

R E S O L U T I O N

WHEREAS, Clinton Acres, LLC is the owner of a 5.19-acre parcel of land known as Parcel B, Record Plat CH 191 @75 and CH 191 @76, Tax Map 134, Grid F2 and F-3 said property being in the 11th Election District of Prince George's County, Maryland, and being zoned R-R; and

WHEREAS, on April 10, 2003, Clinton Acres, L.L.C filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 3 lots, 1 parcel and 2 outparcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-03030 for Clinton Acres 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/47/97-02), and further APPROVED Preliminary Plan of Subdivision 4-03030, Clinton Acres for Lots 9, 40 and 41, Parcel B and Outlots C and D with the following conditions:

1. 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/47/97-02), 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.”
2. A Type II Tree Conservation Plan shall be approved prior to the issuance of any permits.
3. Prior to signature approval, the preliminary plans shall be revised to include typical General Notes.
4. Development shall be in conformance with the approved Stormwater Management Concept Plan, Concept # 8000830-1998-02, or any revisions thereto.

5. The applicant, his heirs, successors and/or assignees, shall construct an eight-foot-wide, master plan trail along the subject property's entire frontage of the south side of Brandywine Road relocated (shown on the preliminary plan as Floral Park Road), if road construction is required by the Department of Public Works and Transportation. This trail shall be constructed in place of a standard sidewalk on this side of the road.

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 approximately 2,000 feet south from the intersection of Earnshaw Drive and Crestwood Avenue and at the intersection of proposed collector road C-613 with MD 5 in Brandywine.
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 dwellings
Acreage	5.19	5.19
Lots	1	3
Parcels	1	1
Outlots	1	2
Detached Dwelling Units	0	3

4. **Environmental**—A review of the available information indicates that streams and wetlands and their associated buffers are found to occur on the property. The site eventually drains into Piscataway Creek in the Potomac River watershed. Adverse noise impacts from MD 5 were previously identified during the review of 4-97080, which included all of the land in this application. According to the *Prince George's County Soil Survey*, the principal soils on the site are in the Beltsville and Sassafras series. Marlboro clays are not found to occur in the vicinity of this property. The Maryland Department of Natural Resources, Natural Heritage Program publication entitled *Ecologically Significant Areas in Anne Arundel and Prince George's Counties*, December 1997, indicates that 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. This property is located in the Developing Tier as reflected in the adopted General Plan.

Woodland Conservation

A Forest Stand Delineation (FSD) was submitted with the previous application, which 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*.

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, there are more than 10,000 square feet of existing woodland on site, and there are previously approved Tree Conservation Plans. TCPI/47/01 was approved with 4-97080. TCPI/47/97-01 was approved with 4-02050. The current application proposes additional changes to the TCPI.

The currently approved TCP I balances clearing and preservation to comply with the Woodland Conservation Ordinance by providing all of the required woodland conservation as on-site preservation. The proposed revision clears additional woodland that raises the woodland conservation requirement. The additional requirement is proposed to be met by providing 0.83 acres of off-site conservation.

The layout of woodland conservation will change only in the vicinity of proposed lots 40 and 41 and will not affect any other portions of the subdivision. Additional clearing will be needed for construction on the lots. The woodland conservation areas proposed on lots 40 and 41 will serve to buffer the houses from the electric transmission right-of-way.

Wetlands and Buffers

The Subdivision Ordinance provides for the protection of streams, stream buffers, wetlands, wetland buffers, 100-year floodplain, adjacent areas of slopes in excess of 25 percent, and adjacent areas of slopes between 15 and 25 percent with highly erodible soils. The approved Preliminary Plan of Subdivision, 4-97080, shows a stream and wetlands on the site. A wetland area is shown on the approved Preliminary Plan of Subdivision, 4-97080, in the area of proposed lots 40-42, and another wetland is shown on Lot 1, Block F.

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; nonessential activities are those, such as grading for lots, parking areas, and so forth, which do not relate directly to public health, safety or welfare. Stormwater management ponds are essential, but may vary in location. Impacts for essential development features require variations to the Subdivision Regulations. A variation request to allow disturbance to wetlands for the construction of the stormwater management pond and Crestwood Avenue were approved with 4-97080. No additional disturbance is proposed with this application. The proposed development proposes disturbance to these areas in conformance with previously approved disturbance. Therefore, no additional variations are necessary.

Noise

MD 5 is a known transportation-related noise generator. During the review of Preliminary Plan of Subdivision 4-97080, a noise study was submitted and found to adequately address the impacts. That study indicated that the reading on the noise meter ranged from 62 to 64 dBA Ldn at approximately 340 feet from the centerline of MD 5. The nearest new lot line will be approximately 420 feet from the center line of MD 5.

Soils

According to the *Prince George's County Soil Survey*, the principal soils on the site are in the Beltsville and Sassafras series. Beltsville soils are in the C-hydric series, are high erodible, and are subject to perched water tables and impeded drainage. 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.

5. **Community Planning**—The property is in Planning Area 85A, Brandywine. The 2002 General Plan places this property at a Corridor Node in the Developing Tier (MD 5 and proposed Brandywine Road Relocated). The vision for Corridors is mixed residential and nonresidential uses at moderate to high densities and intensities, with a strong emphasis on transit-oriented development. The 1993 Subregion V Master Plan recommends residential land use at the Low-Suburban density of up to 2.6 dwelling units per acre. The 1993 Subregion V SMA classified this property in the R-R Zone.

The 2002 General Plan identifies “seven Corridors where more intensive development and redevelopment should be encouraged...” The plan promotes development and redevelopment of higher intensity residential and nonresidential mixed uses at appropriate locations along key transportation routes. This development should occur at local centers and other appropriate nodes within one-quarter mile of major intersections or major transit stops along the corridor, in concert with planned investments in public infrastructure.

Developing Tier Corridors: Generally contain less intense residential and nonresidential land uses than in the Developed Tier Corridors and with a mix of uses that are more community-oriented in scope. This development should occur at designated Corridor nodes and be planned as transit-oriented development.” (Plan text, p. 42).

The subject property is located in the Developing Tier within one-quarter mile of a proposed new interchange at MD 5 and proposed Brandywine Road Relocated (C-613). The General Plan designates this interchange as a Node within the MD5 Corridor. This low-density, single-family residential development application in the R-R Zone is not consistent with the General Plan Corridor Node development concepts.

The General Plan text identifies policies and strategies for further defining and implementing the concepts described above, generally in context of more detailed master plan or sector plan studies and subsequent rezoning. No planning studies to further define the extent or components of this recommended Corridor Node have taken place since approval of the General Plan in October

2002. The master plan for this area is not scheduled for revision in the foreseeable future.

The proposed single-family residential preliminary subdivision in the R-R Zone is not consistent with the General Plan Corridor Node development concepts, but it does conform to the Low-Suburban residential land use recommendations of the current master plan. Given that this is simply filling in the last quadrant of the Floral Park Road/Crestwood Drive intersection and that it is in conformance with the master plan, approval will have minimal effect on the General Plan. However, the applicant should be aware that further subdivision of Parcel "B" may not be possible given the General Plan recommendations.

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. It is possible that this fee was already paid as part of the entire subdivision. If the applicant can demonstrate that prior payment included this area, no fee should be required.
7. **Trails**—The Adopted and Approved Subregion V master plan recommends a multiuse trail along the entire length of C-613 (future Brandywine Road relocated). It is anticipated that this trail will be completed at the time of road construction, either in segments as the road is completed, or for the entire length of roadway. It is recommended that this trail be constructed along the south side of Brandywine Road Relocated due to the master plan proposal for an activity center on the south side of Brandywine Road Relocated west of the subject site.
8. **Transportation**—The proposed development would generate 2 AM and 3 PM peak-hour vehicle trip as determined using *Guidelines for the Analysis of the Traffic Impact of Development Proposals*.

No traffic study was requested of the applicant, but recent traffic counts and transportation findings made in 1998 in support of the larger surrounding Clinton Acres subdivision (Preliminary Plan 4-97080), were reviewed and deemed to be appropriate for use in this application.

The traffic generated by the proposed preliminary plan would impact the intersection of MD 5 and Earnshaw Drive/Burch Hill Road. This intersection is unsignalized. The Prince George's County Planning Board, in the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*, has vehicle delay exceeding 50.0 seconds in any movement as an unacceptable operating condition at unsignalized intersections.

Under existing, background and total conditions, the intersection would operate with an average vehicle delay exceeding 999 seconds in both the eastbound and westbound movements, and in the PM peak hour, the intersection would operate with an average vehicle delay exceeding 999 seconds in both the eastbound and westbound movements.

Under total future traffic as developed using the guidelines, adding the impact of the proposed

development, the critical intersection was found to be operating with excessive delay. In response to inadequacies identified at unsignalized intersections, the Planning Board required the applicant in 4-97080 to provide a traffic signal warrant study and install the signal if it is deemed warranted by the appropriate operating agency. With such a condition, the staff believes that the critical intersection will operate acceptably in both peak hours.

The guidelines state that the Planning Board may find that the traffic impact of a very small development, defined as a development that generates five or fewer peak-hour trips, is a de-minimus or insignificant impact.

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. No transportation-related conditions are recommended at this time.

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.

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 5	Middle School Cluster 3	High School Cluster 3
Dwelling Units	3 sfd	3 sfd	3 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	0.72	0.18	0.36
Actual Enrollment	4452	4598	8393
Completion Enrollment	180	66	132
Wait Enrollment	20	15	29
Cumulative Enrollment	238.80	151.32	302.64
Total Enrollment	4891.52	4830.50	8857
State Rated Capacity	4175	5114	7752
Percent Capacity	117.16%	94.46%	114.25%
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 an 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, which are expected to accommodate the new students that will be generated by this development proposal.

The Historic Preservation and Public Facilities Planning Section staff finds that 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.

- a. The existing fire engine service at Clinton Fire Station, Company 25, located at 9025 Woodyard Road, has a service travel time of 4.89 minutes, which is within the 5.25-minute travel time guideline.
- b. The existing ambulance service at Clinton Fire Station, Company 25, has a service travel time of 4.89 minutes, which is within the 6.25-minute travel time guideline.
- c. The existing paramedic service at Clinton Fire Station, Company 25, has a service travel time of 4.89 minutes, which is within the 7.25-minute travel time guideline.

The proposed subdivision will be within the adequate coverage area of the nearest existing fire/rescue facilities for fire engine, ambulance and paramedic services. 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*.

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, the existing county police facilities will be adequate to serve the proposed Clinton Acres development. This police facility will adequately serve the population generated by the proposed subdivision. The Planning Board's current test for police adequacy is based on a standard for square footage in police stations relative to the number of sworn duty staff assigned. The standard is 115 square feet per officer. As of June 30, 2002, the county had 874 sworn staff and a total of 101,303 square feet of station space. Based on available space, there is capacity for additional 69 sworn personnel.
12. **Health Department**—The Health Department 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, # 8000830-1998-02, has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. The approval is valid through June 30, 2004. Development must be in accordance with this approved plan, or any revisions thereto.
14. **Cemeteries**¾ There were known burials near and slightly east of the southern end of the paved northern section of Crestwood Avenue. The applicant should be alert to the possibility of disturbing burials during work. Should gravesites be found, work must be stopped immediately in accordance with state regulations.
15. **Public Utility Easement**¾ The preliminary plan includes the required 10-foot-wide public utility easement adjacent and contiguous to all public rights-of-way. This easement will be included on the final plat.
16. **General Notes**—The preliminary plan contains no general notes. Prior to signature approval, all general notes should be affixed to the preliminary plan, including required notes regarding cemeteries and historic sites, as well as all notes required by Section 24-120 of the Subdivision Regulations.

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 Vaughns, with Commissioners Lowe, Vaughns, Harley and Hewlett voting in favor of the motion, 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

TMJ:FJG:JD:rmk