

R E S O L U T I O N

WHEREAS, K & P Builders is the owner of a 22.31-acre parcel of land known as Parcel C, Tax Map 84, Grid B-2 said property being in the 3rd Election District of Prince George's County, Maryland, and being zoned R-E; and

WHEREAS, on June 18, 2003, K & P Builders filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 20 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-03056 for Austin Meadows 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 November 20, 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 November 20, 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/44/03), and further APPROVED Preliminary Plan of Subdivision 4-03056, K & P Builders for Lots 1- 20 with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision the plan shall be revised as follows:
 - a. To locate the 65 dBA noise contour line.
 - b. To delineate the 300-foot lot depth requirement from the ultimate right-of-way.
 - c. To delineate a 75-foot landscape easement, in accordance with Section 4.6 of the *Landscape Manual*, along the right-of-way of MD 202. The landscape easement is to be conveyed to an HOA.
 - d. To provide for entrance features easements to a homeowners association (HOA) not overlapping the 4.6 landscape easement.
 - e. To indicate that the landscape island at the end of Road A is to be encumbered by an

easement and conveyed to an HOA for maintenance.

- f. To provide the stormwater management plan number and approval date.
 - g. To provide the lot size-averaging table on the plan and provide a note that development is proposed utilizing LSA, Section 24-121(a)(12) of the Subdivision Regulations and 27-423 of the Zoning Ordinance.
 - h. To provide the 10-foot PUE along MD 202.
 - i. To provide deed information verifying the lot line adjustment deed has been filed with Land Records, or provide a copy of the recorded document.
- 2. Prior to the issuance of permits a Type II Tree Conservation Plan shall be approved.
 - 3. Prior to building permits the applicant, his heirs, successors and/or assignees shall demonstrate that a homeowners association has been established.
 - 4. At the time of final plat, the applicant, his heirs, successors and/or assignees shall convey to an HOA easements to assure retention and future maintenance of entrance features if constructed, the planting island provided within the right-of-way of Road "A," and the required Section 4.6 landscape easement required by the *Landscape Manual*.
 - 5. Prior to the issuance of building permits for proposed residential structures, the applicant shall submit certification by a professional engineer with competency in acoustical analysis to the Environmental Planning Section demonstrating that the design and construction of building shells within the noise corridor of MD 202 will attenuate noise to interior noise levels of 45 dBA (Ldn) or less.
 - 6. Any abandoned well shall be 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.
 - 7. Prior to approval of the final plat of subdivision the applicant, his heirs, successors and or assignees shall pay a fee-in-lieu of parkland dedication for lots under one-acre.
 - 8. Prior to signature approval of the Type I Tree Conservation Plan, the plan shall be revised as follows:
 - a. To show the location of the proposed sanitary sewer outfall and the proposed woodland clearing associated with that outfall with a limit of disturbance and on the worksheet.
 - b. Afforestation/reforestation areas not abutting existing on-site woodlands shall be no less than 35 feet in width.

- c. Relocate the bioretention areas for proposed Lots 1-3 closer to the house sites to provide a more contiguous afforestation area.
 - d. Add the following note to the plan in large bold type.

"Additional off-site mitigation may be provided in lieu of the afforestation to satisfy the Woodland Conservation requirements. All on-site afforestation/ reforestation shall use planting stock no less than one-inch caliper at a rate of 500 trees per acre and the perimeter of the afforestation/reforestation areas shall be fenced with permanent fencing. All fencing and afforestation shall be completed prior to the issuance of the occupancy permit for the lot on which the planting is to be done."
 - e. To show the 65 dBA Ldn noise contour.
9. Development of this subdivision shall be in compliance with an approved Type I Tree Conservation Plan (TCPI/44/03). The following notes shall be placed on the Final Plat of Subdivision:
- "This development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/44/03), 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."
10. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain all of the Patuxent River Primary Management Area except for approved impacts and all Woodland Conservation Areas as shown on an approved Type II Tree Conservation Plan. 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."
11. The proposed house locations and rear yard outdoor activity areas, minimum of 40 feet from the rear of house pads, shall be located outside the 65 dBA Ldn noise contour, or acceptable mitigation measures such as an earthen berm shall be provided. The exact size and the location of the berm or other acceptable mitigation measures shall be determined by a Phase II noise study to be submitted to and approved by the Environmental Planning Section prior to the issuance of any permits.
12. The *Adopted and Approved Subregion VI Master Plan* recommends that MD 202 be designated as a Class III bikeway with appropriate signage. Because MD 202 is a state right-of-way, the

applicant, and the applicant's heirs, successors, and/or assignees shall provide the installation of one "Share the Road with a Bike" sign in accordance with state requirements. However, prior to the placement of the signs, SHA should have the opportunity to review the proposed locations to ensure they are acceptable. The developer would purchase the signs from the state and install them in accordance with the state's Manual on Uniform Traffic Control Devices dealing with the section on bicycle facilities. A note shall be placed on the final plat that installation will take place prior to the issuance of the first building permit. If the state declines this signage, this condition shall be void.

13. Development of this property shall be in conformance with the approved stormwater management concept plan.
14. The applicant, his heirs, successors and or assignees shall work with SHA to effect improvements at MD 193 and at MD 202 by utilizing pavement markings (striping), and by adjustments to the signal timing phasing.

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 west side of MD 202 across from its intersection with Town Farm Road in the Marlboro community.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	R-E	R-E
Use(s)	Residential	Residential
Acreage	22.3	22.3
Lots	0	20
Parcels	0	0
Dwelling Units:		
Detached	0	20

4. **Environmental**—A detailed forest stand delineation (FSD) was submitted with this application. The FSD, date stamped as revised on September 5, 2003, has been found to address the requirements for an FSD in accordance with the Prince George's County Woodland Conservation Ordinance.

This property is subject to the provisions of the Woodland Conservation Ordinance because the area of existing woodland is greater than 10,000 square feet and the area of the property is greater than 40,000 square feet. The Type I Tree Conservation Plan, TCPI/44/03, has been reviewed and

found to generally address the requirements of the Prince George's County Woodland Conservation Ordinance. This 22.31-acre property in the R-E Zone has a Woodland Conservation requirement of 11.04 acres. The requirement is to be satisfied by 0.98 acre of on-site preservation in priority retention areas, 5.76 acres of on-site afforestation/reforestation, and 4.30 acres of off-site mitigation for a total of 11.04 acres. TCPI/44/03 is recommended for approval subject to conditions.

A review of the available information indicates that while no areas of 100-year floodplain exist on site, but streams, wetlands, severe slopes, and areas of steep slopes with highly erodible soils are found to occur on the property. These features, along with the 50-foot stream buffer, the 25-foot wetland buffer, adjacent areas of slopes greater than 25 percent and adjacent areas of slopes between 15 and 25 percent with soils having a K-factor greater than 0.35, compose the Patuxent River Primary Management Area or PMA. Each of these features and the PMA have been shown on the preliminary plan of subdivision and the TCPI date stamped as revised on September 5, 2003.

The Subdivision Ordinance, Section 24-130(b)(5), requires that the PMA be preserved in a natural state to the fullest extent possible. A letter of justification, date stamped as received on September 5, 2003, has been reviewed and was found to address the proposed PMA impacts. The plans as submitted propose two PMA impacts for the construction of stormwater management outfalls in order to safely convey stormwater from the ponds to the streams. Because the proposed impacts have been minimized to the greatest extent possible and failure to provide for the safe conveyance of the water from the ponds to the streams would result in degradation of the stream and the associated buffers that compose the PMA, the Environmental Planning Section supports the proposed impacts. At time of final plat, bearings and distances should describe a conservation easement. The conservation easement should contain all of the Patuxent River Primary Management Area except for approved impacts and all Woodland Conservation Areas as shown on an approved Type II Tree Conservation Plan.

The soils found to occur according to the Prince George's County Soil Survey include Adelphia fine sandy loam, Collington fine loam, Donlonton fine sandy loam and Monmouth fine sandy loam, which have limitations that have no direct affect on the layout of this development. According to available information, Marlboro clay is found to occur on this property.

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. There are no designated scenic and historic roads in the vicinity of this property. This property is located in the Western Branch watershed of the Patuxent River Basin.

This property is located on the west side of MD 202, a master plan expressway. The 2001 average daily traffic (ADT) of 24,475 was projected to be 27,036 and it is that number in 2011 that was used to determine the 65 dBA Ldn noise contour. Based on the Environmental Planning Section noise model, the unmitigated location of the 65 dBA Ldn noise contour is approximately

228 feet from the centerline of the existing roadway. The EPS noise model data or an approved Phase I noise study may be used to show the location of the unmitigated 65 dBA Ldn noise contour on the plans.

The proposed house locations and rear yard outdoor activity areas, minimum of 40 feet from the rear of house pads, should be located outside the 65 dBA Ldn noise contour. It will be necessary to provide acceptable mitigation measures such as earthen berms to mitigate the adverse noise impacts on these lots. The exact size and the location of the berms or other mitigation measures should be determined by a Phase II noise study and submitted to the Environmental Planning Section prior to the issuance of any permits.

Marlboro clay is found in the southeast corner of this site between 120 and 130 feet in elevation. Because the clay is located on a knoll that is not adjacent to other areas of steep or severe slopes and the proposed grading will reduce the elevation of the knoll, there are no issues with respect to potential slope failure. However, foundation stability for the houses on proposed Lots 1-4, 16 and 20 is a concern. Prior to the issuance of building permits on the lots, the Department of Environmental Resources may require soil borings to determine the exact elevation of the clay. Based on that information, DER may require the excavation of the Marlboro clay in the vicinity of the foundations or to address the use of special foundations for the houses on the lots.

No further information is required with respect to the Marlboro clay at this time because the specific location of the clay does not impact the layout of the site. However, prior to the issuance of any building permits, the Department of Environmental Resources may require soils boring and specially designed foundations to ensure foundation stability for the houses on Lots 1-4, 16 and 20.

5. **Community Planning**—The property is located within the limits of the 1993 *Approved Master Plan for Subregion VI Study Area*, Planning Area 79, in the Marlboro Community. The 2002 General Plan locates the property in the Developing Tier. The land use recommendation is for low- to moderate-density suburban residential communities. The proposed plan is consistent with the recommendations of the master plan and General Plan.
6. **Parks and Recreation**—In accordance with Section 24-134 the Department of Parks and Recreation recommended that the applicant pay a fee-in-lieu of the mandatory dedication of parkland requirement for those lots that are under one acre because the land available for dedication is unsuitable due to its size and location. Section 24-134(a) provides that lots over one acre are exempt from the requirement of mandatory dedication of parkland.
7. **Trails**—The *Adopted and Approved Subregion VI Master Plan* recommends that MD 202 be designated as a Class III bikeway with appropriate signage. Because MD 202 is a state right-of-way, the applicant should provide the installation of one "Share the Road with a Bike" sign in accordance with state requirements. However, prior to the placement of the signs, SHA should have the opportunity to review the proposed locations to ensure they are acceptable. The developer would purchase the signs from the state and install them in accordance with the state's Manual on Uniform Traffic Control Devices dealing with the section on bicycle facilities. A note

should be placed on the final plat that installation will take place prior to the issuance of the first building permit.

8. **Transportation**—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 proposed development would generate 15 AM and 18 PM peak-hour vehicle trips as determined using *Guidelines for the Analysis of the Traffic Impact of Development Proposals (Revised September 2002)*.

The traffic generated would impact the intersection of MD 202 (Largo Road) and MD 193 (Watkins Park Drive). The critical 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.

A recent traffic count was made at the intersection of MD 202 and MD 193 to determine adequacy.

The count was taken on September 10, 2003. Based on this traffic count the intersection currently operates at LOS E (CLV 1,501) during the AM peak hour and LOS B during the PM peak hour. This is over the policy standard for intersections within the Developing Tier.

If an additional westbound lane could be added on MD 193 the intersection would operate at LOS D (CLV 1,332) and would meet the level-of-service standard. The Planning Board concludes that adequate transportation facilities would exist to serve the proposed

subdivision as required under Section 24-124 of the Prince George's County Code with the following condition for improvement:

The applicant, his heirs, successors and or assignees shall work with SHA to effect improvements at MD 193 and at MD 202 by utilizing pavement markings (striping), and by adjustments to the

signal timing phasing.

This site will be accessed by a new four-way intersection at MD 202 and Town Farm Road. The new road, or Road A, will have a 60-foot right-of-way and will connect to MD 202, opposite Town Farm Road. Road B, also with a 60-foot right-of-way, will serve several lots near MD 202 and parallel MD 202. Road B will not end in a cul-de-sac but will be built for future expansion and connections to the south, as recommended in the MD 202 Access Study. These recommendations for upgrading the access controls along MD 202 were incorporated into the Subregion VI Study Area master plan (September 1993).

The Subregion VI Study Area master plan calls for a 150- to 200-foot right-of-way and four lanes on this section of MD 202, which is classified as an expressway in the master plan. The site plan shows a 200-foot right-of-way along this section of MD 202. Turn lanes for the acceleration and deceleration of vehicles will be required by the State Highway Administration. This could include a left-turn lane on northbound MD 202 or a bypass lane. Staff recommends that the site entrance create a four-way intersection with Town Farm Road.

The proposed cul-de-sac is not a standard cul-de-sac; the preliminary plan has been referred to DPW&T. Regarding the specific issue of an open space parcel at the terminus of the roadway that incorporates a median/island, the Department of Public Works and Transportation (DPW&T) offers the following:

- a. DPW&T accepts the roadway configuration with the understanding that the design should allow for, as a minimum, the turning movement for a standard WB-40 vehicle and a standard length fire truck. Also, when considering the turning movement, it is to be assumed that parking is provided on the outside edge of the cul-de-sac and no parking on the inside edge. DPW&T believes that the cul-de-sac as proposed conforms to the design criteria.
 - b. DPW&T does not concur with the designation of an open space parcel in the middle of the roadway terminus. Incorporation of this area into the county right-of-way is required.
 - c. If the median/island is to be landscaped beyond the standard street tree and sod treatment, then DPW&T accepts this with the understanding that the landscaped area will be maintained by the developer or the residents of the referenced development. The design of edge treatment for these islands should consider impacts by heavy fire and snow trucks. Also, the developer, as a condition of any DPW&T permit, is to sign a standard covenant with the county for maintenance of the subject islands.
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 4	Middle School Cluster 2	High School Cluster 2
Dwelling Units	20 sfd	20 sfd	20 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	4.80	1.20	2.40
Actual Enrollment	5416	4896	9660
Completion Enrollment	281	197	393
Wait Enrollment	604	225	451
Cumulative Enrollment	61.68	58.86	117.72
Total Enrollment	6367.48	5378.06	10624.12
State Rated Capacity	5364	4638	8770
Percent Capacity	118.71%	115.96%	121.14%
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 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 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 that are expected 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 Marlboro Fire Station, Company 20, located at 14815 Pratt Street, has a service travel time of 5.04 minutes, which is within the 5.25-minute travel time guideline.

- b. The existing ambulance service at Marlboro Fire Station, Company 20, located at 14815 Pratt Street, has a service travel time of 5.04 minutes, which is within the 6.25-minute travel time guideline.
- c. The existing paramedic service at Marlboro Fire Station, Company 20, located at 14815 Pratt Street, has a service travel time of 5.04 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 II-Bowie. In accordance with Section 24-122.1(c) of the Subdivision Regulations the existing county police facilities will be adequate to serve the proposed Austin Meadows 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 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 an additional 69 sworn personnel. This police facility will adequately serve the population generated by the proposed subdivision.
- 12. **Health Department**—The Health Department notes that a well may exist on the property and should be properly sealed prior to final plat. The property is in Water and Sewer Service Category 4 and will be served by public systems. A raze permit must be obtained from the Department of Environmental Resources (DER) prior to removing any structures.
- 13. **Stormwater Management**—DER, Development Services Division, has determined that on-site stormwater management is required. A stormwater management concept plan has been submitted but not yet approved. The stormwater management plan should be approved prior to signature approval of the preliminary plan to ensure that development of this site does not result in on-site or downstream flooding. Development should be in accordance with this approved plan.
- 14. **Lot Size Averaging**^{3/4} The applicant has proposed to utilize the lot size averaging (LSA) provision provided for in Section 24-121(a)(12) of the Subdivision Regulations for the portion of this property in the R-E Zone. In the R-E Zone the minimum lot size for an LSA subdivision is 30,000 square feet.

Section 27-423 of the Prince George's County Zoning Ordinance establishes the zoning requirements for lot size averaging. Specifically, in the R-E Zone:

- a. The maximum number of lots permitted is equal to the gross acreage divided by the largest minimum lot size in the zone for conventional development (40,000 square feet).

- b. At least 50 percent of the lots created shall equal or exceed the largest minimum lot size in the zone (40,000 square feet).

For the 22.3 acres located in the R-E Zone, 24 lots would be allowed. The applicant proposes 20 lots. Eleven of the proposed lots meet or exceed 40,000 square feet. The remaining lots range in size between 30,000 square feet and 39,999 square feet. Therefore, the proposed subdivision meets the minimum Zoning Ordinance standards for lot size averaging.

Further, Section 24-121(a)(12) requires that the Planning Board make the following findings in permitting the use of lot size averaging:

- a. **The subdivision design provides for better access, protects or enhances historic resource or natural features and amenities, or otherwise provides for a better environment than that which could be achieved by the exclusive use of standard lots.** The proposed subdivision provides for better access in accordance with the SHA access study and protects the PMA along both the north property line and the southwest property line as it provides for an overall environment that appears consistent with the R-E conventional lotting standards.
- b. **The subdivision design provides for an adequate transition between the proposed lot sizes and locations of lots and the lots, or lot size standards, of any adjacent residentially zoned parcels.** The applicant has provided a diversity of lot sizes along the north, west and south property lines ranging from 30,000 square feet to 91,099 square feet. The applicant has proposed a variety of lot sizes abutting one another, instead of clustering the smaller (30,000-square-foot) lots. This will allow for the open space feeling associated with the residential estate (R-E) zoning standards. The applicant has not proposed a reduction from the 40,000 square-foot lot sizes along MD 202.
- c. **The subdivision design, where applicable, provides for an adequate transition between the proposed natural features of the site and any natural features of adjacent parcels.** The applicant has provided for the PMA area on two of the largest lots in the subdivision (91,099 and 53,022 square feet) to help ensure its protection and provide for compatibility when the properties to the south may be developed. The PMA is recommended to be placed in a conservation easement at the time of final plat.

Staff supports the applicant's proposal to utilize the LSA provision for the development of this property.

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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PGCPB No. 03-255

File No. 4-03056

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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 Harley, seconded by Commissioner Eley, with Commissioners Harley, Eley, Squire and Hewlett voting in favor of the motion, and with Commissioner Vaughns opposing the motion at its regular meeting held on Thursday, November 20, 2003, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 11th day of December 2003.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:WC:rmk