

R E S O L U T I O N

WHEREAS, Bella Donna Estate Homes is the owner of a 8.86-acre parcel of land known as Parcel 1, Tax Map 92, Grid F-3, said property being in the 3rd Election District of Prince George's County, Maryland, and being zoned R-R; and

WHEREAS, on July 17, 2003, Bella Donna Homes filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 15 lots and 1 parcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-03069 for 4400 Largo Road 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 6, 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 6, 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/27/97-01), and further APPROVED Preliminary Plan of Subdivision 4-03069, 4400 Largo Road for Lots 1-15 and Parcel A with the following conditions:

1. Prior to signature approval of the preliminary plan:
 - a. A Stormwater Management Concept Plan shall be approved. The preliminary plan shall be revised to include the concept approval date and number.
 - b. The Type I Tree Conservation Plan, TCPI/27/97, shall be revised by completing the required information in the TCPI notes.
2. At the time of final plat, the applicant, his heirs, successors and/or assignees, shall pay a fee-in-lieu of mandatory park dedication.
3. At the time of final plat approval, the applicant, his heirs, successors and/or assignees shall dedicate a right-of-way along Largo Road (MD 202) of 35 feet from the center line of the existing pavement, as shown on the submitted plan.
4. The final plat shall include a note that direct access to individual lots from MD 202 is denied.

5. The applicant, his heirs, successors, and/or assignees, shall provide necessary improvements to MD 202 per SHA requirements.
6. Prior to final plat approval, a limited detailed site plan shall be approved by the Planning Board or its designee. The site plan shall examine landscaping and views of the rear yards from MD 202 and MD 202 relocated. If an appropriate buffer and useable rear yard cannot be provided for Lot 3, it may be eliminated.
7. Development of this subdivision shall be in compliance with an approved Type I Tree Conservation Plan (TCPI/27/97-01). The following notes shall be placed on the Final Plat:

“This development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/27/97-01), 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.”

8. A Type II Tree Conservation Plan shall be approved at the time of detailed site plan.

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 east side of Largo Road, across from Crescent Drive.
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 detached homes
Acreage	8.86	8.86
Lots	1	15
Parcels	0	1
Detached Dwelling Units	0	15

4. **Environmental**—A review of the available information indicates that streams, wetlands, 100-year floodplain, severe slopes, areas of steep slopes with highly erodible soils and the associated buffers for these features are not found to occur on the property. Although Largo Road (MD 202) realigned abuts this property, there are no significant transportation-related noise impacts because of the expired reservation plat for MD 202. The soils found to occur, according

to the Prince George's County Soil Survey, include Westphalia fine sandy loams, which have no significant limitations with respect to the development of this property. According to available information, Marlboro clay is not found to occur on this property but is found approximately 100 feet to the east. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program publication entitled "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 Collington Branch watershed of the Patuxent River Basin and in the Developing Tier as reflected in the adopted General Plan.

PRIOR CONDITIONS OF APPROVAL

Preliminary Plan of Subdivision 4-97042, PGCPB # 97-200

- 2. Clearing of any additional woodland on proposed Lot 1, Outparcel "A" or Outparcel "B" will increase the minimum woodland conservation required and a revision to the Type I Tree Conservation Plan.**

A revised Type I Tree Conservation Plan, TCPI/27/97-01, addresses the clearing of woodlands on Lot 1, which is the subject of this application.

- 3. Future development of proposed Lot 1, Outlot "A" or Outparcel "B" shall require a full wetlands delineation and may require variation requests from the Subdivision Regulations regarding disturbance of wetlands or their buffers.**

The wetlands delineation submitted for review on October 20, 2003, has been evaluated and was determined to be acceptable. No wetlands or PMA are found to occur on the property that is the subject of this application.

- 4. Development of any new residential uses shall require a complete noise analysis prior to the approval of any subdivision of Lot 1, Outparcel "A" or Outparcel "B."**

A Phase I noise study was not submitted with this application. However, the Environmental Planning Section prepared an analysis that is addressed below.

Woodland Conservation

A detailed forest stand delineation (FSD) was submitted with the previous applications for this property. It adequately addresses all of the requirements for a forest stand delineation.

This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the gross tract area of the property is greater than 40,000 square feet, there are more than 10,000 square feet of existing woodland, and there are previously approved Tree Conservation Plans, TCPI/27/97 and TCPII/105/99.

TCPI/27/97 covered the entire 50.59 acres of the Wurtz and Weeks tract, including the 8.86 acres in this application. That property includes most of the woodland conservation for this site. The revised Type I Tree Conservation Plan, TCPI/27/97-01, date stamped as accepted on October 20, 2003, addresses the requirements of the Prince George's County Woodland Conservation Ordinance. This 8.86-acre property has a woodland conservation threshold (WCT) of 20 percent, or 1.77 acres, and replacement requirements of 2.73 acres for a total requirement of 4.50 acres. That requirement will be satisfied by 4.50 acres of off-site mitigation at a location to be determined prior to the issuance of any grading permits for this site. TCPI/27/97-01 is recommended for approval subject to conditions.

Noise

The subject property is located on existing MD 202, which is a primary roadway that had an average daily traffic (ADT) count of 18,075 vehicles in 2001 and a projected 65 dBA Ldn located approximately 181 feet from the centerline of the existing roadway. Although the 65 dBA Ldn noise contour is accurately shown on the Preliminary Plan of Subdivision, the Subdivision Ordinance mandates that transportation-related noise impacts be addressed for roadways with a classification of arterial or greater. Therefore, because this segment of existing MD 202 has a master plan classification of "primary road" and the reservation period for proposed MD 202 has expired, there is no requirement to address transportation-related noise impacts to this site.

Water and Sewer Categories

The property is in water category W-3 and sewer category S-3; it will be served by public systems.

5. **Community Planning**—This property is in Planning Area 79/Marlboro Community. It is located in the Developing Tier as outlined in the 2002 General Plan. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial centers, and employment areas that are increasingly transit serviceable. The 1993 *Subregion VI Study Area Approved Master Plan* recommends residential land use at the low-suburban density of 1.6 to 2.6 dwelling units per acre. The 1994 *Approved Sectional Map Amendment for the Subregion VI Study Area* retained the R-R Zone for the subject property.

The application raises no master plan issues. It is in conformance with master plan recommendations and is not inconsistent with the 2002 General Plan's Development Pattern policies for the Developing Tier.

6. **Parks and Recreation**— The site is subject to the requirements of Section 24-134 of the Subdivision Regulations for mandatory park dedication. However, the size and location of land available for dedication is unsuitable for park purposes. Therefore, staff recommends a fee-in-lieu of park dedication be required.
7. **Trails**—The adopted and approved Subregion VI master plan designates Largo Road (MD 202)

as a Class III bikeway and recommends appropriate signage. In cases along state rights-of-way, the Planning Board has typically required the applicant to provide the installation of one “Share the Road With a Bike” sign. Staff recommends this sign be required in this case. The developer would purchase the sign from the state and install it 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 record plat that installation will take place prior to the issuance of the first building permit.

Staff notes, however, that the state may decline the sign in the state right-of-way. If the state ultimately declines the sign, the condition would be void. Retention of the wide asphalt shoulders is recommended, per the concurrence of SHA, to accommodate bicyclists.

8. **Transportation**—The applicant was not required to submit a traffic impact study based on the proposed use of the site. The proposed development would generate 11 AM and 14 PM peak-hour vehicle trips as determined using *Guidelines for the Analysis of the Traffic Impact of Development Proposals* (revised September 2002).

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 traffic generated by the proposed preliminary plan would impact the intersection of MD 202 (Largo Road) and MD 725 (Marlboro Pike). 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.

This site will be accessed by a new three-way intersection at MD 202 and a secondary subdivision street. The new road will have a 50-foot-wide right-of-way and will connect to MD 202 approximately 300 feet north of Crescent Drive. Dustream Terrace, with a 50-foot-wide right-of-way, will serve all 15 lots. There will be no direct access to MD 202 from any of the lots.

The Subregion VI Study Area master plan calls for a 70-foot-wide right-of-way on MD 202 (P-602) and two to four lanes on this section of MD 202. The Subregion VI Study Area master plan also

shows Largo Road relocated to the east, directly behind this property. It is designated as an expressway (E-6) with a 150- to 200-foot-wide right-of-way and four lanes. At one point land was held in reservation for E-6 but this expired several years ago. There are currently no plans or studies underway to relocate MD 202. The applicant shows the dedication of a 35-foot right-of-way from the centerline of MD 202, as required. The applicant will be responsible for any improvements on MD 202, if required by the State Highway Administration, to ensure safe access/egress from the site. The comments from SHA are attached and summarized below:

- Appropriate acceleration lane length, deceleration lane length with bike-capable widening is necessary.
- A provision for left-turning vehicles from southbound MD 202 may be necessary.
- A “Denial of Access” needs to be placed on the final plat along those lots that abut Largo Road (MD 202).

A recent traffic count was made at the intersection of MD 202 and MD 725 to determine adequacy. The count was taken on August 19, 2003. The intersection operates at LOS A during both the AM and PM peak hours. This meets the policy standard for intersections within the Developing Tier.

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 the three transportation-related conditions included in this report.

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.

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 4	Middle School Cluster 2	High School Cluster 2
Dwelling Units	15 sfd	15 sfd	15 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	3.60	0.90	1.80
Actual Enrollment	5416	4896	9660
Completion Enrollment	281	197	393
Wait Enrollment	604	225	451
Cumulative Enrollment	50.16	55.98	111.96
Total Enrollment	6354.76	5374.88	10617.76
State Rated Capacity	5364	4638	8770
Percent Capacity	118.47%	115.89%	121.07%
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 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.

This project meets the adequate public facilities policies of Section 24-122.02, CB-30-2003 and CB-31-2003. 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.
- a. The existing fire engine service at Marlboro Fire Station, Company 20, located at 14815 Pratt Street, has a service travel time of 1.90 minutes, which is within the 5.25-minute

travel time guideline.

- b. The existing ambulance service at Marlboro Fire Station, Company 20, has a service travel time of 1.90 minutes, which is within the 6.25-minute travel time guideline.
- c. The existing paramedic service at Marlboro Fire Station, Company 20, has a service travel time of 1.90 minutes, which is within 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*. The proposed subdivision will be within the adequate coverage area of the nearest existing fire/rescue facilities for fire engine, ambulance and paramedic services.

- 11. **Police Facilities**—The proposed development is within the service area for Police District II-Bowie. In accordance with Section 24-122.01(c) of the Subdivision Regulations, existing county police facilities will be adequate to serve the proposed 4400 Largo Road development. This police facility will adequately serve the population generated by the proposed subdivision.

The Planning Board's current test for police adequacy is based on a standard for square footage in police stations relative to the number of sworn duty staff assigned. The standard is 115 square feet per officer. As of June 30, 2002, the county had 874 sworn staff and a total of 101,303 square feet of station space. Based on available space, there is capacity for additional 69 sworn personnel.

- 12. **Health Department**—The Health Department reviewed the application and had no comments to offer.
- 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, a Stormwater Management Concept 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 There are no known cemeteries on or adjoining the property.
- 15. **Public Utility Easement**—The preliminary plan includes the required ten-foot-wide public utility easement adjacent and contiguous to all public rights-of-way. This easement will be shown on the final plat.
- 16. **Lot Size Averaging**^¾ The applicant proposes the use of lot size averaging. 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.

Comment: This is a shallow property with a limited amount of access. It is wedged between the existing MD 202 pavement and the realignment of MD 202 as shown in the master plan. Severe slopes to the south prevent access from a side street. Larger lots have been preserved along MD 202, creating shallower lots along the MD 202 realigned right-of-way. With one exception, the proposed layout provides lots with typical shapes. This environment is preferred to one that would yield oddly shaped lots.

The exception is proposed Lot 3. This is an oddly shaped lot in the northwest corner of the property, between the interior cul-de-sac and existing MD 202. Although this lot is 20,000 square feet, it is very shallow. It is approximately 86 feet deep from the cul-de-sac to MD 202. Because the house will front the cul-de-sac, the back of the home will be exposed to MD 202. This is the case with all lots along MD 202, but the other lots have more depth and can accommodate landscaping. And lots on the east of the internal road will back up to MD 202 relocated.

Views from roadways into rear yards are not attractive. MD 202 is listed as a primary residential road in the master plan. As such, no landscaping is required by the *Landscape Manual*. However, this roadway acts as a collector facility and will until the new MD 202 is constructed. Lots along the new MD 202 are also shallow, but can accommodate landscaping. Therefore, staff recommends that a limited detailed site plan be required for the entire site prior to final plat approval. The site plan should examine landscaping and buffering of the rear yards from views from both MD 202 and the planned MD 202 relocation. If Lot 3 cannot be adequately landscaped, it may be eliminated from the plan.

- 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.** *Comment:* This stretch of MD 202 is rural in nature. Across MD 202 to the west are single-family homes on large lots. Just south across MD 202 are single-family homes on smaller lots. A church is directly to the south. The preliminary plan includes its largest lots along MD 202 in keeping with the character of the area while still developing in accordance with the regulations of the R-R Zone. Placing the smaller lots further to the east provides a good transition to the rest of the neighborhood.
- 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.** *Comment:* As stated earlier, there are limited natural features on the site.

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

- A. The maximum number of lots permitted is equal to the gross acreage divided by the largest minimum lot size in the zone (20,000 square feet).** *Comment:* In this case, with

8.86 acres and a minimum lot size of 20,000 square feet, the maximum number of lots allowed is 19. The applicant proposes 15 lots.

- B. At least 50 percent of the lots created shall equal or exceed the largest minimum lot size in the zone (20,000 square feet).** *Comment:* As proposed, 8 of the proposed 15 lots (or 53.33 percent) exceed 20,000 square feet. Therefore, the proposed subdivision meets the minimum zoning ordinance standards for lot size averaging.

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 Harley, seconded by Commissioner Vaughns, with Commissioners Harley, Vaughns, Eley and Hewlett voting in favor of the motion, and with Commissioner Squire absent at its regular meeting held on Thursday, November 6, 2003, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 4th day of December 2003.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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