

R E S O L U T I O N

WHEREAS, Raphael L. and Mary E. Dement is the owner of a 5.60-acre parcel of land known as Parcel 17, Tax Map 133, Grid B-3, said property being in the 5th Election District of Prince George's County, Maryland, and being zoned R-R; and

WHEREAS, on April 21, 2003, Raphael L. and Mary E. Dement filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 7 lots and 2 outlots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-03034 for Windbrook, Littens Addition To 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 25, 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 25, 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/32/03), and further APPROVED Preliminary Plan of Subdivision 4-03034, Windbrook, Littens Addition To for Lots 1-7 and Outlots A and B with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision the plan shall be revised as follows:
  - a. To indicate that Outlot B will be retained by the applicant, and the intended use.
  - b. To label Outlot A to be conveyed to M-NCPPC.
  - c. To provide a note that the requirements of mandatory dedication of parkland are being fulfilled by the conveyance of Outlot A to M-NCPPC
  - d. To add a general note that the property is zoned R-R.
  - e. To label the minimum lot width of 80 feet on Lot 1, generally parallel to the front street line.
2. Prior to the issuance of permits a Type II Tree Conservation Plan shall be approved.

3. Development of this property shall be in accordance with the approved Stormwater Management Concept Plan, #3365-2003-00.
4. The applicant, his heirs, successors and or assignees shall provide standard sidewalks along both sides of Deka Road unless modified by the Department of Public Works and Transportation at the time of issuance of street construction permits.
5. At the time of final plat the applicant, his heirs, successors and or assignees shall dedicate to The Maryland-National Capitol Park and Planning Commission Outlot A (.99± acres). Lands to be dedicated shall be subject to the following:
  - a. An original, special warranty deed for the property to be conveyed (signed by the Assessment Supervisor, Washington Suburban Sanitary Commission) shall be submitted to the Subdivision Section of the Development Review Division, The Maryland-National Capitol Park and Planning Commission (M-NCPPC), along with the Final Plat.
  - b. M-NCPPC shall be held harmless for the cost of public improvements associated with land to be conveyed, including but not limited to sewer extensions, adjacent road improvements, drains, sidewalks, curbs and gutters, and front-foot benefit charges, prior to and subsequent to final plat.
  - c. The boundaries and acreage of land to be conveyed to M-NCPPC shall be indicated on all development plans and permits that include such property.
  - d. The land to be conveyed shall not be disturbed or filled in any way without the prior, written consent of the Department of Parks and Recreation (DPR). If the land is to be disturbed, DPR shall require that a performance bond be posted to warrant restoration, repair, or improvements made necessary or required by M-NCPPC development approval process. The bond or other suitable financial guarantee (suitability to be judged by the General Counsel's Office, M-NCPPC) shall be submitted to DPR within two weeks prior to applying for permits.
  - e. Storm drain outfalls shall be designed to avoid adverse impacts on land to be conveyed to or owned by M-NCPPC. DPR shall review and approve the location and design of these facilities. DPR may require a performance bond and easement agreement prior to the issuance of grading permits.
  - f. All waste matter of any kind shall be removed from the property to be conveyed. DPR shall inspect the site and verify that it is in acceptable condition for conveyance prior to final plat approval.
  - g. No stormwater management facilities, or tree conservation or utility easements shall be proposed on lands owned by or to be conveyed to M-NCPPC without the prior written consent of DPR. DPR shall review and approve the location and/or design of these features. If such proposals are approved by DPR, a performance bond and an easement

agreement may be required prior to the issuance of grading permits.

- h. The applicant, his heirs, successors and/or assignees shall submit a letter to the Subdivision Section, DRD, prior to final plat indicating that the Department of Parks and Recreation has conducted a site inspection and found the land to be dedicated to M-NCPPC in acceptable condition for conveyance.
6. 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/32/03), 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.”
7. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the expanded stream buffer and shall be reviewed by the Environmental Planning Section prior to certificate approval. In addition, the following note shall be placed on the final 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 permitted."
8. Prior to signature approval of the Type I Tree Conservation Plan the plan shall be revised to:
  - a. Revise Note 1 to include “4-03034” in the appropriate space
  - b. Have the revised plan signed and dated by the qualified professional who prepared the plan
9. The applicant shall provide a fee to Prince George’s County, which shall serve as a fair share contribution toward the construction of the Brandywine Special Study Area Station and acquisition of an ambulance. The fee shall be paid prior to the issuance of the first building permits. The fee amount is based upon the construction cost of the station (\$1,275,000) and the purchase price of an ambulance (\$130,000) divided by the total amount of population and employees within the proposed service area at projected buildout in 2006 (10,024). The fair share fee is \$440 per dwelling, which equates to a total of \$3,080 for the seven-lot development.

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 between the eastern terminus and western terminus of Deka 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)	Vacant	Single-Family Residential
Acreage	5.6	5.6
Lots	0	7
Outlots	0	2
Parcels	1	0
Dwelling Units:		
Detached	0	7

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. A Forest Stand Delineation (FSD) describing three forest stands totaling 4.12 acres and one specimen tree has been reviewed and meets the requirements of the Woodland Conservation Ordinance.

The Type I Tree Conservation Plan, TCPI/32/03, has been reviewed. The plan proposes clearing 1.45 acres of the existing 3.83 acres of upland woodland and no clearing of any of the 0.29 acres of floodplain woodland. The woodland conservation requirement has been correctly calculated as 1.49 acres. The plan proposes to meet the requirement by providing 1.49 acres of on-site preservation. An additional 0.89 acre of woodland is proposed to be preserved that is not part of any requirement.

The proposed woodland conservation area has been located to provide a wooded buffer along the 100-year floodplain and stream. A minor technical error needs to be corrected. The blank space in Type I Tree Conservation Note 1 needs to be amended to include “4-03034” in the appropriate space.

This site contains natural features that are required to be protected under Section 24-130 of the Subdivision Regulations. A review of soils maps, National Wetland Inventory Maps, and other information on the M-NCPPC GIS suggests that there are no wetlands on the site. The Subregion V Master Plan indicates that there is a stream and 100-year floodplain on the site associated with Piscataway Creek in the Potomac River watershed. The plan correctly shows the stream and associated 100-year floodplain, the minimum 50-foot stream buffer, and the expanded stream buffer. No impacts are proposed. At time of final plat, a conservation easement should be described by bearings and distances. The conservation easement should contain the expanded stream buffer.

The *Prince George's County Soils Survey* indicates that the principal soils on the site are in the Beltsville and Croom soils series; Marlboro Clay does not occur in this area. This information is provided for the applicant's benefit. No further action is needed as it relates to this preliminary plan of subdivision review. A soils report may be required by the Prince George's County Department of Environmental Resources during the permit process review.

The Subregion V Master Plan indicates a small area of Natural Reserve on the site that is located within the limits of the lands to be dedicated to M-NCPPC. 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.

5. **Community Planning**—The subject property is located within the limits of the 1993 Subregion V Master Plan, Planning Area 81B, in the Tippet Community. The 2002 General Plan locates the property in the Developing Tier. The master plan recommended land use is for Low-Suburban residential use. The proposed subdivision is consistent with the recommendations of the master plan and the General Plan. There are no master plan land use issues associated with this application.
6. **Parks and Recreation**—In accordance with Section 24-134(a) of the Subdivision Regulations staff recommends the conveyance of Outlot A (.99± acre) to M-NCPPC for the fulfillment of the requirement of the mandatory dedication of parkland.
7. **Trails**—There are no master plan trail issues associated with this application. However, a standard sidewalk is recommended along both sides of the subject sites' frontage of Deka Road, per the concurrence of the Department of Public Works and Transportation (DPW&T).
8. **Transportation**—The application is a proposal for a residential subdivision of seven lots. The transportation impact of the proposed development of seven residences would generate 5 AM and 6 PM peak-hour vehicle trips 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 provided in support of an adjacent subdivision were reviewed.

The site is within the Developing Tier, as defined in the General Plan for Prince George's County. As such, the subject property is evaluated according to the following standards:

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

**Unsignalized intersections:** The Highway Capacity Manual procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational

studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

The site was analyzed using the following trip distribution:

MD 223 from the south:	15%
MD 223 from the north:	75%
Windbrook Road from the south:	10%

The traffic generated by the proposed preliminary plan would impact the unsignalized intersection of MD 223 and Windbrook Drive. The Prince George's County Planning Board, in the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*, has defined Level-of-Service D (LOS D) as the lowest acceptable operating condition on the transportation system. The following conditions exist at the critical intersection under existing traffic: AM peak hour, maximum delay on any approach, 19.3 seconds; PM peak hour, maximum delay, 25.3 seconds.

Seven nearby developments comprised of over 1,400 residences were included in background traffic. Due to the large amount of background traffic assumed, no annual rate of through traffic growth was assumed along MD 223. The following background traffic conditions were determined: AM peak hour, maximum delay, 38.2 seconds; PM peak hour, maximum delay, 46.0 seconds.

With site traffic, the following operating conditions were determined: AM peak hour, maximum delay, 42.0 seconds; PM peak hour, maximum delay, 49.3 seconds.

The Prince George's County Planning Board, in the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*, has defined Level-of-Service D (LOS D) as the lowest acceptable operating condition for signalized intersections on the transportation system. Under total future traffic as developed using the guidelines, adding the impact of the proposed development, the critical intersection was found to be operating acceptably as an unsignalized intersection.

The transportation staff has no comments on the plan as submitted. The site is not within or adjacent to any master plan rights-of-way.

Based on the preceding 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.

9. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and the *Adequate Public Facilities Regulations for Schools* (CR-23-2001 and CR-38-2002) 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	7 sfd	7 sfd	7 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	1.68	0.42	0.84
Actual Enrollment	4452	4598	8393
Completion Enrollment	180	66	132
Wait Enrollment	20	15	29
Cumulative Enrollment	241.44	151.98	303.96
Total Enrollment	4895.12	4831.40	8858.80
State Rated Capacity	4175	5114	7752
Percent Capacity	117.25%	94.45%	114.28%
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 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.

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:
- The existing fire engine service at Clinton Fire Station, Company 25, located at 9025 Woodyard Road, has a service travel time of 7.10 minutes, which is beyond the

5.25-minute requirement for travel time guidelines.

- b. The existing ambulance service at Clinton Fire Station, Company 25, located at 9025 Woodyard Road, has a service travel time of 7.10 minutes, which is beyond the 6.25-minute requirement for travel time guidelines.
- c. The existing paramedic service at Clinton Fire Station, Company 25, located at 9025 Woodyard Road, has a service travel time of 7.10 minutes, which is within the 7.25-minute requirement for travel time guidelines.

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*.

In order to alleviate the negative impact on fire and rescue services due to the inadequate service discussed, an automatic fire suppression system shall 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 existing law, no condition is necessary.

The Historic Preservation and Public Facilities Planning Section has concluded that the entire development is beyond the recommended response times from existing facilities that provide ambulance service. This finding is based on the existing road system and existing stations.

The staff of the HP&PFP found that the planned Brandywine Special Study Area Emergency Services Facility will be the first due station that will provide ambulance and paramedic service to this development. The cost of this emergency services facility is \$1,405,000.

In order to mitigate the ambulance response time deficiencies, staff recommends that the applicant participate in providing a fair share contribution toward the construction of the Brandywine Special Study Area Emergency Services Facility. The fee amount is based on the construction cost of the facility (\$1,275,000) and ambulance (\$130,000) divided by the total amount of residential and employment population within the entire service area in 2006 (10,024). The service area includes those areas that will be served by the planned facility. The fair share fee is \$440 per dwelling unit for this development.

2006 service area population/workers=	10,024
Station Cost \$1,405,000/10,024=	\$140.16 per person x 3.13 (household size)=
	\$440 per dwelling unit
\$440 x seven dwelling units=	\$3,080

The total of seven dwelling units is based upon the preliminary plan of subdivision.



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 development. 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 no comment.
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, # 3365-2003-00, 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.

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 Eley, with Commissioners Lowe, Eley, Vaughns, Harley and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, September 25, 2003, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 16th day of October 2003.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator