

R E S O L U T I O N

WHEREAS, Florence J. Henderson is the owner of a 1.14-acre parcel of land known as Parcel 67 and Outlot A), shown on Tax Map 118 and Grid F-4, said property being in the 15th Election District of Prince George's County, Maryland, and being zoned R-R; and

WHEREAS, on December 4, 2003, Nick Conte filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for two lots and one parcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-03122 for Henderson 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 April 1, 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 April 1, 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/75/03), and further APPROVED Preliminary Plan of Subdivision 4-03122, for two lots and one parcel with the following conditions:

1. Prior to signature approval, the preliminary plan shall be revised to:
 - a. Include the stormwater management concept plan approval number and date.
 - b. Correct the vicinity map and adjoining property owner information.
2. Concurrent with road improvements to Midland Turn, the applicant, his heirs, successors and/or assignees shall construct a standard sidewalk along the property frontage, per the concurrence of the Department of Public Works and Transportation.
3. Based on the applicant's proffer at the hearing, the applicant, his heirs, successors and/or assignees shall grant to the Commission the first right of refusal to purchase Lot 16 for access to the adjacent park, as shown on the Department of Parks and Recreation (DPR) Exhibit "A." This right shall terminate nine months from the date of preliminary plan approval if the Commission is not able to purchase the lot. If a purchase agreement is reached for proposed Lot 16, the fee in lieu of mandatory dedication of parkland shall be required for Lot 17.

4. If a purchase agreement is not reached for proposed Lot 16, the applicant, his heirs, successors and/or assignees shall dedicate to M-NCPPC at the time of final plat Parcel "A," approximately 2,483 square feet of parkland (17-foot-wide strip of land) for access to adjacent Marlton Neighborhood Park as shown on the Department of Parks and Recreation (DPR) Exhibit "A." The applicant shall also convey to the Commission a 10-foot-wide landscaping easement along the western property line of Lot 16. Land to be dedicated shall be subject to the following:
 - a. An original, special warranty deed for the property to be conveyed, (signed by the WSSC Assessment Supervisor) shall be submitted to the Subdivision Section of the Development Review Division, The Maryland-National Capital Park and Planning Commission (M-NCPPC), along with the Final Plat.
 - b. The M-NCPPC shall be held harmless for the cost of public improvements associated with land to be conveyed, including but not limited to, sewer extensions, adjacent road improvements, drains, sidewalks, curbs and gutters, and front-foot benefit charges prior to and subsequent to Final Plat.
 - c. The boundaries and acreage of land to be conveyed to M-NCPPC shall be indicated on all development plans and permits, which include such property.
 - d. The land to be conveyed shall not be disturbed or filled in any way without the prior written consent of the Department of Parks and Recreation (DPR). If the land is to be disturbed, the DPR shall require that a performance bond be posted to warrant restoration, repair or improvements made necessary or required by the M-NCPPC development approval process. The bond or other suitable financial guarantee (suitability to be judged by the General Counsel's Office, M-NCPPC) shall be submitted to DPR within two weeks prior to applying for grading permits.
 - e. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to or owned by M-NCPPC. If the outfalls require drainage improvements on adjacent land to be conveyed to or owned by M-NCPPC, the DPR shall review and approve the location and design of these facilities. The DPR may require a performance bond and easement agreement prior to issuance of grading permits.
 - f. All waste matter of any kind shall be removed from the property to be conveyed. All wells shall be filled and underground structures shall be removed. DPR shall inspect the site and verify that land is in acceptable condition for conveyance, prior to dedication.
 - g. All existing structures shall be removed from the property to be conveyed, unless the applicant obtains the written consent of DPR.
 - h. The applicant shall terminate any leasehold interests on property to be conveyed to the Commission.

- i. No stormwater management facilities, or tree conservation or utility easements shall be proposed on land owned by or to be conveyed to M-NCPPC without the prior written consent of DPR. DPR shall review and approve the location and/or design of these features. If such proposals are approved by DPR, a performance bond and an easement agreement may be required prior to the issuance of grading permits.
5. The applicant, his heirs, successors and/or assignees shall submit a letter to the Subdivision Section indicating that DPR conducted a site inspection and found the land to be dedicated to M-NCPPC in acceptable condition for conveyance. The letter shall be submitted with the final plat of subdivision.
6. Development of this property shall be in conformance with the approved stormwater management concept plan, Concept # 37898-2003-00.
7. Development of this subdivision shall be in compliance with the approved Type I Tree Conservation Plan (TCP TCPI/75/03). 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(TCP TCPI/75/03) 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."

8. Prior to the issuance of any permits on the site, a Type II Tree Conservation Plan shall be approved.

BE IT FURTHER RESOLVED, that the findings and reasons for the decision of the Prince George's County Planning Board are as follows:

1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.
2. The property is located on the north side of Midland Turn, approximately 1,000 feet southeast of its intersection with Fairhaven Avenue, in Planning Area 82B/Rosaryville.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	R-R and R-R (R-P-C)	R-R and R-R (R-P-C)
Uses	Vacant	Single-family homes and park access
Acreage	1.14	1.14
Lots	0	2

Parcels	1	1
Outlots	1	0
Detached Dwelling Units	0	2

4. **Environmental**—A review of the available information indicates that no streams, nontidal wetlands, 100-year floodplain, severe slopes, or areas of steep slopes with highly erodible soils occur on this property. There are no transportation-related noise impacts associated with the site. The soils found to occur according to the Prince George’s County Soil Survey include Galestown-Evesboro and Westphalia-Evesboro. Galestown soils have little limitation to development of the site. The Westphalia soils series is highly erodible ($K=0.43$) on severe and steep slopes but poses few other limitations to development. 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. No designated scenic or historic roads are located along the frontage of this property. This property is located in the Charles Branch watershed of the Patuxent River Basin and in the Developing Tier as reflected in the 2002 General Plan.

Woodland Conservation

A Detailed Forest Stand Delineation (FSD) was submitted with this application. The FSD identifies a single stand consisting of sweetgum, tulip poplar and black locust with a dominant size class of 18 to 30 inches diameter at breast height. No specimen trees were identified on the site. No further information is required at this time with regard to the FSD.

The 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.

A Type I Tree Conservation Plan (TCPI/75/03) was submitted concurrent with the preliminary plan application. The minimum requirement for this site according to the submitted plan is 0.23 acres of woodland conservation, plus additional acreage due to removal of 0.57 acres of woodland, for a total minimum requirement of 0.37 acres.

The TCPI proposes to meet the requirement with 0.41 acres of on-site preservation. Preserved woodlands have been proposed as a contiguous block along the rear of the two lots. A 40-foot-wide active rear yard has been provided on both lots. The TCPI shows the conceptual location of houses on the site and conceptual grading that supports the TCPI as a reasonable solution for preserving woodlands in the area proposed on-site. No further information regarding the TCPI is required.

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 located 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. This application is not inconsistent with the 2002 General Plan Development Pattern policies for the Developing Tier.

The *Subregion VI Study Area Master Plan* (1993) shows a floating symbol for a proposed public park for the area encompassing this application. In lieu of public park use, “Low-Suburban” residential land use at an average density of 1.6 to 2.6 dwelling units per acre is recommended. The 1994 *Subregion VI Study Area SMA* retained this property in the R-R Zone.

There are no specific master plan issues associated with this application other than the parkland recommendations discussed above and discussed further in the following finding. There are errors on the vicinity map that need to be addressed. The applicant should correct the location information on the vicinity map, on the submitted site plan, and examine the accuracy of the adjacent property owner information shown.

6. **Parks and Recreation**— Staff of Department of Parks and Recreation (DPR) has reviewed the submitted subdivision plan and made the following findings. Subject property adjoins Marlton Neighborhood Park on the north. This park contains a football/soccer field, playground, two tennis courts, and a basketball court. In accordance with Section 24-134 of the Prince George’s County Subdivision Ordinance, the applicant is required to dedicate 2,483 square feet for parkland.

The area master plan for Subregion VI shows a 70-acre floating Community Park symbol over this site. Although recent purchases and conveyances from adjacent or nearby projects have fulfilled Community Park needs for this area, DPR staff finds that better access is needed to Marlton Neighborhood Park. The mandatory dedication provisions of the Subdivision Ordinance could be used to require the provision of a 17-foot-wide strip of land along the western property line for access to the park. However, the site is fairly steeply sloped, and grading to construct an accessible trail connection could be a challenge. Purchase of a portion of the subject property would provide the opportunity to provide accessible access to the park and buffer the trail from adjoining homes.

Staff has discussed the possibility of purchasing proposed Lot 16 with the applicant. At the hearing, the applicant proffered to give the Commission the first right of refusal to purchase proposed Lot 16. Because the applicant proffered this, it shall be included as a condition of approval.

In the event that the land acquisition contract cannot be negotiated during this time period, the applicant has agreed to dedicate a 17-foot-wide strip of land along the western property line and convey a 10-foot-wide landscaping easement to the Commission on Lot 16 as shown on DPR Exhibit “A.”

7. **Trails**—There are no master plan trail issues associated with this proposal identified in the adopted and approved Subregion VI master plan. Staff supports the provision of a pedestrian access point to the adjacent park property, per the recommendation of DPR. A standard sidewalk should be constructed along the subject site’s entire road frontage of Midland Turn, per the concurrence of the Department of Public Works and Transportation.
8. **Transportation**—The proposed development of two single-family detached homes would generate 2 AM and 2 PM peak-hour vehicle trips as determined using *Guidelines for the Analysis of the Traffic Impact of Development Proposals*.

The site is within the Developing Tier, as defined in the 2002 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 US 301 and Fairhaven Avenue. Staff has no recent counts at the critical intersection of US 301 and Fairhaven Avenue, which is signalized. Due to the limited trip generation of the site, the Prince George’s County Planning Board could deem the site’s impact at this location to be de minimus. Staff would therefore recommend that the Planning Board find that 2 AM and 2 PM peak hour trips will have a de minimus impact upon delay in the critical movements at the US 301/Fairhaven Avenue intersection.

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.

9. **Schools**—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.

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 4	Middle School Cluster 2	High School Cluster 2

Dwelling Units	2 sfd	2 sfd	2 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	0.48	0.12	0.24
Actual Enrollment	5,334	5,131	10,098
Completion Enrollment	351.84	217.62	398.97
Cumulative Enrollment	181.68	90.42	180.84
Total Enrollment	5,868	5,439.16	10,678.05
State Rated Capacity	5,384	4,688	8,770
Percent Capacity	108.99%	116.02%	121.76%

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.

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 school surcharge may be used for the construction of additional or expanded school facilities and renovations to existing school buildings or other systemic changes.

10. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed the proposed preliminary plan for adequacy of public fire and rescue facilities.

- a. The existing fire engine service at Marlboro Fire Station, Company 45, located at 7710 Croom Road, has a service travel time of 4.31 minutes, which is within the 5.25-minute travel time guideline.
- b. The existing ambulance service at Marlboro Fire Station, Company 45, has a service travel time of 4.31 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 10.07 minutes, which is beyond the 7.25-minute travel time guideline. The nearest fire station Marlboro, Company 45, is 4.31 minutes from the development. This facility would be within the recommended travel time for paramedic service.

These findings are in conformance with the standards and guidelines contained in 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 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 January 2, 2004, the county had 823 sworn staff and a total of 101,303 square feet of station space. Based on available space, there is capacity for an additional 57 sworn personnel. Therefore, in accordance with Section 24-122.01 (c) of the Subdivision Regulations of Prince George's County, existing county police facilities will be adequate to serve the population generated by the proposed subdivision.
12. **Health Department**—The Health Department reviewed the application and offered no comments.
13. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is not required. A Stormwater Management Concept Plan, # 37898-2003-00, has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. The approval is valid through November 20, 2006. Development must be in accordance with this approved plan, or any revisions thereto. The preliminary plan should be revised to include the concept plan approval number and date.
14. **Cemeteries**^{3/4} There are no known cemeteries on or adjoining the subject property. However, the applicant should be aware that if burials are found during any phase of the development process, development activity must cease in accordance with state law.
15. **Public Utility Easement**—The preliminary plan shows the required ten-foot-wide public utility easement along the public street. This easement will be included on the final plat.

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 Eley, with Commissioners Harley, Eley, Vaughns, Squire and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, April 1, 2004, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 29th day of April 2004.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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