

R E S O L U T I O N

WHEREAS, James W. Proctor is the owner of an 11.59-acre parcel of land known as (Parcels 49 and 50), shown on Tax Map 117 and Grid GB-2, said property being in the 9th Election District of Prince George's County, Maryland, and being zoned R-R; and

WHEREAS, on November 19, 2003, Marco Homes filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 18 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-03116 for Proctor Property 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 February 5, 2004, 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 February 5, 2004, 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/70/03), and further APPROVED Preliminary Plan of Subdivision 4-03116, Proctor Property for Lots 1-18 and Parcel A with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the plan shall be revised to label the lot width at the front building line on Lot 10.
2. Prior to the issuance of permits a Type II Tree Conservation Plan shall be approved.
3. The dwelling unit on Lot 10 shall be constructed at the required lot width at the front building line to avoid stacking with the dwelling on Lot 3, Block B to the west.
4. Prior to building permits the applicant, his heirs, successors and/or assignees shall demonstrate that a homeowners association has been established and that the common areas have been conveyed to the homeowners association.
5. At the time of final plat, the applicant, his heirs, successors and/or assignees shall convey to the homeowners association (HOA) 1.33 ± acres of land (Parcel A). Land to be conveyed shall be subject the following:

- a. Conveyance shall take place prior to the issuance of building permits.
  - b. A copy of unrecorded, special warranty deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division (DRD), Upper Marlboro, along with the final plat.
  - c. All waste matter of any kind shall be removed from the property, prior to conveyance, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section or the entire project.
  - d. The conveyed land shall not suffer the disposition of construction materials, soil filling, discarded plant materials, refuse or similar waste matter.
  - e. Any disturbance of land to be conveyed to a homeowners association shall be in accordance with an approved detailed site plan or shall require the written consent of DRD. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement and stormdrain outfalls. If such proposals are approved, a written agreement and financial guarantee shall be required to warrant restoration, repair or improvements, required by the approval process.
  - f. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to a homeowners association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by DRD prior to the issuance of grading or building permits.
  - g. Temporary or permanent use of land to be conveyed to a homeowners association for stormwater management shall be approved by DRD.
  - h. The Planning Board or its designee shall be satisfied that there are adequate provisions to assure retention and future maintenance of the property to be conveyed.
6. The applicant, his heirs, successors and or assignees shall provide standard sidewalks along at least one side of internal public streets unless modified by the Department of Public Works and Transportation at the time of issuance of street construction permits.
  7. Development of this property shall be in conformance with the approved Stormwater Management Concept Plan # 33281-2003-00.
  8. Prior to the issuance of grading permits the applicant shall submit evidence from the Health Department that the tires found on the property have been hauled away by a licensed scrap tire hauler to a licensed scrap tire disposal/recycling facility.
  9. The following note shall be placed on the Final Plat of Subdivision:

“Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/70/03), 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. Prior to the approval of building permits, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building permits stating that the building shells of structures have been designed to reduce interior noise levels to 45 dBA (Ldn) or less.
11. The following note shall be placed on the Final Plat:

“Properties within this subdivision have been identified as possibly having noise levels that exceed the state noise standards for residential uses (65 dBA Ldn) due to military aircraft over flights. This level of noise is above the Maryland designated acceptable noise level for residential uses.”
12. Prior to signature approval the Type I Tree Conservation Plan shall be revised as follows:
  - a. To show the same lotting pattern as the preliminary plan.
  - b. To fill in the blanks in TCP notes #1 and #6.
  - c. To have the revised plan signed and dated by the qualified professional who prepared the plan.
13. Prior to the issuance of any building permits within the subject property, the following road improvements shall have full financial assurances, have been permitted for construction, and have an agreed-upon timetable for construction with SHA/DPW&T:
  - a. At the MD 223 and Dangerfield/Old Alexandria Ferry Road intersection, restriping of the westbound approach of MD 223 to provide exclusive through and right-turn lanes.
  - b. At the MD 223 and Dangerfield/Old Alexandria Ferry Road intersection, restriping the existing northbound approach, which is currently an exclusive through and a shared through/left-turn lane, to provide an exclusive through and an exclusive left-turn lane.
14. 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.
15. 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 will attenuate noise to interior noise levels of 45 dBA (Ldn) or less.

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 approximately 600 feet east of Dangerfield Road at the end of Evelyn Lane, south of Woodyard Road (MD 223).
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	Vacant
Acreage	11.59	11.59
Lots	0	18
Parcels	2	1
Dwelling Units:		
Detached	0	18

4. **Environmental**—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. The Forest Stand Delineation (FSD) has been reviewed. The FSD describes three forest stands totaling 11.12 acres and indicates nine specimen trees. The soils chart is correct and the soils boundaries match well with those shown in the *Prince George's County Soils Survey*.

The revised Type I Tree Conservation Plan, TCPI/70/03, has been reviewed and was found to require additional revisions. The lotting pattern shown on the revised TCP does not match that shown on the revised Preliminary Plan. There are unfilled blanks in TCP notes #1 and #6.

The plan proposes clearing 10.04 acres of the exiting 11.12 acres of woodland. The woodland conservation requirement has been correctly calculated as 5.76 acres. The plan proposes to meet the requirement by providing 5.76 acres of off-site conservation.

Because there are no priority woodlands on-site and because the *Landscape Manual* does not require bufferyards, the use of an off-site easement to accommodate all woodland conservation requirements is appropriate and meets the intent of the Woodland Conservation Ordinance.

Based on the most recent Air Installation Compatible Use Zone Study released to the public in August 1994 by the Andrews Air Force Base, aircraft-generated noise in the vicinity is significant. The study indicates that the noise threshold is between 70 and 75 dBA (Ldn). This noise level is above the state acceptable noise level of 65 dBA (Ldn) for residential land uses. It will not be possible to mitigate aircraft noise in the outdoor activity areas; however, proper construction materials must be used to ensure that the noise inside of the residential structures

does not exceed 45 dBA (Ldn). Prior to the approval of building permits, a certification by a professional engineer with competency in acoustical analysis should be placed on the building permits stating that building shells of structures have been designed to reduce interior noise levels to 45 dBA (Ldn) or less.

A stream is shown on the property in the *Prince George's County Soils Survey*; however, this stream is not shown on the M-NCPPC GIS, the Maryland DNR Nontidal Wetlands Guidance Map, the National Wetland Inventory Map or any other resources examined. The Forest Stand Delineation notes that no jurisdictional waters of the United States were identified in its preparation, but also notes that a Jurisdictional Determination has not been made by the U.S. Army Corps of Engineers. Because there is no tangible evidence that regulated sensitive environmental features exist on site, no further action regarding sensitive environmental features is required with regard to this Preliminary Plan of Subdivision.

No scenic or historic roads are affected by the application. 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. According to the *Prince George's County Soils Survey* the predominant soil types on site are Aura, Beltsville, Galestown, Mattawan, Mattapex and Sassafras series.

#### **Water and Sewer Categories**

The water and sewer service categories are W-3 and S-3, according to water and sewer maps obtained from the Department of Environmental Resources dated June 2003.

5. **Community Planning**—The subject property is located within the limits of the 1993 *Approved Master Plan and Sectional Map Amendment for Subregion V, Planning Areas 81A, 81B, 83, 84, 85A and 85B* in the Clinton community. The master plan land use recommendation for the property is for Low-Suburban residential land use at up to 2.6 dwelling units per acre. The proposed density is 1.5 dwelling units per acre. The preliminary plan is consistent with the recommendations of the master plan for land use and density. The 2002 General Plan locates this property in the Developing Tier. 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 preliminary plan is consistent with the recommendations of the General Plan for land use and density.

As indicated previously, the site is located under the flight path for aircraft at Andrews Air Force Base, approximately two and one-half miles from the south end of the runway, within an area encompassed by Air Installation Compatible Use Zone (AICUZ) studies. The 1989 AICUZ study referenced in the master plan text has been updated to reflect changing operations at Andrews Air Force Base. The current AICUZ study is dated 1998 and identifies the subject property as in Accident Potential Zone Two (APZ II) and at the boundary of the 65-70 and 70-75 Ldn noise contours.

Master plan recommendations pertaining to residential development in airport environments that

may apply to the review of this application, include:

- “Regulations should be adopted to require that subdivision plats and deeds of sale for any residential property located in areas around airports include language informing any buyer about areas identified as having increased accident potential or areas that exceed noise level of 65 Ldn due to aircraft operations.”
- “New homes in areas around airports that are subject to higher than desirable noise levels for residential areas (generally over 65Ldn) should be developed at as low a density as is practical; should be planned utilizing cluster development techniques to move homes away from noise impact areas; and units should be acoustically buffered to reduce interior noise to acceptable standards.”

This application was referred to Planning Office at Andrews Air Force Base for their information and review. The Planning Office has indicated concurrence with the assessment and conditions relating to noise impacts associated with Andrews Air Force Base.

6. **Parks and Recreation**—In accordance with Section 24-134(a) of the Subdivision Regulations, the Department of Parks and Recreation has recommended that the applicant pay a fee-in-lieu of recreational facilities because the land available for dedication is unsuitable due to its size and location. Based on the density of 1 to 4 dwelling units per acre, approximately .57 acre could be required for the mandatory dedication of parkland. The Killiecrankie neighborhood playground is located east of this site, within walking distance on secondary residential streets once the subdivision is constructed. The park is currently undeveloped, however, the recommended fee-in-lieu will be used for the development of the park.
7. **Trails**— There are no master plan trail issues associated with this application.
8. **Transportation**—Due to the size of the subdivision, staff has not required that a traffic study be done. The staff did have traffic counts available at the critical intersection dated May 2003. The applicant chose to augment those counts with an analysis dated January 2004. 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 in 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 is required in the Developing Tier.

**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 intersection of MD 223 and Dangerfield/Old Alexandria Ferry Road is determined to be the critical intersection for the subject property. This intersection is the nearest signalized intersection to the site and would serve virtually all of the site-generated traffic. The transportation staff has available counts taken by a traffic consultant in 2003. These counts indicate that the critical intersection operates at Level-of-Service (LOS) F, with a critical lane volume (CLV) of 1,721, during the AM peak hour. During the PM peak hour, the intersection operates at LOS D with a CLV of 1,416.

There are no funded capital projects at this intersection in either the county Capital Improvement Program or the state Consolidated Transportation Program that would affect the critical intersection. There are several approved but unbuilt developments that would affect the intersection. With background growth added, the critical intersection would operate as follows: AM peak hour  $\frac{3}{4}$  LOS F, with a CLV of 1,855; PM peak hour  $\frac{3}{4}$  LOS E, with a CLV of 1,478.

With the development of 18 residences, the site would generate 14 AM (3 in and 11 out) and 16 PM (11 in and 5 out) peak-hour vehicle trips. The site was analyzed with the following trip distribution: 25 percent  $\frac{3}{4}$  southwest along Dangerfield Road, 20 percent  $\frac{3}{4}$  northeast along MD 223, 25 percent  $\frac{3}{4}$  west along MD 223, and 30 percent  $\frac{3}{4}$  north along Old Alexandria Ferry Road. Given this trip generation and distribution, staff has analyzed the impact of the proposal. With the site added, the critical intersection would operate as follows: AM peak hour  $\frac{3}{4}$  LOS F, with a CLV of 1,859; PM peak hour  $\frac{3}{4}$  LOS E with a CLV of 1,478.

After an extensive evaluation, it is determined that the following improvements are the minimum needed to provide LOS D operations in both peak hours:

- a. Provision of additional striping along the westbound approach of MD 223 to provide exclusive through and right-turn lanes.
- b. Restriping the existing northbound approach, which is currently an exclusive through and a shared through/left-turn lane, to provide an exclusive through and an exclusive left-turn lane.

With these improvements in place the critical intersection would operate as follows: AM peak hour  $\frac{3}{4}$  LOS C, with a CLV of 1,204; PM peak hour  $\frac{3}{4}$  LOS D with a CLV of 1,444. It should be noted that these improvements are similar to those recommended for another recently approved development, Chesterfield Estates (preliminary plan 4-03062) and are a subset of those that would be recommended for another development that is currently pending (Bellefonte, preliminary plan 4-03118).

The site is not within or adjacent to any master plan transportation facilities.

Under the current plan, Parcel 51 to the south and Parcel 48 to the north of the subject property would remain landlocked, i.e., they would not have access by means of a public street. While there are many parcels in Prince George's County that exist as landlocked parcels, the purpose of the Subdivision Ordinance and the design requirements in it would require that new subdivisions, where possible, should provide public street access to outlying parcels which lack public street access. Therefore, it is recommended that the subject plan be revised to show stub street connections to Parcel 51 to the south and to Parcel 48 to the north. These connections may be made by means of secondary residential streets (right-of-way of 50 feet).

Based on the preceding findings, adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code.

9. **Schools**<sup>3/4</sup> The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and CB-30-2003 and CR-23-2003 and concluded the following.



## Finding

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 5	Middle School Cluster 3	High School Cluster 3
Dwelling Units	18 sfd	18 sfd	18 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	4.32	1.08	2.16
Actual Enrollment	4,096	4,689	8,654
Completion Enrollment	180.46	86.22	158.07
Cumulative Enrollment	92.40	23.10	46.20
Total Enrollment	4,373.20	4,799.40	8,860.43
State Rated Capacity	4,214	5,114	7,752
Percent Capacity	103.78%	93.85%	114.30%

Source: Prince George's County Planning Department, M-NCPPC, December 2003

County Council bill CB-31-2003 establishes a school facilities surcharge in the amount of: \$7,000 per dwelling if a building is located between I-495 and the District of Columbia; \$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 or expanded school facilities and renovations to existing school buildings or other systemic changes.

This project meets the adequate public facilities policies for school facilities contained in Section 24-122.02, CB-30-2003 and CB-31-2003 and CR-23-2003.

The subject site is located in an area recommended by the approved and adopted Subregion V master plan for a proposed elementary school symbol. Staff submitted a copy of the proposed preliminary plan to the Board of Education for their comment regarding the possible reservation of the property for a school site. The Board of Education has responded that the site is not appropriate.

10. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of fire and rescue facilities and concluded the following:
  - a. The existing fire engine service at Clinton Fire Station, Company 25, located at 9025 Woodyard Road has a service travel time of 3.77 minutes, which is within the

5.25-minute travel time guideline.

- b. The existing ambulance service at Clinton Fire Station, Company 25, located at 9025 Woodyard Road has a service travel time of 3.77 minutes, which is within the 6.25-minute travel time guideline.
- c. The existing paramedic service at Clinton Fire Station, Company 25, located at 9025 Woodyard Road has a service travel time of 3.77 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 service. These findings are in conformance with the standards and guidelines contained in the 1990 *Approved Public Safety Master Plan* and the “Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities.”

- 11. **Police Facilities**—The proposed development is within the service area for Police District V-Clinton. 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. Therefore, in accordance with Section 24-122.01(c)(1)(A) and (B) of the Subdivision Regulations of Prince George's County, the staff concludes that the existing county police facilities will be adequate to serve the proposed Proctor Property development.
- 12. **Health Department**—The Health Department notes that numerous tires were found on the property. The tires must be hauled away by a licensed scrap tire hauler to a licensed scrap tire disposal/recycling facility and a receipt for tire disposal must be submitted to the Health Department. All other trash, including rusted metal items, must be removed and properly discarded.
- 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, # 33281-2003-00, has been approved with conditions to ensure that development of this site does not result in on site or downstream flooding. Development must be in accordance with this approved plan.
- 14. **Lot Size Averaging**<sup>3/4</sup> 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 property in the R-R Zone.

Section 27-423 of the Prince George’s County Zoning Ordinance establishes 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).

- 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).

For the 11.59 acres located in the R-R Zone, 25 lots would be allowed. The applicant proposes 18 lots. Sixteen of the proposed lots meet or exceed 20,000 square feet. The applicant proposes only two lots between 15,000 and 19,999 square feet. The minimum lot size in the R-R Zone for LSA is 15,000 square feet. 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 preliminary plan proposes better access than what could be achieved utilizing conventional lots. The conventional layout did not provide any future connections to properties to the north and the south, properties that are currently landlocked with no means for vehicular access.
- 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 proposed two lots between 15,000 and 19,000 square feet. Lot 10 abuts the west property line adjacent to the Townsend subdivision that was developed with an average lot size of 11,000 square feet. Proposed Lot 10 is 15,627 square feet and provides an appropriate transition between the standard 20,000-square-foot lots within the subdivision and the Townsend subdivision. Lot 11 is proposed at 17,000 square feet and provides an appropriate transition within the subdivision between the 20,000-square-foot lots and Lot 10 to the west. The applicant has proposed to utilize the LSA provision sparingly and staff believes appropriately.
- 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 site has no significant environmental features nor does the site share other unique natural features with the surrounding properties. The applicant has utilized the LSA provisions to provide a transition with other existing lots to the west.

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

- 15. **Final Plat**¾ Staff advised the Planning Board at the public hearing that the property owner for the abutting property to the south might desire alternative access in lieu of the proposed two stub streets to the south. In order to provide the greatest flexibility to the property owners, the

Planning Board has determined that the plan could be revised to cul-de-sac one or both of the southern stub streets at the time of final plat. The Planning Board further finds that this alteration would be in substantial conformance with the approval as long as the revision did not result in an increase in the 18 lots approved with this application.

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.

\* \* \* \* \*

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, Vaughns, Squire and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, February 5, 2004, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 26th day of February 2004.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

TMJ:FJG:WSC:meg