

R E S O L U T I O N

WHEREAS, Alexander Matthews is the owner of a 15.38-acre parcel of land known as Lots 1-7, [VJ158@31](#), Tax Map 135, Grid E-3, said property being in the 11th Election District of Prince George's County, Maryland, and being zoned R-E; and

WHEREAS, on March 26, 2003, Alexander Matthews filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 12 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-03023 for Drula Estates 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/55/02), and the Variation Requests to Section 24-130 of the Subdivision Regulations and further APPROVED Preliminary Plan of Subdivision 4-03023, Drula Estates for Lots 1-12 with the following conditions:

1. Prior to signature approval of the preliminary plan:
 - a. The TCPI shall be revised to provide the standard Environmental Planning Section approval block.
 - b. The Stormwater Management Concept Plan shall be approved. The approval number and date shall be added to the preliminary plan.
2. At time of final plat, the conservation area that includes the expanded stream buffer per Section 24-130(b)(6), except for approved impacts, shall be described by bearings and distances and shall be placed in a conservation easement. 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 is prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.”
3. Prior to the issuance of any permits which impact wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall submit to the M-NCPPC Planning Department copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
 4. At the time of application for permits for the installation of utilities affecting Lot 11, Drula Estates, an approved TCPII or Letter of Exemption from Woodland Conservation shall be obtained from the Environmental Planning Section.
 5. Prior to the issuance of permits for the installation of utility connections affecting the conservation easement on Lot 11, Drula Estates, written consent shall be obtained from the M-NCPPC Planning Director or her designee.
 6. No building permits shall be issued for this subdivision until the percent capacity, as adjusted pursuant to the School Regulations, at all the affected school clusters are less than or equal to 105 percent or 6 years have elapsed since the time of the approval of the preliminary plan of subdivision; or pursuant to the terms of an executed school facilities agreement whereby the subdivision applicant, to avoid a waiting period, agrees with the County Executive and County Council to construct or secure funding for construction of all or part of a school to advance capacity.
 7. At the time of final plat approval, the applicant shall dedicate right-of-way along Dyson Road of 40 feet from centerline, as shown on the submitted plan.
 8. Proposed Lots 14 and 25 shall receive access via the internal street and not from Dyson Road.
 9. At the time of final plat, the applicant shall pay a fee-in-lieu of mandatory park dedication for the four lots that are smaller than one-acre in size.

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 north side of Dyson Road, approximately one-half mile east of US 301 in the Brandywine community.

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

	EXISTING	PROPOSED
Zone	R-E	R-E
Use(s)	Undeveloped lots	Single-family detached dwellings
Acreage	15.38	15.38
Lots	7	12
Detached Dwelling Units	0	12

4. **Environmental**— There is a stream with associated wetlands and 100-year floodplain running along the western side of the property. Nontidal wetlands are present. The site is partially wooded and the topography is generally flat. The soils found on this property include Croom, Iuka and Matawan. All of these soils are in hydrologic class C, which may experience development limitations with respect to impeded drainage or seasonally high water tables. 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 lot. There are no designated scenic and historic roads located adjacent to the property or in the vicinity of the property. No adverse noise impacts from transportation sources are anticipated related to this proposal due to classification of adjacent roadways. The property is located in the Piscataway Creek watershed and the Potomac River basin. Located in the Developing Tier as reflected in the adopted General Plan, there are no master plan issues identified with this site, which is located in Subregion V.

Woodland Conservation

The revised Detailed Forest Stand Delineation (FSD) submitted with this application was found to be complete and address the requirements of the Woodland Conservation/Tree Preservation Technical Manual. This property is subject to the provisions of the Prince George’s County Woodland Conservation Ordinance because the property is greater than 40,000 square feet gross tract area, there are more than 10,000 square feet of existing woodland, and more than 5,000 square feet of woodland clearing is proposed. A Type I Tree Conservation Plan (TCPI/55/02) was submitted concurrent with the preliminary plan application.

The revised Tree Conservation Plan (TCPI/55/02) stamped as received on April 30, 2003, has been reviewed. The minimum requirement for this site according to the submitted plan is based on 2.27 acres of existing woodlands plus an additional 1.36 acres due to removal of 0.24 acre of woodland and the afforestation threshold, for a total minimum requirement of 3.63 acres.

The TCPI proposes to meet the requirement with 1.47 acres of on-site preservation, 1.60 acres of woodland replacement and 0.56 acre of on-site afforestation. On-site afforestation and replacement is proposed to occur within the 100-year floodplain and the expanded stream buffer, which is a priority location for woodland conservation. The conceptual location of houses and conceptual grading has been provided. The only deficiency is the lack of a TCP approval block. This block must be added prior to signature approval of the preliminary plan.

The TCPI includes the impacts to provide utility connections across Lot 11, Drula Estates, which is not part of the current application. The provision of this connection will require the clearing of approximately 3,000 square feet of trees, and the disturbance of approximately 3,000 square feet of a platted "100-year floodplain and conservation easement." If the area of clearing does not exceed 5,000 square feet, the woodland clearing on Lot 11, Drula Estates, would be eligible for a Letter of Exemption from Woodland Conservation.

The proposed utility connection affecting Lot 11, Drula Estates, impacts a platted conservation easement. In accordance with Plat Note 4 (VJ 158 @ 81):

"Conservation areas are described by limits as shown on this plat and preclude any disturbance to plant materials greater than two inches in caliper or installation of any structure within said area without prior written consent from the M-NCPPC Planning Director or her designee. The removal of any dead material (i.e. branches, limbs, trunks) is allowed without the prior written consent from the M-NCPPC"

Floodplain, Wetlands, Streams and Buffers

The previous plat for the subject property includes a 100-year floodplain and conservation easement. The site contains significant natural features, which are required to be protected under Section 24-129 and/or 130 of the Subdivision Regulations. The preliminary plan provides a delineation of an "expanded stream buffer," which provides for the protection of the sensitive environmental features on the site, and is proposed as a revision to the existing conservation easement when a new plat is recorded. This easement should appear on the record plat with an appropriate note.

The Subdivision Regulations mandate that the "expanded stream buffer" be preserved unless the Planning Board approves a variation request. The preliminary plan proposes to eliminate isolated nontidal wetlands in order to construct the roadway. A variation request was submitted which identifies the impact in accordance with Section 24-113 of the Subdivision Ordinance. A justification statement identifies one area of impact: 5,453 square feet of permanent impacts to nontidal wetland and buffers for road construction. The variation request has been reviewed by the Environmental Planning Section in accordance with the required findings of Section 24-113 of the Subdivision Ordinance.

- (1) The granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to other property.**

Comment: The grading of the isolated wetlands will not be detrimental to public safety, health, or welfare, or affect other property. The disturbance is necessary to provide a road connection to a landlocked property to the north, enhancing circulation and public safety.

- (2) **The conditions on which the variation is based are unique to the property for which the variation is sought and are not applicable generally to other properties.**

Comment: The conditions on which the variation is based are unique due to the necessity to provide a connection to a landlocked parcel to the north and the extreme flatness of the topography.

- (3) **The variation does not constitute a violation of any other applicable law, ordinance, or regulation; and**

Comment: The granting of this variation will not create a violation of any other law, ordinance, or regulation because state and/or federal permits are required. Federal and state wetland permits will be required prior to grading.

- (4) **Because of the particular physical surroundings, shape, topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out;**

Comment: If this variation were denied, the number of lots would be significantly reduced because of the requirement to provide access to an adjacent property, which has been required by the Department of Public Works and Transportation.

5. **Community Planning**—The property is in Planning Area 85A-Brandywine. The 2002 General Plan places the property in the Developing Tier. The vision for the Developing Tier is to maintain employment areas that are increasingly transit serviceable.

The 1993 Subregion V Master Plan recommends residential land use at the Suburban Estate density of up to 1.0 dwelling units per acre. The 1993 Natural Features and Environmental Facilities map indicates the site was mostly cleared in 1990. A Natural Reserve Area is indicated at the northwest corner of the tract, reflecting the floodplain and wetlands areas shown on the site plan. The 1993 Subregion V SMA classified this site in the R-E Zone. This application is not inconsistent with the 2002 General Plan Development Pattern policies for the Developing Tier. The proposed preliminary plan conforms to the recommendations of the 1993 Subregion V Master Plan for Suburban Estate residential land use. There are no master plan land use issues related to this application.

6. **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. Eight lots are exempt because they are more than one-acre in size. The fee-in-lieu should be applied to four lots only.

7. **Trails**—There are no master plan trails issues associated with this proposed subdivision.
8. **Transportation**—The subject application involves a resubdivision of Lots 5-10 and Lot 13 of Drula Estates, which is recorded as record plat 158-081. Lots 1-4 and Lots 11-12 are adjacent and are not a part of this subdivision. The 7 recorded lots are proposed to be subdivided into 12 lots, for a net of 5 lots. Staff believes that this additional development would have a minimal impact on adjacent roadways and for that reason did not request a traffic study or additional data. 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 located within the Developing Tier, as defined in the General Plan for Prince George's County. As such, the subject property is evaluated according to the following standards:

Links and signalized intersections: Level-of-Service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better.

Unsignalized intersections: The Highway Capacity Manual procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

Staff Analysis of Traffic Impacts

As noted earlier, the application is a preliminary plan of subdivision for a residential development consisting of 12 residences. The plan covers an area of seven previously recorded lots for Drula Estates on record plat 158-081. The proposed net development of five lots would generate 4 AM and 5 PM peak hour vehicle trips as determined using the *Guidelines*.

The traffic generated by the proposed preliminary plan would impact the intersection of US 301 and Dyson Road. This intersection is unsignalized. Staff has no recent counts at the critical intersection of US 301 and Dyson Road. 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. There are no significant transportation issues known to staff in the vicinity. Staff would therefore recommend that the Planning Board find that 4 AM and 5 PM peak hour trips will have a de minimus impact upon delay in the critical movements at the US 301/Dyson Road intersection.

Dyson Road is a master plan collector facility, and the plan correctly shows dedication of 40 feet from centerline along Dyson Road. Lots fronting on both Dyson Road and the internal street should receive access via the internal street.

The most significant issue for the subject property concerns US 301, which is proposed in the *Subregion V Master Plan* to be upgraded to a freeway facility, F-10, with full access controls. There are several properties to the north and west of the subject property that currently receive access via a shared driveway onto US 301. The master plan, along with an access control study for US 301 which was prepared by the State Highway Administration, recommend that access to the properties between the subject property and US 301 be redirected onto Dyson Road. With the provision of a north-south road through the subject property, access to the adjacent properties is being provided by the most direct route, and the Transportation Planning Section fully supports the current plan showing a stub street to the north within this subdivision for that purpose. It is not intended that this roadway should ever become a direct access onto US 301; it is only intended to serve as alternate access for several small properties that currently have driveway access onto US 301. A 50-foot right-of-way along this street is appropriate for this purpose.

Based on these findings, adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code if the application is approved with the conditions.

9. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of public school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and the *Adequate Public Facilities Regulations for Schools* (CR-23-2001).

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 5	Middle School Cluster 3	High School Cluster 3
Dwelling Units	12 sfd	12 sfd	12 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	2.88	0.72	1.44
Actual Enrollment	4452	4598	8393
Completion Enrollment	180	66	131
Wait Enrollment	20	15	29
Cumulative Enrollment	163.44	76.92	153.84
Total Enrollment	4818.32	4756.64	8708.28
State Rated Capacity	4175	5114	7752
Percent Capacity	115.41%	93.01%	112.34%
Funded School	N/a	N/a	Surrattsville addn.

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

These figures are correct on the day the memorandum was written. They are subject to change under the provisions of CB-40 and CR-23. Other projects that are approved prior to the public hearing on this project will cause changes to these figures. The numbers that will be used in the resolution are the ones that will apply to this project.

The affected elementary and high school clusters percent 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 may be approved subject to conditions, in accordance with Section 24-122.02, including a six-year waiting period.

10. **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 Brandywine Fire Station, Company 40, located at 14201 Brandywine Road, has a service travel time of 4.09 minutes, which is within the 5.25-minute travel time guideline.
 - b. The existing ambulance service at Brandywine Fire Station, Company 40, has a service

travel time of 4.09 minutes, which is within the 6.25-minute travel time guideline.

- c. The existing paramedic service at Brandywine Fire Station, Company 40, has a service travel time of 4.09 minutes, which is within the 7.25-minute travel time guideline.

These findings are in conformance with the *Adopted and Approved Public Safety Master Plan 1990* and the *Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities*. 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 24-122.01(c) of the Prince George's County Subdivision Regulations, existing county police facilities will be adequate to serve the proposed Drula Estates development. This police facility will adequately serve the population generated by the proposed subdivision.
- 12. **Health Department**—The Health Department reviewed the application and offered no comments.
- 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, # 35861-2002-00, has been submitted but not yet approved. To ensure that development of this site does not result in on-site or downstream flooding, this application must be approved prior to signature approval of the preliminary plan. The approval number and date should appear on the preliminary plan. Development must be in accordance with this approved plan, or any revisions thereto.
- 14. **Cemeteries**¾ The applicant's engineer has certified that there are no known cemeteries on the site.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the adoption of this Resolution.

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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 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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