if the cluster subdivision satisfies the purposes of Section 24-137(a) of the Subdivision Regulations. Cluster subdivisions are intended to provide a subdivision with “improved living environments.” While the original cluster layout was not superior to the applicant’s conventional layout, the applicant has provided additional windows into the open space, bringing it into the subdivision. The current 61 lots, orients homes and lots to take advantage of the views of into the open space and blend harmoniously with the surrounding properties.

- h. **Individual lots, buildings, parking areas, and streets will be so situated and oriented as to avoid the adverse effects of shadows, noise, and traffic on, and afford privacy to, the residents of this site.**

Comment: The applicant has revised the plan to include a 60-foot-wide right-of-way for the main road through the property. In addition, there is now a connection to the Board of Education (BOE) property to the west. This will ensure that impacts of traffic on the homes will be minimized.

- i. **Not more than one-fourth (1/4) of any of the land having slopes greater than twenty five percent (25%) will be removed or altered, and then only when the slopes are isolated, small, or otherwise occur as insignificant knolls, so that the design of the development or cluster open space will not be adversely affected.**

Comment: The proposal meets this requirement. Less than 25 percent of the steep slopes on the site will be disturbed.

- j. **Appropriate landscape screening techniques will be employed at each entrance to the subdivision and along adjoining existing streets, so as to assure the compatibility of the appearance of the cluster subdivision with that of surrounding existing and planned residential development not approved for cluster development, and to provide an attractive appearance from streets. Individual lots shall also be appropriately landscaped in such a manner as to provide an attractive appearance.**

Comment: While this is a site plan issue, no entrance feature has been proposed by the applicant. Landscaping of individual lots would be addressed at the site plan stage.

- 6. **Environmental Issues**— The Environmental Planning Section has reviewed the revised Preliminary Plan of Subdivision for the Henson Valley Cluster, 4-03019, a revised Forest Stand Delineation and the revised Type I Tree Conservation Plan, TCPI/21/03, accepted for processing on September 9, 2003. Except for the PEPCO right-of-way, the entire site is wooded and contains some areas of severe slopes. There are wetlands, streams and 100-year floodplain on the property are associated with Henson Creek in the Potomac River watershed. The *Subregion VII Master Plan* indicates that there is an area designated as Natural Reserve on the site. No designated scenic or historic roads are affected by this proposal. There are no nearby sources of traffic-generated noise. The proposed use is not expected to be a noise generator. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program publication 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. According to the *Prince George's County Soils Survey* the principal soils on this site are in the Aura, Beltsville, Bibb, Croom and Sassafras soils series. According to available information, Marlboro clays are not found to occur in the vicinity of this property. This property is located in the Developing Tier as reflected in the adopted *General Plan*.

Streams, Wetlands and Buffers

This site contains natural features that are required to be protected under Section 24-130 of the Subdivision Regulations. The *Subregion VII Master Plan* indicates that there are substantial areas designated as Natural Reserve on the site. For the purposes of this review, these areas include all of the expanded stream buffer and any isolated sensitive environmental features.

A wetland study and an approved 100-year floodplain study were submitted. The wetlands study indicates that waters of the United States, but no wetlands, occur on the subject property. Areas

with severe slopes and steep slopes containing highly erodible soils are now correctly shown. The expanded stream buffer is now correctly shown.

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 do not relate directly to public health, safety or welfare. Impacts for essential development features require variations to the Subdivision Regulations.

The property is bisected by a major stream and areas of steep and severe slopes adjacent to the stream increases the total area of sensitive environmental features. One variation request was submitted with this application. The plan proposes impacts to stream buffers in two locations. Impacts to 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 request, dated March 4, 2003, is for impacts to 18,667 square feet of the required stream buffer for the construction of Henson Valley Way. 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.**
- 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.**
- C. The variation does not constitute a violation of any other applicable law,**

ordinance, or regulation.

- 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.**

The single stream crossing is required to provide access to the majority of the site. The impacts will be further reviewed in detail as part of the Detailed Site Plan to ensure minimization of impacts. The proposal is not a violation of any other applicable law, ordinance or regulation because state and federal permits are required prior to construction. Denial of the variation request would result in a particular hardship to the owner of the property because the majority of the property would be unbuildable.

No other variation requests were submitted; however, the plan proposes disturbance to the expanded stream buffer near the cul-de-sac of Yellow Maize Court. The plans must be revised to eliminate all impact to the expanded stream buffer that have not been requested by a submitted variation request.

Woodland Conservation

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 Forest Stand Delineation, dated September 4, 2003, showing 12 sample areas, two (8) forest stands and 45 specimens trees has been reviewed and was found to meet the requirements of the Woodland Conservation Ordinance.

The Type I Tree Conservation Plan, TCPI/23/03, has been reviewed. The plan correctly avoids placing woodland conservation areas on lots and provides for all of the required woodland conservation on-site; however, the plan has several technical errors that need to be corrected.

The worksheet incorrectly shows 2.28 acres of floodplain; however, all other plans indicate 2.10 acres of floodplain. The worksheet incorrectly deducts 4.08 acres of previously dedicated land; because, the land is in easements and has not been dedicated. The woodland conservation threshold for this property is 9.20 acres and not 8.35 acres. The total woodland conservation required for the proposal as shown is 16.09 acres and not 15.24 acres. As noted above, the plan will need to be changed to reduce grading. This will result in a lowering of the total woodland conservation required and preserve additional woodland on-site. The area of additional woodland preserved in addition to the 1.51 acres of reforestation should result in meeting the requirement that all woodland conservation is being provided on-site.

Finally, a portion of this subdivision is part of previously approved Tree Conservation Plans,

TCPI/39/96 and TCPII/95/03. The Planning Board approval of the Type I Tree Conservation Plan, TCPI/13/03, with the property that is the subject of the current application can also serve as a revision to TCPI/39/96; however, the Type II Tree Conservation Plan will require revision through the TCPII revision process performed by the Environmental Planning Section.

Soils

According to the Prince George's County Soils Survey the principal soils on this site are in the Aura, Beltsville, Bibb, Croom and Sassafras soils series. Aura soils are in the B-hydric series and are highly erodible. Beltsville soils are in the C-hydric group, are highly erodible and may be subject to a perched water table and impeded drainage. Bibb soils are associated with floodplains. Croom soils are in the C-hydric soils series and are highly erodible. Sassafras soils are in the B-hydric series and pose no special problems for development. A soils report may be required by the Prince George's County Department of Environmental Resources during the permit process review.

Water and Sewer Categories

The property is in Water Category W-4 and Sewer Category S-4; proposed homes would be served by public systems.

7. **Community Planning**—The property is in Planning Area 76B/Camp Springs. The 2002 General Plan places this property in the Developing Tier. The 1981 *Master Plan for Subregion VII* recommends residential land use at the Low-Suburban density of up to 2.6 dwelling units per acre. A large percentage of the property is designated as a Conditional Reserve Area. Henson Creek borders the property to the north, with an extension of its tributary and the associated floodplain

that run from the north to the east of the property. A PEPCO power line easement bisects the property from the southwest to the northeast. The 1984 Subregion VII SMA classified the entire property in the R-R Zone.

The submitted preliminary subdivision application is located in the Developing Tier as defined by the 2002 General Plan. "The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial Centers, and employment areas that are increasingly transit serviceable." One of the challenges cited for future development in the Developing Tier is "to direct growth in order to encourage design of new communities and neighborhoods, and existing communities to be more land efficient, more environmentally sensitive, and more transit supporting than conventional subdivisions." The broad goals and policies of the new General Plan that encourage revised development patterns need to be implemented primarily through revisions to the land use regulations, area master plans and sector plans, and through other public initiatives. In the interim, this preliminary subdivision application in the Developing Tier, prepared in accordance with existing regulations, is not inconsistent with General Plan policies.

This preliminary subdivision application in the Developing Tier, if prepared in accordance with existing regulations, would not be inconsistent with the 2002 General Plan policies. However, for reasons stated elsewhere in this report, the proposal is not in accordance with existing regulations.

The proposed residential subdivision, located in the Allentown Community, is consistent with the land use policy of the 1981 *Master Plan for Subregion VII*. However, pedestrian connections are not shown consistent with guideline 13 on page 123 of the Circulation and Transportation chapter of the master plan.

8. **Parks and Recreation**—The site is subject to the requirements of Section 24-134 of the Subdivision Regulations for mandatory park dedication. However, the size and location of land available for dedication is unsuitable for park purposes. Therefore, staff recommends a fee-in-lieu of park dedication be required.

In addition, the property is adjacent to the Henson Valley Stream Valley Park to the north. The preliminary plan shows a sanitary sewer connection on park property and a storm drain outfall on or near park property. If this application is approved, conditions are necessary to ensure minimal impact to park property.

9. **Trails**—There are no master plan trails issues. However, a standard sidewalk is recommended along both sides of Road “A” to safely accommodate pedestrians, per the concurrence of DPW&T.

10. **Transportation**—The subject property is located within the Developing Tier as defined in the *General Plan for Prince George’s County*. The proposed application proposes a development consisting of 64 residential lots and 9 parcels. The proposed development would generate 51 AM and 61 PM peak hour trips as determined using *Guidelines for the Analysis of the Traffic Impact of Development Proposals*.

The traffic generated by the proposed plan would impact the unsignalized intersections of Cherryfield Road/Roberts Drive with Brinkley Road and Allentown with Payne Drive, and the signalized intersection of Brinkley Road with Temple Hill Road. The Prince George’s County Planning Board, in the guidelines, states that vehicle delay not exceeding 50 seconds for any movement at unsignalized intersections will be considered as an acceptable operating condition. For the signalized intersections, the operating conditions are defined in terms of the calculated Critical Lane Volume (CLV), and an intersection will be considered as operating adequately (Level-of-Service D or better for the Developing Tier) if CLV does not exceed 1,450.

The Intersection of Brinkley Road with Temple Hill Road is programmed for improvement with 100 percent construction funding within the next six years in the current and approved Prince George's County Capital Improvement Program (CIP).

Under the total future traffic (including the existing, background and site-generated) as developed using the guidelines, the intersection of Cherryfield Road/Roberts Drive with Brinkley Road,

when analyzed using the procedure for unsignalized intersections, would operate with an average delay of 33 seconds. The unsignalized intersection of Allentown Road and Payne Drive would operate with an average delay of 138 seconds in AM and 525 seconds in PM mainly for the minor street traffic. Typically staff would recommend a traffic signal warrant study when the reported average delay is greater than 50 seconds. However, based on further review of the projected traffic volumes for the minor street (Payne Drive), staff agrees with the traffic study conclusion that a full traffic signal warrant study is not needed. Finally, the signalized intersection of Brinkley Road and Temple Hill Road with the existing lane configurations would operate at LOS D (CLV = 1,436) and LOS E (CLV = 1,546) during the AM and PM peak hours, respectively. But, with the funded improvements as stated in the CIP, the intersection would be operating at acceptable level of service D (CLV= 1,334) and LOS D (CLV= 1,329) during the AM and PM peak hour, respectively.

With regard to access, the submitted plan proposes to extend Henson Valley Drive (a planned, primary residential street with 36-foot-wide pavement) as a very long cul-de-sac with only 26-foot-wide pavement. Per PGCPB No. 02-243, Henson Valley Drive is to provide access for an additional 26 lots in the Noah Glen subdivision. This would mean a total of 93 homes would use this roadway. According to the Neighborhood Traffic Management Program, which is operated by DPW&T, maximum desirable daily traffic volume for a secondary residential street (a street with 26-foot-wide pavement) is 600. Since the average single-family residence generates 9 vehicle trips per day, a secondary residential street should serve a maximum of 67 single-family detached units. In order to ensure that Henson Valley Drive is able to handle the projected traffic and to ensure that both ends of Henson Valley Drive eventually are connected, staff believes either the number of proposed lots be reduced to 41 or this roadway needs to be constructed as a primary residential street with 36-foot-wide pavement that extends to the edge of the Board of Education property in the vicinity of the proposed Lot 47.

11. **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*.

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 6	Middle School Cluster 3	High School Cluster 3
Dwelling Units	67 sfd	67 sfd	67 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	16.08	4.02	8.04
Actual Enrollment	4,651	4,598	8,393
Completion Enrollment	82	66	132

Wait Enrollment	39	15	29
Cumulative Enrollment	30.48	13.98	27.96
Total Enrollment	4,818.56	4,697	8,590
State Rated Capacity	4492	5114	7752
Percent Capacity	107.27%	91.85%	110.81%
Funded School	N/a	N/a	Surrattsville addn.

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

County Council bill CB-31-2003 establishes a school facilities surcharge in the amounts of: \$7,000 per dwelling if a building is located between interstate highway 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 may be used for the construction of additional school facilities, which are expected to accommodate the new students that will be generated by this development proposal.

Staff finds that this project meets the adequate public facilities policies of Section 24-122.02, CB-30-2003 and CB-31-2003.

12. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of public fire and rescue facilities.
- a. The existing fire engine service at Allentown Road Fire Station, Company 32, located at 8709 Allentown Road, has a service travel time of 5.25 minutes, which is within the 5.25-minute travel time guideline for Lots 1-8 and 58-66. All other lots are beyond.
 - b. The existing ambulance service at Allentown Road Fire Station, Company 32, has a service travel time of 5.91 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 9.94 minutes, which is beyond the 7.25-minute travel time guideline. The nearest fire station, Allentown Road Company 32, is 5.91 minutes from the development. This facility would be within the recommended travel time for paramedic service.

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, an automatic fire suppression system should be provided in all new buildings proposed in this subdivision, unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate. Since this is a matter of law for residential structures in Prince George's County, no condition is required.

13. **Police Facilities**—The proposed development is within the service area for Police District IV-Oxon Hill. In accordance with Section 24-122.1(c) of the Subdivision Regulations, existing county police facilities will be adequate to serve the proposed Henson Valley Cluster 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. This police facility will adequately serve the population generated by the proposed subdivision.

14. **Health Department**—The Health Department noted that the property was in Water and Sewer Category 5. The applicant received a change to Category 4. Therefore, the preliminary plan may move forward.

15. **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 not yet been approved. To ensure that development of this site does not result in on-site or downstream flooding, a Stormwater Management Concept Plan must be approved prior to approval of the preliminary plan.

Stormwater Management Concept Plan #38262-2002-00 is listed on the plans; however, no copy of the approval letter was in the review package. The plan shows only one proposed stormwater management pond; however, there are clearly several drainage divides on-site. A copy of the approved CSD plan is needed to review the lotting pattern. The location and number of stormwater management ponds on-site is critical to the overall design of the subdivision. Section 24-130(b)(3) requires an approved storm drainage and stormwater management concept plan prior to the approval of a preliminary plan. The Environmental Planning Section recommends that the Planning Board require submission of the approved concept plan during the review of this application to allow full evaluation of the design of the subdivision.

16. **Cemeteries**^{3/4} The applicant's engineer has certified that no cemeteries have been found on the site.
17. **Public Utility Easement**—The preliminary plan includes the required 10-foot-wide public utility easement. This easement will also be shown on the final plat.

18. **Design Issues**¾ A PEPCO pole easement runs through the middle of the subject property. The property is subject to Section 4.7 Buffering Incompatible Uses. The PEPCO easement is defined as a medium impact use by the *Landscape Manual*. A Type C (30-foot-wide) bufferyard is required on both sides of the PEPCO easement on the proposed development for the single-family lots. The revised preliminary plan still shows several lots that will be affected by the bufferyard. These lots include 27, 30 and 38. The staff is especially concerned with Lots 27 and 38 because of the small lot size. If the Type C bufferyard is applied and provided on individual lots, the two lots will not have sufficient usable rear yard. If the bufferyard is provided on the HOA land, the above two lots will not be viable.

In addition, Lots 22 through 26 will have the power lines as the view from their front yards. This situation should be avoided. Given the strict standards for cluster design, these lots will need to be examined further at the time of detailed site plan.

Corner lots such as Lots 19, 38 and 45 should have a wider lot frontage that will allow equal building setbacks on each street while keeping a private and usable rear yard.

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 Harley, with Commissioners Lowe, Harley, Eley, Vaughns and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, September 11, 2003, in Upper Marlboro, Maryland.

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

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:JD:rmk