

R E S O L U T I O N

WHEREAS, M. & J. Tayman, the owners of a 25-acre parcel of land known as (Parcels 61 and 133), shown on Tax Map 135 and Grid E-4, said property being in the 11th Election District of Prince George's County, Maryland, and being zoned R-R; and

WHEREAS, on December 18, 2003, The Keelty Company filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 34 lots and 3 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-03130 for Tayman 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 May 6, 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 May 6, 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/77/03), and further APPROVED Preliminary Plan of Subdivision 4-03130, for Lots 1-7, Block A; Lots 1-27, Block B; and Parcels A-C with the following conditions:

1. Any abandoned well shall be backfilled and/or 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.
2. The septic tank serving the existing house on Lot 1 must be pumped out by a licensed scavenger and either removed or backfilled in place prior to final plat approval.
3. Prior to final plat approval, the applicant shall submit a manifest demonstrating that the fuel storage tanks located on the property have been properly disposed of by a licensed waste company and reclamation of any contaminated soils has occurred under the direction of the Health Department.
4. The applicant shall construct the eight-foot wide master plan trail along the subject property's entire frontage of Dyson Road (the ultimate 80-foot right-of-way). The trail shall either be located within the ultimate 80-foot right-of-way, or immediately south of it within a public use easement, to be established, if necessary, prior to final plat approval.

5. The applicant shall allocate appropriate and developable areas for private recreational facilities on homeowners association (HOA) open space land.
6. The recreational facilities shall be constructed in accordance with the applicable standards in the *Parks and Recreational Facilities Guidelines*.
7. Land to be conveyed to the HOA shall be subject to 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. Stormdrain outfalls shall be designed to avoid adverse impacts on adjacent land, owned by or to be conveyed to The Maryland-National Capital Park and Planning Commission (M-NCPPC). If the outfalls require drainage improvements on land to be conveyed to or owned by M-NCPPC, the Department of Parks and Recreation (DPR) shall review and approve the location and design of these facilities. DPR may require a performance bond and easement agreement prior to issuance of grading permits.
 - i. There shall be no disturbance of any adjacent land that is owned by, or to be conveyed to,

M-NCPPC, without the review and approval of DPR.

- j. 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.
- 8. No lot shall have direct driveway access to Dyson Road.
 - 9. Prior to the issuance of any building permits within the subject property, the applicant shall conduct a traffic signal warrant study at the intersection of US 301 and Dyson Road. If a traffic signal is deemed warranted by SHA, the applicant shall bond a pro-rata share of the cost of the signal, provided that full funding for the signal, through any combination of public funding and funding by other private parties, is available, and provided that an equitable arrangement can be coordinated with SHA. Otherwise, the applicant shall bond the full cost of the signal prior to the release of any building permits within the subject property and install it at a time when directed by SHA. The applicant will be responsible for any additional pavement markings and signage at the intersections.
 - 10. At the time of final plat approval, the applicant shall dedicate right-of-way for Dyson Road as shown on the submitted plan. The applicant shall realign and construct Dyson Road along the north edge of the property as shown on the plan and as determined by DPW&T.
 - 11. Off-site mitigation of the woodland conservation requirements for the subject property shall be located within the Piscataway Creek subwatershed as the first preference and within the Potomac River basin as the second preference.
 - 12. 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/77/03), 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.”
 - 13. Prior to signature approval of the Preliminary Plan, revise the TCPI as follows:
 - a. Correct the woodland conservation worksheet to correctly identify the area of on-site afforestation and the area credited as off-site mitigation on another property
 - b. The following note shall be added:

“The TCPII shall address the location of off-site mitigation of the woodland conservation requirements within the Piscataway Creek subwatershed as the first preference, and within the Potomac River basin as the second preference.”
 - c. Have the revised plan signed and dated by the qualified professional who prepared the

plan.

14. A Type II Tree Conservation Plan shall be approved prior to the release of permits.
15. 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.
16. The applicant, his heirs, successors and/or assignees shall submit three original recreational facilities agreements (RFA) to DRD for approval prior to the submission of final plats for construction of recreational facilities on homeowners land. Upon approval by DRD, the RFA shall be recorded among the county Land Records.
17. The applicant, his heirs, successors and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee prior to building permits for the construction of recreational facilities on homeowners land.
18. In accordance with Section 27-445, the applicant shall submit a Detailed Site Plan for the private recreational area. The DSP shall be approved by the Planning Board or its designee prior to final plat.

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 site is located on the south side of Dyson Road approximately 1,500 feet east of its intersection with US 301.
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
Uses	Single-Family Residence, Farmland	Single-Family Residences
Acreage	25	25
Lots	0	34
Parcels	2	3

4. **Environmental**—There are no streams, nontidal wetlands or 100-year floodplain located on this property. The site is mostly open cropland, with a strip of woodland along the southern property boundary. The topography is flat to gently sloping, and drains into Mataponi and Piscataway Creeks, which are tributaries of the Potomac River. The soils found on this property include Aura, Beltsville, and Leonardstown. Aura soils are highly erodible, but otherwise pose few

development problems. Beltsville soils are in hydrologic class C, are highly erodible, and may experience development limitations with respect to impeded drainage or seasonally high water tables. Leonardstown soils are in hydrologic class D, and may experience perched water tables and poor drainage. 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 lot. There are no designated scenic and historic roads located adjacent to the property or in the vicinity of the property. Transportation-related noise impacts have not been identified on this property. The property is located in the Developing Tier as reflected in the 2002 General Plan. There are no environmental issues associated with the master plan issues on this site, which is located in Subregion V.

Environmental Review

1. A Detailed Forest Stand Delineation (FSD) was submitted with this application, which was found to fulfill all requirements.
2. This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the property is greater than 40,000 square feet gross tract area, there are more than 10,000 square feet of existing woodland, and more than 5,000 square feet of woodland clearing is proposed. A Type I Tree Conservation Plan (TCPI/77/03) was submitted concurrent with the preliminary plan application.

The revised Tree Conservation Plan (TCPI/77/03) received on April 6, 2004, has been reviewed. The woodland conservation threshold for this site is 5.00 acres based on a net tract area of 25 acres, plus additional acres due to removal of 2.66 acres of woodland, for a total minimum requirement of 6.41 acres.

The TCP requires revisions to satisfy the requirements of the Woodland Conservation Ordinance. The TCPI graphically proposes to meet the requirement with 0.88 acres of on-site preservation, 0.82 acres of on-site afforestation, with 4.71 acres of off-site mitigation, although this is not correctly reflected in the woodland conservation worksheet. The remainder of the woodland conservation requirements shall be provided through off-site mitigation, with preference given to the Piscataway watershed, and secondary preference to the Potomac River basin. The plan is not signed and dated by a qualified professional.

3. Development of this subdivision shall be in compliance with the Type I Tree Conservation Plan (TCPI/77/03) approved as part of this application.
4. The soils found to occur according to the Prince George's County Soil Survey include Aura, Beltsville, and Leonardstown. The Aura soils are not hydric, but are highly erodible. Beltsville soils may exhibit impeded drainage and perched water tables, as well as being highly erodible. Leonardstown soils are hydric, and may experience development limitations with respect to impeded drainage or seasonally high water

These limitations may affect the construction phase of this development, and may affect the size of required stormwater management ponds as previously discussed.

5. A proposed Stormwater Management Concept Approval Letter (CSD# 39926-2003-00), dated April 1, 2004, was submitted with the application.

Water and Sewer Categories

The property is in water category W-4 and sewer category S-4 according to water and sewer maps obtained from the Department of Environmental Resources dated June 2003. A change to W-3 and S-3 will be required prior to approval of the final plat.

5. **Community Planning**—The property is in Planning Area 85/Brandywine Community. The 2002 General Plan places the 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. This application is not inconsistent with the 2002 General Plan Development Pattern policies for the Developing Tier. The 1993 *Subregion V Master Plan* recommends low-suburban density for single-family detached dwellings at a density up to 2.6 dwellings per acre. The proposed subdivision, at 1.4 dwellings per acre, is consistent with the recommendation of the master plan.
6. **Parks and Recreation**—In accordance with Section 24-134 of the Prince George's County Subdivision Regulations, the Park Planning and Development Division of the Department of Parks and Recreation (DPR) recommends the provision of private recreational facilities to meet mandatory dedication requirements for this application. DPR recommends that the following stipulations be required of the applicant, his successors and/or assignees as conditions of approval:
 - a. The applicant shall allocate appropriate and developable areas for the private recreational facilities on Home Owners Association (HOA) open space land. The Urban Design Section staff should review and approve the location of the developable areas.
 - b. Land to be conveyed to HOA shall be subject to the exhibit "Conditions for Land to be Conveyed to a Homeowner's Association."
 - c. The recreational facilities shall be constructed in accordance with the applicable standards in the *Parks and Recreation Facilities Guidelines*.
 - d. The preliminary plan shall be revised to appropriately designate the Stormwater Management area for dedication to either DER or a HOA.

The applicant has provided a 53,633-square-foot area in the northwest corner of the property for private recreation facilities to be conveyed to a HOA. It will be subject to approval of a Detailed Site Plan per Section 27-445 of the Zoning Ordinance.

7. **Trails**—One master plan trail impacts the subject property. Dyson Road is designated as a master plan trail corridor in the 1993 *Subregion V Master Plan*. Upon its completion, this trail will provide bicycle and pedestrian access to numerous park sites, residential communities, and a proposed elementary school. The portion of the trail on the subject property will connect to properties indicated on the submitted plan as being dedicated to the HOA. The applicant shall be required to construct this trail along the subject property's frontage of Dyson Road.
8. **Transportation**—The transportation staff determined that a traffic study was not warranted by the size of the proposed development. Staff did request a traffic count from the applicant and the needed count at the intersection of US 301 and Dyson Road was provided. The applicant provided two traffic counts for the northbound and southbound movements at US 301 and Dyson Road. Therefore, the findings and recommendations outlined below are based upon a review of relevant 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 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.

Staff Analysis of Traffic Impacts

The application is a plan for a residential development of 35 single-family dwelling units. The proposed development would generate 26 AM (5 in, 21 out) and 32 PM (21 in, 11 out) peak-hour vehicle trips as determined using the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*. The site was analyzed using the following trip distribution:

5 percent—South along Cherry Tree Crossing Road
5 percent—North along Cherry Tree Crossing Road
10 percent—West along Dyson Road
40 percent—South along US 301
40 percent—North along US 301

The traffic generated by the proposed plan would primarily impact the northbound and southbound

intersections of US 301 and Dyson Road, which are not signalized. The Prince George's County Planning Board, in the *Guidelines for the Analysis of the Traffic Impact of Development Proposals* has defined an upper limit of 50.0 seconds of delay in any movement as the lowest acceptable operating condition on the transportation system. The following conditions exist at the critical intersection: AM peak hour, maximum average delay of 776.1 seconds at the northbound intersection and 99.5 seconds at the southbound intersection. In the PM peak hour, a maximum average delay of 51.0 seconds at the northbound intersection and 589.3 seconds at the southbound intersection.

An annual growth rate of 3.0 percent was assumed for through and background traffic along US 301. The following background traffic conditions were determined: AM peak hour, maximum average delay of 976.5 seconds at the northbound intersection and 231.0 seconds at the southbound intersection. In the PM peak hour, a maximum average delay of 56.5 seconds at the northbound intersection and 670.2 seconds at the southbound intersection.

With site traffic, the following operating conditions were determined: AM peak hour, maximum average delay of 1,349.0 seconds at the northbound intersection and 446.2 seconds at the southbound intersection. In the PM peak hour, a maximum average delay of 67.1 seconds at the northbound intersection and 702.6 seconds at the southbound intersection.

In analyzing unsignalized intersections, average vehicle delay for various movements through an intersection is measured in seconds of vehicle delay. According to the Guidelines, an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Values above "+999" suggest that the parameters are outside of the normal range of the procedure, and should be interpreted as a severe inadequacy. Staff has determined that the minimum delay exceeds 50.0 seconds during both the AM and PM peak hours at the intersection of US 301 and Dyson Road. Therefore, the applicant should provide a traffic signal warrant study and install the signal if it is deemed warranted by the State Highway Administration.

Site Plan Comments

Proposed Road A, with 60 feet of right-of-way, will provide site access from realigned Dyson Road. Caliph Street, with 60 feet of right-of-way, will be extended into the development, providing a second access point. West of its intersection with Road A, Caliph Street will continue as a 50-foot right-of-way. Caliph Street intersects Cheltenham Drive to the east. None of the lots will have direct access to Dyson Road.

Master Plan Comments

Dyson Road is shown in the Subregion V Master Plan as a four-lane collector road (C-528) with 80 feet of right-of-way. It will be realigned along the north side of the property. Dedication of 80 feet right-of-way is shown properly on the site plan. No further dedication is required. The State Highway Administration (SHA) provided comments and indicated that the proposed development will not be impacted by the future upgrading of US 301.

Findings and Recommendations

Based on the preceding findings, adequate transportation facilities exist to service the proposed subdivision as required under Section 24-124 of the Prince George's County Code if the application is approved with condition.

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 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	35 sfd	35 sfd	35 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	8.40	2.10	4.20
Actual Enrollment	4096	4689	8654
Completion Enrollment	180.48	86.22	158.07
Cumulative Enrollment	0	0	0
Total Enrollment	4284.88	4777.32	8816.27
State Rated Capacity	4214	5114	7752
Percent Capacity	101.68	93.42	113.73
Funded School	N/A	N/A	N/A

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

These figures are correct on the day the referral memo was written. They are subject to change under the provisions of CB-30-2003 and CR-23-2003. Other projects that are approved prior to the public hearing on this project will cause changes to these figures. The numbers shown in the resolution of approval will be the ones that apply to this project.

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 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, and CB-31-2003 and CR-23-2003.

10. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of public facilities and concluded the following.

The existing fire engine service at Brandywine Fire Station, Company 40, located at 14201 Brandywine Road has a service travel time of 4.62 minutes, which is within the 5.25-minute travel time guideline.

The existing ambulance service Brandywine Fire Station, Company 40, located at 14201 Brandywine Road has a service travel time of 4.62 minutes, which is within the 6.25-minute travel time guideline.

The existing paramedic service at Brandywine Fire Station, Company 40, located at 14201 Brandywine Road has a service travel time of 4.62 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.

The above 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 1/2/2004, 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 additional 57 sworn personnel. This police facility will adequately serve the population generated by the proposed subdivision.

12. **Health Department**—The Health Department reviewed the application and offered the following comments:

- a. A raze permit is required prior to the removal of any of the structures on site, including the house, the large barns, and the various small outbuildings
- b. The existing shallow well serving the occupied house at 9301 Dyson Road must be backfilled and sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative of the Health Department prior to the issue of any grading permit.
- c. The septic tank serving the above mentioned house must be pumped out by a licensed scavenger and either removed or backfilled in place prior to the issue of any grading

permit.

- d. A fuel tank was noted on site, adjacent to the occupied house. This tank must be removed prior to grading permit approval and the contents properly discarded. If staining is encountered, the soils beneath these tanks must be removed and properly disposed. A representative from the Health Department must evaluate the soils for possible contamination once the tank is removed prior to grading permit approval.
 - e. A significant amount of rusted, derelict farm equipment was found within the rear tree line, to the west of the metal clad shed as depicted on Lots 21 & 25, Block B and should be removed and properly stored or discarded.
- 13. **Stormwater Management**—The applicant received stormwater concept approval from the Prince George's County Department Of Environmental Resources on March 23, 2004.
 - 14. **Cemeteries**—There are no known cemeteries on the subject property.
 - 15. **Public Utility Easement**—The preliminary plan shows a 10-foot-wide public utility easement adjacent to all public rights-of-way.
 - 16. **Prior Approvals**—The subject property has no prior approvals.

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, Squire and Hewlett voting in favor of the motion, and with Commissioner Vaughns absent at its regular meeting held on Thursday, May 6 2004, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 20th day of May 2004.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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