

R E S O L U T I O N

WHEREAS, Northern Estates, L.L.C. is the owner of a 31.93-acre parcel of land known as Parcels 15, 79 and 147, Tax Map 28, Grid B-4, said property being in the 14th Election District of Prince George's County, Maryland, and being zoned R-E; and

WHEREAS, on August 7, 2003, Northern Estates, L.L.C. filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 27 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-03081 for Northern Estates 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/55/03), and further APPROVED Preliminary Plan of Subdivision 4-03081, Northern Estates for Lots 1-27 with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision the plan shall be revised as follows:
 - a. The Type I Tree Conservation Plan, TCPI/55/03, shall be revised to:
 - (1) Add the following note to the worksheet:

“The Type II Tree Conservation Plan may substitute an off-site easement for reforestation/afforestation areas not within the PMA.”
 - (2) Add the following note:

“Whips and seedlings may be used to afforest wetland areas; all other areas shall be reforested/afforested using stock at least 1 inch in caliper.”

- (3) Add the following note:

“The Type II TCP shall show the use of split-rail fencing or any similar permanent fencing for all reforestation/afforestation areas.”

- (4) Have the revised plan signed and dated by the qualified professional who prepared the plan.

- b. A stormwater management concept plan shall be approved and the approval number and date shall be added to the preliminary plan.
- c. The plan shall be revised to include building envelopes on all flag lots.
2. Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/55/03), 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.
3. A Type II Tree Conservation Plan shall be approved prior to approval of the final plat.
4. At time of final plat, a woodland conservation easement shall be described by bearings and distances. The conservation easement shall contain all of the proposed areas of reforestation and afforestation. The following note shall be placed on the plat:
- "Woodland conservation easements described on this plat are areas where reforestation is required and 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."
5. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the wetlands and wetland buffers 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."
6. At the time of final plat, the applicant shall pay a fee-in-lieu of mandatory park dedication of \$30,000.

7. 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 Northern Avenue, designated a Class III Bikeway. A note shall be placed on the final plat for payment to be received prior to the issuance of the first building permit.
8. All debris on the site, including abandoned vehicles, oil storage tanks, and the unlabeled drum, shall be properly discarded prior to final plat approval. If any hazardous waste is found, it shall be removed by a licensed hazardous waste company. A manifest of that removal shall be submitted to the Health Department prior to final plat approval.

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 north side of Northern Avenue, approximately 1,000 feet east of its intersection with Good Luck Road.
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
Uses	Single-family home and farming	Single-family homes
Acreage	33.79	33.79
Lots	0	27
Parcels	3	0
Detached Dwelling Units	3	27

4. **Environmental**—There are wetlands on the property associated with Lottsford Branch of the Western Branch in the Patuxent River watershed. There are no apparent areas of 100-year floodplain, severe slopes, or areas of steep slopes with highly erodible soils on the property. No transportation-related noise impacts have been found to impact the property. The soils found to occur according to the Prince George's County Soil Survey include soils in the Muirkirk, Keyport and Christiana series. According to available information, Marlboro clay is not 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, rare, threatened, or endangered species are not found to occur in the vicinity of this property. There are no designated scenic or historic

roads located in the vicinity of this property. This property is located in the Folly Branch

watershed of the Patuxent River Basin and in the Developing Tier as reflected in the adopted General Plan.

Woodland Conservation

A revised Detailed Forest Stand Delineation (FSD) was submitted. Based upon nine sample points, four forest stands totaling 9.70 acres are described. The plan shows the location of all wetlands on the site and notes 13 specimen trees on the property and contains a table listing their species, size and general condition. Soils boundaries and characteristics conform to those shown in the *Prince George's County Soils Survey*. The FSD meets the requirements of the Woodland Conservation Ordinance.

This property is subject to the provisions of the Prince George's County 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 revised Type I Tree Conservation Plan, TCPI/55/03, has been reviewed. The plan proposes clearing 3.30 acres of the existing 9.70 acres of woodland. The woodland conservation threshold for this site is 7.97 acres and the woodland conservation requirement is 9.96 acres. The plan proposes to meet the requirements by providing 5.25 acres of on-site preservation, 0.38 acre of on-site reforestation and 4.36 acres of on-site afforestation for a total of 9.99 acres. The plan proposes retaining an additional 1.15 acres of woodland on-site that is not part of any requirement.

The plan preserves all of the priority woodland on-site and retains additional woodland areas that are for the most part contiguous to the priority woodlands. The plan proposes extensive planting. None of the designated woodland conservation areas will be within 40 feet of the rear of any proposed dwelling nor are any woodland conservation areas within 20 feet of the side of any proposed dwelling. Some areas of reforestation are proposed that will encumber more than 50 percent of some of the proposed lots. In order to ensure that these woodlands survive in perpetuity it is recommended that all areas of reforestation on the proposed lots be placed in a woodland conservation easement. Additionally, the Type II Tree Conservation Plan should show the use of larger caliper stock for these visible planting areas and adequate tree protection devices to ensure the survival of the trees. Staff notes that the use of an off-site easement in lieu of such extensive planting may be an appropriate alternative to the extensive afforestation proposed.

Patuxent River Primary Management Area (PMA)

The site contains significant natural features, which are required to be protected under Section 24-130 of the Subdivision Regulations. The Patuxent River Primary Management Area Preservation Area (PMA) is defined in Section 24-101(b)(10) of the Subdivision Regulations and is an area to be preserved in its natural state to the fullest extent possible. A Jurisdiction Determination, including a letter and signed plan, was submitted. No impacts to the PMA are proposed.

The *Prince George's County Soils Survey* indicates that the principal soils on the site are in the Muirkirk, Keyport and Christiana series. Muirkirk soils do not pose any difficulties for development. Keyport and Christiana soils are considered highly erodible. Christiana soils pose a problem for foundations because of their high shrink-swell characteristics. A soils report may be required by the Prince George's County Department of Environmental Resources during the permit process review.

Water and Sewer Categories

The property is in Water Category W-4 and Sewer Category S-4; it will be served by public systems.

5. **Community Planning**—The property is in PA 70/Lanham-Severn Road Community and in the Developing Tier, as defined 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 application is not inconsistent with the 2002 General Plan Development Pattern policies for the Developing Tier.

The Glenn Dale-Seabrook-Lanham and Vicinity Master Plan (1993) recommends residential estate land use for the property. The property was retained in the R-E Zone through the District Council approval of the Glenn Dale SMA in 1993. The application is in conformance with the Glenn Dale-Seabrook- Lanham and Vicinity Master Plan. There are no master plan issues associated with this application.

6. **Parks and Recreation**— Proposed Lots 3, 4, 6, 13-16, 19, 20 and 22 of the proposed subdivision are exempt from mandatory dedication of parkland requirements because they are greater than one acre in size. The remaining lots are subject to the mandatory park dedication requirements of Section 24-134 of the Subdivision Regulations.

The applicant has proposed the payment of \$30,000 in lieu of mandatory park dedication. Because the size and location of land available for dedication is unsuitable for park purposes, the payment of this fee-in-lieu of mandatory park dedication is required.

7. **Trails**—The Adopted and Approved Glenn Dale-Seabrook-Lanham and Vicinity Master Plan designates Northern Avenue as a Class III Bikeway and recommends appropriate signage. In cases along county rights-of-way, the applicant is required to provide a financial contribution of \$210 to the Department of Public Works and Transportation for the placement of this signage.
8. **Transportation**— Due to the size of the subdivision, staff has not required that a traffic study be done. The staff did request traffic counts of the applicant, and turning movement counts at the critical intersection dated October 2003 were provided. Therefore, the findings and recommendations outlined below are based upon a review of these materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*.

Growth Policy - Service Level Standards

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.

Summary of Traffic Impacts

The application is a preliminary plan of subdivision for a residential subdivision of 27 lots. The intersections of Good Luck Road/Northern Avenue and MD 193/Northern Avenue are determined to be the critical intersections for the subject property. These intersections are the nearest major intersections to the site and would serve virtually all of the site-generated traffic. Both intersections are unsignalized. The transportation staff has available counts taken by the applicant in 2003. Existing conditions in the vicinity of the subject property are summarized as follows:

EXISTING TRAFFIC CONDITIONS			
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)
MD 193/Northern Avenue	27.9*	10.2*	-- --
Good Luck Road/Northern Avenue	9.4*	9.6*	-- --
<p>*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the guidelines, an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are outside of the normal range of the procedure, and should be interpreted as a severe inadequacy.</p>			

The study assumed limited growth in through traffic along MD 193. Five approved developments were identified in the area. Background conditions are summarized below:

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