

R E S O L U T I O N

WHEREAS, Marilyn Glick is the owner of a 23.91-acre parcel of land known as Lots 5 and 11, Tax Map 143, Grid B-3, said property being in the 5thth Election District of Prince George's County, Maryland, and being zoned R-A; and

WHEREAS, on May 7, 2003, Triangle Homes, LLC filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 8 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-03042 for Danville 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 10, 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 10, 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/34/03), and further APPROVED Preliminary Plan of Subdivision 4-03042, Triangle Homes, LLC for Lots 1-8 with the following conditions:

1. Prior to signature approval of the preliminary plan:
 - a. A stormwater management plan shall be approved and the approval number and date shall be added to the preliminary plan.
 - b. The access easements shall be relabeled "Access and Public Utility Easement."
2. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the expanded stream buffer, excluding those areas where variation requests have been approved, and be reviewed by the Environmental Planning Section prior to certification. The following note shall be placed on the plat:

"Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written

consent from the M-NCPPC Planning Director or designee. The removal of hazardous

trees, limbs, branches, or trunks is allowed.”

3. The following notes shall be placed on the Final Plat of Subdivision:
 - a. Access is provided pursuant to Section 24-128(b)(1)
 - b. “Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/34/03), 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.”
4. At the time of final plat approval, the applicant, his heirs, successors and/or assignees shall dedicate a right-of-way along Danville Road of 40 feet from the existing centerline, as shown on the submitted plan.
5. The applicant, his heirs, successors and/or assignees shall provide a fee to Prince George’s County, which shall serve as a fair share contribution towards the construction of the Brandywine Special Study Area Station and acquisition of an ambulance and paramedic unit. The fee shall be paid prior to the issuance of the each building permit. The fee amount is based upon the construction cost of the station (\$1,275,000) and the purchase price of an ambulance (\$130,000) and paramedic unit (\$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 \$479 per dwelling, which equates to a total of \$3,834 for the eight-lot development.
6. Prior to the issuance of building permits, the applicant, his heirs, successors and/or assignees shall provide a financial contribution of \$210.00 to the Department of Public Works and Transportation for the placement of a bikeway sign along Danville Road, designated a Class III Bikeway. A note shall be placed on the final record plat for payment to be received prior to the issuance of the first building permit.
7. Prior to final plat approval, the applicant, his heirs, successors and/or assignees shall submit to the Health Department a site plan at a scale of 1” = 50’ that includes the following:
 - a. All easements on the property.
 - b. Proposed house and driveway locations with final grading.
 - c. A 10,000-square-foot or larger sewage disposal area with all water table and test hole locations.
 - d. Proposed well sites at least 30 feet from a dwelling and 50 feet from a septic recovery area or any other source of contamination.
 - e. Accurate topography at two-foot contours, including slopes in excess of 25 percent grade.

- f. Any off-site well and sewage disposal system located within 100 feet of the subdivision.
8. Prior to the issuance of building permits, a Type II Tree Conservation Plan shall be approved.

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 northeast side of Danville Road, approximately ¼ mile south of its intersection with Floral Park 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)	Undeveloped	Single-family dwellings
Acreage	23.91	23.91
Lots	2	8
Parcels	0	0
Detached Dwelling Units	0	8

4. **Environmental**—There are streams on the property. No 100-year floodplain is shown; however, plat 5 for The Ridges, VJ 172-23, shows a 100-year floodplain easement along the east side of the stream on the east side of the subject property. The site drains into Piscataway Creek in the Potomac River watershed. Current air photos indicate that the entire site is forested. The Subregion V Master Plan indicates that there is Natural Reserve on the site associated with the streams. Danville Road is a designated historic road. 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. The Prince George's County Soils Survey indicates that the principal soils on the site are in the Aura, Beltsville, Chillum and Sunnyside soils series. Marlboro Clay does not occur in this area. The water and sewer service categories are W-6 and S-6 according to water and sewer maps obtained from the Department of Environmental Resources dated

September 2002. The homes will be served by private systems.

Woodland Conservation

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) showing seven sample areas and two forest stands has been reviewed and was found to meet the requirements of the Woodland Conservation Ordinance. No further action regarding the Forest Stand Delineation is required with regard to this Preliminary Plan of Subdivision review.

A Type I Tree Conservation Plan, TCPI/34/03, has been submitted with this application. The plan proposes clearing 5.80 acres of the existing 23.91 acres of woodland. The woodland conservation requirement for this proposal has been correctly calculated as 13.41 acres. The plan proposes to meet the requirement by providing 13.77 acres of on-site preservation and by preserving an additional 4.34 acres that is not part of any requirement. The proposed woodland conservation areas preserve the entire expanded stream buffer on the site, avoid forest fragmentation, and provide appropriately sized usable yard areas for the individual lots.

Natural Reserve Area

This site contains natural features that are required to be protected under Section 24-130 of the Subdivision Regulations. The Subregion V Master Plan indicates that there are substantial areas designated as Natural Reserve on the site. As noted on page 136 of the Subregion V Master Plan:

“The Natural Reserve Area is composed of areas having physical features which exhibit severe constraints to development or which are important to sensitive ecological systems. Natural Reserve Areas must be preserved in their natural state.”

The Subregion V Master Plan elaborates on page 139:

“The Natural Reserve Areas, containing floodplain and other areas unsuitable for development should be restricted from development except for agricultural, recreational and other similar uses. Land grading should be discouraged. When disturbance is permitted, all necessary conditions should be imposed.”

Streams and Floodplain

The plans submitted show all of the streams on the site, associated severe slopes and steep slopes with highly erodible soils and notes that there are no wetlands on the site; however, plat 5 for The Ridges, VJ 172-23, shows a 100-year floodplain easement along the east side of the stream on the east side of the subject property. An expanded stream buffer has been shown and appears to be correct. The plan does not indicate any impacts to the expanded stream buffer. A conservation easement should be shown on the final plat.

Soils

The Prince George's County Soils Survey indicates that the principal soils on the site are in the Aura, Beltsville, Chillum and Sunnyside soils series. Aura and Beltsville soils are highly erodible. Chillum soils can be problematic when associated with severe slopes. Sunnyside soils 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.

Historic Road

Danville Road is a designated historic road. The proposed new houses are setback more than 500 feet from the road with intervening woodlands and will create no significant impact. The proposed access to the site has been designed to create minimal impact to the historic quality of the road by utilizing an existing road for one of the two access points and clearing the minimum area of woodland to provide safe access to the site

5. **Community Planning**—The property is in Planning Area 84, Piscataway-Danville. The 2002 General Plan placed this property in the Rural Tier. The vision for the Rural Tier is the “protection of large amounts of land for woodland, wildlife habitat, recreation and agriculture pursuits, and preservation of the rural character and vistas that now exist.” The 1993 Subregion V Master Plan recommends a Semi-Rural residential development pattern that provides for the preservation of large tracts of woodlands or farmland in exchange for smaller lot housing enclaves, serviced by public water and sewer. Revisions of the Subdivision Regulations are required to implement the semi-rural land use concepts contained in the plan, revisions that have not been made as of this writing. Natural Reserve Areas are located on the central and eastern portions of the site corresponding to existing streams and drainage areas. The 1993 Subregion V SMA classified this site in the R-A Zone.

This preliminary subdivision application is not inconsistent with the 2002 General Plan Development Pattern policies for the Rural Tier. This preliminary subdivision application for eight large, single-family lots in the R-A Zone conforms to recommendations of the master plan for Semi-rural land use to the extent possible under current regulations.

6. **Parks and Recreation**—In accordance with Section 24-134(a) of the Subdivision Regulations, the preliminary plan is exempt from the requirements of mandatory park dedication because all lots are proposed to be greater than one acre in size.
7. **Trails**—The Adopted and Approved Subregion V Master Plan recommends that Danville Road be designated as a Class III bikeway with appropriate signage. Because Danville Road is a county right-of-way, the applicant should provide a financial contribution of \$210 to the Department of Public Works and Transportation for the placement of this signage. A note should be placed on the final plat for payment to be received prior to the issuance of the first building permit. If road frontage improvements are required by DPW&T, wide asphalt shoulders are recommended to accommodate bicycle traffic.

8. **Transportation**—The application is a preliminary plan of subdivision for a residential development consisting of eight single-family detached residences. The plan covers an area of two previously recorded lots for East Piscataway, Hampton's Resubdivision on Record Plat 009-030. The proposed net development of six new lots would generate 5 AM and 5 PM peak-hour vehicle trips as determined using the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*.

The site is within the Rural 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 1,300 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 traffic generated by the proposed preliminary plan would impact the intersection of Floral Park Road and Danville Road, which is unsignalized. Danville Road is a master plan rural collector facility.

Staff has no recent counts at the critical intersection of Floral Park Road and Danville 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 5 AM and 5 PM peak-hour trips will have a de minimus impact upon delay in the critical movements at the Floral Park Road/Danville Road intersection.

The applicant proposes to develop the site using the shared access easements allowed by Section 24-128(b)(1) of the Subdivision Regulations. In accordance with this regulation, up to four lots may be served by a shared access easement as long as:

- a. Each lot is a minimum two acres in size.
- b. Each lot is used for residential or agricultural purposes only.
- c. The access easement is at least 22 feet wide.

In this case, the proposed subdivision satisfies these requirements. There are two access easements; each will serve four lots.

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 a condition requiring dedication of 40 feet from the centerline of Danville Road. A note should be placed on the final plat indicating that access is provided pursuant to Section 24-128(b)(1).

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 and the *Adequate Public Facilities Regulations for Schools* (CR-23-2001 and CR-38-2002). The proposed subdivision is exempt from APF test for schools because it is less than 36 units and not served by public water and sewer.
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 Allentown Road Fire Station, Company 47, located at 10900 Fort Washington Road, has a service travel time of 9.67 minutes, which is beyond the 5.25-minute travel time guideline.
 - b. The existing ambulance service at Allentown Road Fire Station, Company 47, has a service travel time of 9.67 minutes, which is beyond the 6.25-minute travel time guideline.
 - c. The existing paramedic service at Allentown Road Fire Station, Company 47, has a service travel time of 9.67 minutes, which is beyond 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*.

To alleviate the negative impact on fire and rescue services due to the inadequate service discussed, an automatic fire suppression system should be provided in all new buildings proposed in this subdivision, unless the Prince George's County Fire/ EMS Department determines that an alternative method of fire suppression is appropriate. Since this is a matter of law for residential units, no condition is necessary.

The entire development is beyond the recommended response times from existing facilities that provide ambulance service. This finding is based on using the existing road system and existing stations.

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 the emergency services facility is \$1,535,000. To mitigate the ambulance response time deficiencies the applicant should 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), ambulance (\$130,000) and paramedic (\$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 \$479 per dwelling unit for this development.

2006 service area population/workers 10,024

Station Cost $1,535,000 / 10,024 = \$153$ per person $\times 3.13$ (household size) = \$479 per dwelling unit

$\$479 \times 8$ dwelling units = \$3,834

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 of Prince George's County, existing county police facilities will be adequate to serve the proposed Danville 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 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.
12. **Health Department**—The Health Department has reviewed the application and offered the following comments. Percolation tests have passed on all proposed lots, although some redefining of the septic recovery areas is necessary. Trash and debris, along with an abandoned automobile, were found on the property. These must be removed prior to or concurrent with grading on the property. Finally, the Health Department will require the applicant to submit a site plan at a scale of 1" = 50' (not a Detailed Site Plan) prior to final plat approval that shows the following:
 - a. All easements on the property.
 - b. Proposed house and driveway locations with final grading.
 - c. A 10,000-square-foot or larger sewage disposal area with all water table and test hole locations.
 - d. Proposed well sites at least 30 feet from a dwelling and 50 feet from a septic recovery area or any other source of contamination.
 - e. Accurate topography at two-foot contours, including slopes in excess of 25 percent grade.
 - f. Any off-site well and sewage disposal system located within 100 feet of the subdivision.
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 has not yet been approved. To ensure that development of this site

does not result in on-site or downstream flooding, this plan must be approved prior to signature approval of 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 cemeteries on or contiguous to the subject property.
15. **Public Utility Easement**^¾ The preliminary plan includes the required 10-foot-wide public utility easement along Danville Road. The access easements should be labeled "access and public utility easement" so that services to all homes may be provided and maintained.

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, July 10, 2003, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 31st day of July 2003.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:JD:rmk