

R E S O L U T I O N

WHEREAS, Barton and Patricia Craig is the owner of a 98.09-acre parcel of land known as Parcel 54, Tax Map 109, Grid C-1 said property being in the 15th Election District of Prince George's County, Maryland, and being zoned R-A; and

WHEREAS, on April 24, 2003, Cresent Investments filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 41 lots and 4 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-03035 for Windsong 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/57/02), and further APPROVED Preliminary Plan of Subdivision 4-03035, Cresent Investments for Lots 1-41 and Parcels A-D with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision the plan shall be revised as follows:
 - a. To revise the General Notes to accurately reflect that 41 lots are proposed, not 45.
 - b. To provide a note regarding Parcels B and C and ultimate conveyance to DPW&T upon demand.
 - c. To revise General Note 12 to provide the Historic Site designation on the plan.
 - d. To revise the park dedication note to reflect that the site is exempt because all of the lots are greater than one acre.
2. Prior to the issuance of permits, a Type II Tree Conservation Plan shall be approved.

3. The final plat shall contain a note that ensures that driveways for lots with direct access to C-606 will be constructed with turn-around capabilities.
4. Prior to the issuance of building permits for Lots 6 or 41, a limited detailed site plan shall be approved by the Planning Board or its designee for the stormwater management facility on Parcel D to ensure adequate screening and pleasing views of the facility that may include fencing.
5. Prior to the issuance of building permits for Lots 20, 21 or 22 a limited detailed site plan shall be approved by the Planning Board or its designee for the stormwater management facility on Parcel B to ensure adequate screening and pleasing views of the facility that may include fencing.
6. The final plat shall contain a note that Parcels B and C, which are to be initially conveyed to the HOA, shall be conveyed to DPW&T upon their demand for the future implementation of C-606. The deed of conveyance may stipulate that the developer/builder of the project and/or the HOA are not responsible for any road construction contemplated within these parcels.
7. Development of this property shall be in conformance with approved Stormwater Management Concept Plan # 21353-2002-0.
8. The final plat shall contain a note that the existing dwelling on Lot 2 shall be connected to the public sewer system at the time it becomes available and at the cost of the applicant, his heirs, successors and/or assignees.
9. Prior to building permits, the applicant, his heirs, successors and/or assignees shall demonstrate that a homeowners association has been established and that the common areas have been conveyed to the homeowners association.
10. At the time of final plat, the applicant, his heirs, successors and/or assignees shall convey to the homeowners association Parcels A, B, C and D. Land to be conveyed shall be subject the following:
 - a. Conveyance shall take place prior to the issuance of building permits.
 - b. A copy of unrecorded, special warranty deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division (DRD), Upper Marlboro, along with the final plat.
 - c. 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.
 - d. The conveyed land shall not suffer the disposition of construction materials, soil filling, discarded plant materials, refuse or similar waste matter.
 - e. Any disturbance of land to be conveyed to a homeowners association shall be in

accordance with an approved detailed site plan or shall require the written consent of DRD. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement, and stormdrain outfalls. If such proposals are approved, a written agreement and financial guarantee shall be required to warrant restoration, repair or improvements, required by the approval process.

- f. 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.
11. Once the septic system serving the existing dwelling on proposed Lot 2 is abandoned, the septic system shall be pumped, backfilled and/or sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative of the Health Department prior to final plat approval.
12. The applicant and the applicant's heirs, successor's, and/or assigns shall provide a variable width, public use hiker/equestrian easement on the parcels being conveyed to the Homeowners Association north of planned Windsong Lane. This easement shall be marked and labeled on the preliminary and final record plats. The scenic road 30-foot-wide Landscape buffer along Osborne Road shall also be shown on the final record plat.
13. Prior to the approval of the final plat the applicant, his heirs, successors and/or assignees shall provide evidence of a deed of confirmation resolving the boundary dispute between the subject property and Parcels 24 and 89 to the east and the final plat shall be adjusted accordingly. If the applicant is unable to secure a resolution prior to final plat the land area under dispute shall be identified as a parcel abutting each effected lot. The parcels would be transferred with the abutting proposed lots.

BE IT FURTHER RESOLVED, that the findings and reasons for the decision of the Prince George's County Planning Board are as follows:

1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.
2. The subject property is located on the southwest side of South Osborne Road approximately 2,000 feet south of its intersection with William Beanes Road.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	R-A	R-A
Use(s)	Residential	Residential

Acreage	98.11	98.11
Lots	0	41
Parcels	1	4
Dwelling Units:		
Detached	1	41 (1-existing)

4. **Environmental**—This site is subject to the provisions of the Woodland Conservation Ordinance because it is larger than 40,000 square feet in size and contains more than 10,000 square feet of woodlands. The Type I Tree Conservation Plan (TCPI/57/02) proposes clearing 5.65 acres of the existing 19.87 acres of upland woodland and no clearing of any of the 6.55 acres of floodplain woodland. The woodland conservation requirement has been correctly calculated as 25.52 acres. The plan proposes to meet the requirement by preserving 11.77 acres of existing woodland and planting 14.22 acres, for a total of 25.99 acres. Additionally, all woodland in the 100-year floodplain will be retained and 2.45 acres of upland woodland will be retained but are not part of any requirement.

The design preserves or afforests sensitive environmental areas and connects existing forest fragments. Each of the proposed lots will have appropriately sized useable outdoor areas unencumbered by woodland conservation.

The forest stand delineation (FSD), based upon 22 sample areas, describes five forest stands totaling 26.42 acres and shows the locations of 12 specimen trees. The plan shows the extent of the 100-year floodplain, all streams and wetlands on the site, boundaries of soil types, all area with severe slopes and steep slopes with highly erodible soils, and the forest stand boundaries. The revised FSD meets the requirements of the Woodland Conservation Ordinance.

Charles Branch and an unnamed tributary to Charles Branch are found near the southern and eastern property boundaries. These streams, located in the Patuxent River basin are afforded special protection in accordance with the Section 24-130 of the Subdivision Regulations, which establishes the Patuxent River Primary Management Area (PMA). Section 24-130(b)(5) of the Subdivision Ordinance provides for the protection of streams and the associated buffers, which compose the PMA. The PMA includes the 50-foot stream buffer, adjacent areas of wetlands, the 25-foot wetland buffer, the 100-year floodplain, adjacent slopes in excess of 25 percent (severe slopes), and adjacent slopes between 15 and 25 percent steep slopes on highly erodible soils. Each of these features is shown on the revised preliminary plan of subdivision and on the revised TCPI, along with the maximum extent being shown as the PMA.

Section 24-130(b)(5) of the Subdivision Ordinance requires that the PMA be preserved in a natural state to the fullest extent possible. A Letter of Justification identifying the proposed PMA impacts and justifying those impacts was submitted with this application. The only proposed impact is for the construction of a sanitary sewer to serve a large portion of the development. The total proposed impact is 105 square feet to the PMA, with no impact to wetlands or wetland buffers. The impact is necessary to provide needed infrastructure for the development of this property as proposed. Windsong Drive is a proposed 80-foot-wide master plan connector. Although the road is shown on the plan, the applicant does not propose to construct the full

section and will not impact the PMA for the portion they intend to build. The plans clearly demonstrate that the Patuxent River Primary Management Area preservation area is preserved in its natural state to the fullest extent possible.

Osborne Road is a designated scenic road and the proposed development of this property would have a significant impact on the viewshed of this scenic road. When traveling in a southerly direction on Osborne Road, the view into this site is generally uninterrupted and the proposed development will allow several of the lots to be easily viewed from the road. The viewshed analysis submitted with this application provides a written description of the roadway in the vicinity of this property and addresses the need for landscaping and fencing to help maintain the rural character of this road. The Preliminary Plan of Subdivision and the Type I Tree Conservation Plan provide for a 30-foot-wide landscape buffer along the Osborne Road frontage of proposed Lot 1 that will provide adequate mitigation of the impact of development on the viewshed.

The soils found to occur on this property include the Bibb and Westphalia series. The Bibb soils are in the D-hydric group and are subject to high water table, flood hazard, poor drainage, poor stability, and frost action. The Westphalia soils are in the B-hydric group and are highly erodible. This information is provided for the applicant's benefit. No further action is needed as it relates to this Preliminary Plan of Subdivision review. However, the Prince George's County Department of Environmental Resources may require a soils report during the permit process review.

The Environmental Planning Section recommends approval of TCPI/57/02 subject to conditions.

5. **Community Planning**—The subject property is located within the limits of the Subregion VI study area master plan, 1993, in Planning Area 82 in the Rosaryville community. The 2002 General Plan locates the property in the Developing Tier. The master plan land use recommendation for the property is rural residential. The proposed subdivision is consistent with the recommendations of the master plan and the General Plan.
6. **Parks and Recreation**—In accordance with Section 24-134(a) of the Subdivision Regulations, the proposed subdivision is exempt because all of the proposed lots are greater than one acre in size.
7. **Trails**— The presence of an active equestrian community in the vicinity of the subject site has lead to the creation of many existing equestrian facilities. An extensive trail network exists to the south of the subject site in Rosaryville State Park. A private equestrian complex exists on Farm Lane. The M-NCPPC Department of Parks and Recreation (DPR) recently purchased land immediately to the west of the subject property along Osborne Road, which could potentially be used as an equestrian trailhead. Additional trail connections are planned and it is important that these connections be retained where feasible between these existing and planned facilities.

Based on discussion between the applicant and members of the local equestrian community, it is recommended that a variable width, public-use hiker/equestrian easement be placed on the planned HOA Parcel D to the north of proposed Windsong Lane. This will ensure that equestrian

users will continue to be able to travel to the existing parkland adjacent to the subject site. Additional segments of trail easement along Windsong Lane on adjacent sites may necessary in the future to ensure equestrian users a complete off-road trail connection, particularly in the area where the HOA property along the road becomes very narrow. But the proposed trail easement will ensure the equestrian connection on the subject site.

8. **Transportation**—The application is a preliminary plan of subdivision for a residential development consisting of 41 single-family dwelling units. The proposed development would generate 34 AM (7 in; 27 out) and 41 PM (27 in; 14 out) peak-hour vehicle trips as determined using *The Guidelines for the Analysis of the Traffic Impact of Development Proposals*. The trip generation was based on the originally submitted preliminary plan of 45 lots. The reduction to 41 lots does not have a significant transportation impact on the analysis of this development.

The traffic generated by the proposed preliminary plan would impact the intersection of Old Marlboro Pike and Woodyard Road (MD 223), which is the critical intersection for this development. This intersection is not programmed for improvement with 100 percent construction funding within the next six years in the current Maryland Department of Transportation Consolidated Transportation Program or the Prince George's County Capital Improvement Program.

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.

The critical intersection when analyzed with existing traffic data was found to be operating with a CLV/LOS of 1217/C during the AM peak hour and 1291/C during the PM peak hour. When the analysis factored site-generated as well as background traffic, the results showed 1389/D and 1400/D for the AM and PM peak hours, respectively.

The application shows an 80-foot collector roadway that runs approximately along the center of the property. The location and alignment of this roadway are consistent with the master plan recommendation outlined in the Subregion VI master plan. However, the applicant is not proposing to construct the roadway in its entirety, but rather will end the construction approximately 275 feet from the property line at both the northwestern and southeastern ends of the property. A July 9, 2003, electronic mail (Beckert to Chellis) from the Department of Public Works and Transportation (DPW&T) provided the following:

“With regards to Windsong Drive and this specific subdivision, DPW&T will not require additional lengthening of this roadway. A fee-in-lieu for outstanding ultimate improvements on Windsong Drive will be considered at the time of street construction permit.”

Staff supports this position taken by the DPW&T.

The Transportation Planning Section concludes that adequate access roads will exist as required by Section 24-124 of the Prince George's County Code.

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

Finding

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 4	Middle School Cluster 2	High School Cluster 2
Dwelling Units	41 sfd	41 sfd	41 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	9.84	2.46	4.92
Actual Enrollment	5416	4896	9660
Completion Enrollment	281	197	393
Wait Enrollment	604	225	451
Cumulative Enrollment	36	34.68	69.36
Total Enrollment	6346.84	5355.14	10578.28
State Rated Capacity	5364	4638	8770
Percent Capacity	118.32%	115.46%	120.62%
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 or if the building is included within a basic plan or conceptual site plan that abuts 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 that are intended to accommodate the new students that will be generated by this development proposal. This project meets the adequate public facilities policies of Section 24-122.02, CB-30-2003 and CB-31-2003.

10. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of fire and rescue facilities and concluded the following:

- a. The existing fire engine service at Marlboro Fire Station, Company 45, located at 7710 Croom Road has a service travel time of 4.77 minutes, which is within the 5.25 minutes for travel time guidelines.
- b. The existing ambulance service at Marlboro Fire Station, Company 45, located at 7710 Croom Road has a service travel time of 4.77 minutes, which is within the 6.25 minutes for travel time guidelines.
- c. The existing paramedic service at Marlboro Fire Station, Company 20, located at 14815 Pratt Street has a service travel time of 10.16 minutes, which is beyond the 7.25 minutes for travel time guidelines. However, the nearest fire station, Marlboro Company 45, is located at 7710 Croom Road, which is 4.77 minutes from the development. This facility would be within the recommended travel time for paramedic service.

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*.

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 Windsong 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 6/30/02, 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 an additional 69 sworn personnel. This police facility will adequately serve the population generated by the proposed subdivision.

12. **Health Department**—The existing dwelling that is to remain on proposed Lot 2 is currently being served by public water and private sewer systems. The dwelling should be connected to the public sewer system at the time it becomes available and at the cost of the applicant. Once the sewer system is abandoned it must be pumped out by a licensed scavenger and backfilled. The applicant shall ensure that the existing dwelling will have a potable water supply at all times through the development of this property.

The Health Department identified amounts of domestic trash and construction debris in and around the building located in the vicinity of Lots 7 and 8 that is to be razed. The debris should be removed and properly discarded once a raze permit is obtained from the Department of Environmental Resources.

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, # 21353-2002-00, has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. Development must be in accordance with this approved plan.
14. **Historic**—The subject property is adjacent to Historic Site #82A-38 (Solitude), which fronts on South Osborne Road to the east and abuts Historic Site #82A-44, Overseer's House, to the east. The preliminary plan demonstrates along the eastern boundary (where it adjoins Historic Site #82A-44) a 40-foot bufferyard as required by the *Landscape Manual*. Because the common boundary is densely wooded, marked for tree save, and includes areas of environmental features along this property line, development will be screened and should not be visible from the Historic Site. Historic Preservation staff is satisfied that, because of the wooded area to be saved between the proposed development and the Historic Site, this development plan will appropriately protect the views from Historic Site #82A-44.
15. Access to the subdivision is proposed via Osborne Road to the northeast. The applicant has proposed a 60-foot public street from Osborne Road into the subdivision to a point that intersects with a master plan 80-foot collector roadway (C-606) on site. The alignment for this collector roadway traverses the property from the northwest to the southeast. The applicant has proposed to dedicate and construct the majority of this facility to serve the development. However, two small sections of this facility are not necessary to serve the development and are located at the extreme northwest and southeast portions of the property. Parcels B and C are designed to contain those portions of C-606 and will be conveyed to a homeowners association (HOA). The final plat of subdivision will provide a requirement that upon demand by the Department of Public Works and Transportation (DPW&T) the HOA will convey to DPW&T Parcels B and C, for the implementation of C-606. Dedication of right-of-way for C-606 abutting off site has not been acquired at this time by DPW&T. Parcels A and D will contain the necessary stormwater management facilities to serve the development and be conveyed to the HOA. The stormwater management facilities will be highly visible from the street and adjoining lots. Staff recommends that a limited detailed site plan be reviewed to ensure appropriate landscaping and buffering of these facilities.
16. The applicant proposes to utilize the varying lot size (VLS) standards provided for in Section 27-422(b), Footnote 5 of the Zoning Ordinance. Specifically, the Zoning Ordinance allows for the sizes of the lots to vary without providing for an increase in density, greater than that established by the Zoning Ordinance for the underlying zone. In the R-A Zone, the subject property may yield 49 lots based solely on a ratio of land area to allowable density. This calculation does not take into account any factors relating to the uniqueness of the property. In this case, the applicant

is proposing 41 lots.

Utilizing the VLS standards, the applicant is required to provide 60 percent of the lots at the minimum 2-acre requirement for lots in the R-A Zone. The applicant can then propose one 1-acre lot for every 25 acres of gross tract area. Finally, the remaining lots have a minimum lot size of 1.14 acres. For this 41-lot subdivision, the Zoning Ordinance requires 25 two-acre lots; the applicant is proposing 25. The applicant is allowed three 1-acre lots; the applicant is proposing two. The remaining 14 lots vary between 1.15 and 1.41 acres. The proposed subdivision conforms to the requirements of Section 27-422(b), Footnote 5 of the Zoning Ordinance.

17. The subject property shares a common boundary with Parcels 24 and 89 to the east. Currently, Parcel 24 is under the ownership of Lansdale and Anne Sasscer and Parcel 89 is under the ownership of George and Molly Kanellos. Staff has been made aware of a boundary dispute between the subject property and Parcels 24 and 89 to the east. Although the boundary dispute is a civil matter between the property owners, staff would be remiss if the impact of the loss of the property under dispute were not evaluated. To address this concern, the applicant has provided additional information on the plan demonstrating that if the land in dispute is not part of the subject property, all of the affected nine lots will meet or exceed the minimum zoning standards.

To ensure that future property owners are aware of this issue for those lots affected, staff recommends that prior to final plat the applicant provides evidence of a deed of confirmation resolving the dispute. If the applicant were unable to secure a resolution prior to final plat, the land area under dispute be identified as a parcel abutting each affected lot. The parcels would be transferred with the abutting proposed lots. This approach would allow the conveyance at a future date of a whole parcel of the land in dispute and not cause additional engineering or put into question the extent of the dispute.

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

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This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Lowe, seconded by Commissioner Harley, with Commissioners Lowe, Harley, Vaughns 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:WC:rmk