

R E S O L U T I O N

WHEREAS, Clagett Landing, LLC, is the owner of a 116.24-acre parcel of land known as Parcel 18, being located on Tax Map 77 and Grid E-3, said property being in the 3rd Election District of Prince George's County, Maryland, and being zoned R-A; and

WHEREAS, on December 18, 2003, Jim Craig filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 40 outlots and 4 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-03131 for Marshall's Landing 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/01/04), and further APPROVED Preliminary Plan of Subdivision 4-03131, for Lots 1-40 and Parcels A-D with the following conditions:

1. Prior to signature approval of the Preliminary Plan:
  - a. The forest stand delineation shall be revised:
    - (1) Correctly label 25 percent and greater slopes and 15–25 percent slopes on highly erodible soils in the legend.
    - (2) Delineate the forest interior dwelling species (FIDS) habitat and the 300-foot-wide buffer; add all graphic symbols and labels to the legend.
    - (3) Have the revised plan signed and dated by the qualified professional who prepared it.
  - b. The Preliminary Plan and Type I Tree Conservation Plan shall be revised:
    - (1) Eliminate Lots 27, 28, 29 and 30 and maximize the amount of Priority 1

woodlands retained on the site.

- (2) Revise afforestation/reforestation areas to provide, to the greatest extent possible, large, contiguous blocks associated with the priority woodland conservation areas and environmentally sensitive areas of the site. If off-site mitigation is proposed after the redesign of the site, the off-site mitigation shall be provided in areas of equivalent habitat value to that being removed.
  - (3) Delineate a consistent existing tree line and limit of disturbance.
  - (4) Identify the appropriate method of woodland conservation proposed based on existing conditions (preservation, reforestation or afforestation).
  - (5) Correctly label the “slopes greater than 25%” in the legend.
  - (6) Delineate the 1.5 safety factor line, or, where appropriate, the “rational method” shall be used to determine the slope stability safety factor.
  - (7) Revise proposed Lots 4, 7 and 35 to either include a minimum of two acres or have direct access to a public street.
  - (8) Show all building envelopes in accordance with the recommendations of an approved geotechnical report and provide appropriate setbacks from unsafe lands.
  - (9) Reconfigure lots to provide for adequate private septic systems as determined by the Health Department on all proposed lots, and the TCPI shall be revised to conform to the revised preliminary plan. No outlots shall be created; lots shall be combined where necessary.
  - (10) Have the revised plan signed and dated by the qualified professional who prepared it.
- c. The Geotechnical Report shall be revised to fulfill the criteria established by the Department of Environmental Resources for a geotechnical report.
  - d. The Stormwater Management Concept Plan approval number and date shall be added to the General Notes on the preliminary plan.
2. 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/01/03), 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 the issuance of any permits on the site.
4. The TCP II shall show the location and design of the board-on-board fence proposed for exterior noise mitigation on Lots 1, 5, 6, 12 and 13.
5. At time of final plat, the area that includes the delineated Patuxent primary management area, except for areas of approved impacts, shall be described by bearings and distances and shall be placed in a conservation easement. 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. Prior to the issuance of any permits which impact wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
7. To protect potentially unstable portions of the subject property from future construction and to notify potential purchasers of the presence of Marlboro clay, the final plat shall show the 1.5 slope stability safety factor line as shown on the preliminary plan, which shall be labeled “1.5 Safety Factor BRL.” The location of the 1.5 slope stability safety factor line on the final plat shall be reviewed and approved by the M-NCPPC Environmental Planning Section and the Prince George’s County Department of Environmental Resources. The final plat shall contain the following note:

“The 1.5 Safety Factor Building Restriction Line as shown on this plat identifies unsafe lands as defined in Section 24-131 of the Subdivision Ordinance. No part of a principal structure may be permitted to encroach beyond the 1.5 Safety Factor BRL. Accessory structures may be positioned beyond the BRL, subject to prior written approval of the Planning Director, M-NCPPC. ”

8. Prior to the approval of building permits for Lots 5, 6, 12, and 13, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building permits stating that building shells of structures within the prescribed noise corridor have been designed to reduce interior noise levels to 45dBA (Ldn) or less.
9. Prior to issuance of building permits for lots with frontage on US 301, a limited detailed site plan shall be approved by the Planning Board or its designee, to examine landscaping, buffering, and screening and/or fencing along US 301 to address Guidelines 2 and 3 in the Transportation chapter of the Bowie-Collington-Mitchellville and Vicinity Master Plan and issues raised in the Route 301 corridor study.

10. The applicant, his heirs, successors and/or assignees shall construct a wide asphalt shoulder (seven to ten feet) along the subject property's frontage to safely accommodate neighborhood pedestrian and bicycle traffic, to be constructed under a permit from DPW&T, per the concurrence of DPW&T.
11. At the time of final plat approval, the applicant shall dedicate a right-of-way along US 301 as shown on the submitted plan.
12. The final plat shall include a note that no lot shall have direct driveway access to US 301.
13. Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction, and (c) have an agreed-upon timetable for construction with the SHA/DPW&T:
  - **US 301 between MD 214 and MD 725:** Provide two additional northbound and two additional southbound through lanes or other acceptable methods to achieve the current acceptable level of service.
14. Development shall be in conformance with the approved stormwater management concept plan, Concept 41530-2002-00, or any approved revisions thereto.

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 south side of Clagett Landing Road and east of US 301. To the north is Clagett Landing Estates, a subdivision in the R-A Zone.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	R-A	R-A
Uses	Vacant	Single-family homes
Acreage	116.24	116.24
Lots	0	40
Parcels	1	4
Detached Dwelling Units	0	40

4. **Environmental**—The site is located within the Central Patuxent River Special Planning Area

Study boundary. A review of the available information indicates that streams, wetlands, 100-year floodplain, severe slopes, and areas of steep slopes with highly erodible soils are found to occur on the property. Transportation-related noise impacts exist from US 301. The soils found to occur according to the Prince George's County Soil Survey include Collington fine sandy loam; Iuka fine sandy loam; Sandy land, steep; Shrewsbury fine sandy loam; and Westphalia fine sandy loam. The Adelphia, Iuka, and Sandy land, steep soil series have limitations that could affect the development of this property. According to available information, Marlboro clay also occurs 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, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. There are no designated scenic and historic roads in the vicinity of this property. This property is located in the Patuxent River watershed and in the Rural Tier as reflected in the adopted General Plan.

### **Woodland Conservation**

A detailed forest stand delineation (FSD) plan and text were submitted with this application. The text is very complete with regard to sampling information and provides an accurate and complete picture of the forest structure. The FSD includes nontidal wetlands identified on the adjacent site to the northeast that extend onto this property and has PMA that extends onto the subject property. However, the 25 percent or greater slopes and 15–25 percent slopes on erodible soils have not been correctly labeled on the FSD as requested in a previous referral memorandum.

A portion of the woodland on the southern boundary of the subject property is part of a large, contiguous block of forest interior dwelling species (FIDS) habitat which connects to the Patuxent River Park on the east side of this property. These 27.6 acres of interior woodlands are located within a 314-acre block of contiguous interior woodlands. The on-site area is further enlarged by the 300-foot edge buffer that is a necessary element to retain interior woodlands, for a total of 46.38 acres of interior woodlands with an associated buffer. A previous memorandum dated December 19, 2004, requested that the FSD be revised to delineate the FIDS habitat and a 300 foot-wide buffer. This has not been done. Necessary revisions must be made prior to signature approval.

This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the gross tract area is in excess of 40,000 square feet and there are more than 10,000 square feet of existing woodland on-site. A Type I tree conservation plan (TCPI/01/03) was submitted concurrent with the preliminary plan application.

The tree conservation plan (TCPI/01/03) has been reviewed. The Woodland Conservation Threshold for this site is 54.53 acres (50 percent of the net tract) and additional acreage due to 13.13 acres of clearing, for a total woodland conservation requirement of 64.67 acres.

The TCPI proposes to meet the requirement with 38.11 acres of on-site preservation, 13.14 acres of reforestation and 13.42 acres of off-site mitigation. This quantity of off-site mitigation does not meet the intent of the development character stated in the General Plan for the Rural Tier. In

addition, 46.38 acres of Priority 1 interior woodlands with associated buffers have been identified on-site. As a result, a finding cannot be made that priority woodlands have been retained to the extent possible as required by the Woodland Conservation Ordinance.

FIDS habitat is a high priority area for preservation. The area within the 300-foot-wide FIDS buffer is considered moderate to high priority for woodland conservation. Within the 300-foot buffer the clearing should be minimized and fragmentation of the existing forest should be avoided. After the FIDS habitat and the FIDS buffer have been shown on the plans, the clearing and grading for proposed uses within the buffer should minimize the disturbance to the fullest extent possible. Of special concern is 4.75 acres of woodland clearing proposed to provide four lots below the elevation of the Marlboro clay and in the highest priority woodlands on the site. The simple elimination of the clearing associated with these four lots will save an additional 4.75 acres of Priority 1 woodlands and reduce the off-site mitigation needed to fulfill woodland conservation requirements from 13.38 acres to 3.68 acres.

The TCPI further proposes to fulfill 13.38 acres of woodland conservation as afforestation/ reforestation on private lots. The planting proposed is not in contiguous blocks or located in priority areas, but is in scattered, small areas throughout the site. These small, noncontiguous reforestation areas are not higher in priority than the preservation of existing FIDS habitat and are not acceptable unless proposed in conjunction with increased preservation in the FIDS habitat.

The TCPI also contains technical errors that need to be addressed. They include, but are not limited to, a consistent existing tree line and limit of disturbance that has not been shown; a legend on the TCPI that indicates a "Tree Conservation Area" but fails to identify the method of conservation; and a legend that identifies "25% slopes" but fails to indicate that slopes greater than 25 percent are also included.

### **Patuxent Primary Management Area**

The Patuxent primary management area (PMA) has been correctly delineated on the revised plans. Section 24-130 of the Subdivision Ordinance requires that the Patuxent River PMA be clearly shown and that the PMA be preserved to the fullest extent possible. The PMA is comprised of streams, a 50-foot stream buffer, adjacent wetlands, a 25-foot wetland buffer, adjacent 100-year floodplains (approximately seven acres), adjacent areas of slopes in excess of 25 percent, and adjacent areas of slopes between 15 and 25 percent on highly erodible soils. The plans show no impacts to the PMA. This area should be placed in a conservation easement on the final plat.

The site contains streams or wetland areas that may be impacted and may be regulated by federal and state agencies. Prior to the issuance of any permits which impact wetlands, wetland buffers, streams or Waters of the U.S., the applicant should submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.

### **Soils**

The Adelphia, Iuka, and Sandy land, steep soil series have limitations that could affect the development of this property, including high water tables, impeded drainage, slope, slow permeability, and stability. Although these limitations may ultimately affect the construction phase of this development there are no limitations that would affect the site design or layout. During the review of building permits the Department of Environmental Resources will likely require a soils study addressing the soil limitations with respect to the construction of homes.

### **Marlboro Clay**

This property is located in an area with extensive amounts of Marlboro clay that is known as an unstable, problematic geologic formation. The presence of this formation raises concerns about slope stability and the potential for the placement of structures on unsafe land. Based on information available, the Environmental Planning Section projects that the top elevation of the Marlboro clay varies from an elevation of approximately 100 feet near the southeastern property line to approximately 105 feet near the southwestern property line.

A geotechnical report submitted with the adjacent property found Marlboro clay present in all of the bore holes and identified the bottom elevation of the Marlboro clay at between 90 and 100 feet elevation; but the text of the study states on page 2 that no Marlboro clay was encountered. The report later includes recommendations related to Marlboro clay. Review of the report by EPS staff with expertise in geology indicates that the report is incomplete and does not fulfill the geotechnical report guidelines established by the Department of Environmental Resources for Marlboro clays. The plan also fails to delineate the required 1.5 safety factor line so the location of proposed structures can be evaluated. The preliminary plan may require redesign so that the location of all house sites are located outside of the safety factor line, which meets the Subdivision Ordinance requirements under Section 24-131 on Unsafe Lands.

Section 24-131 (a)(1) of the Subdivision Ordinance reads as follows:

- (1) When the county Soils and Geological Map indicates that a portion of the land is unsafe, the Board may permit it to be platted as part of a lot in which there is sufficient land to erect a building within the building lines established by the zone in which the property is located, plus an additional twenty-five (25) foot setback between the structure and the unsafe area, which shall be indicated on the final plat with a building restriction line.**

Conditions addressing the presence of Marlboro Clay are included in the staff recommendation.

A memorandum from the Prince George's County Health Department dated March 4, 2004, indicates that seven lots on the site require additional percolation testing. Reconfiguration of lots may be required to achieve successful percolation tests on all proposed lots. Reconfiguration of recovery areas is also recommended for seven lots. The revisions necessary to fulfill Health Department requirements for private septic systems may require revisions to the preliminary plan and TCPI. Prior to signature approval, the preliminary plan needs to be reconfigured to provide

for adequate private septic systems as determined by the Health Department on all proposed lots, and the TCPI should be revised to conform to the revised preliminary plan.

### **Noise**

This property abuts US 301, a known transportation-related noise generator. The Subdivision Regulations establish requirements for lot depths and protection of residential properties from these adverse noise impacts. The minimum lot depth for a single-family residential structure adjacent to a freeway is 300 feet. All lots proposed on the revised preliminary plan and TCPI meet this the minimum lot depth requirement.

The location of the 65 dBA Ldn contour has been shown on the preliminary plan based on an Environmental Planning Section noise model at approximately 409 feet from the centerline of the northbound lanes of US 301.

Noise levels above the state standards impact the rear yard areas and/or dwellings on Lots 5, 6, 12 and 13. The preliminary plan and TCPI show the location of a proposed six-foot-high, board-on-board fence to provide noise mitigation measures on these four lots. Noise attenuation cross sections submitted illustrate that this barriers is sufficient to mitigate the noise level in exterior active yard areas under the current lot design to less than 65 dBA. Construction mitigation will be necessary to reduce noise levels to acceptable interior noise levels. Required mitigation shall be addressed at time of building permits.

### **Water and Sewer Categories**

The property is in water category 6 and sewer category 6; it will be served by private systems.

5. **Community Planning**—This property is located in the Rural Tier as identified by the 2002 General Plan. The vision for the Rural Tier is protection of large amounts of land for woodland, wildlife habitat, recreation and agriculture pursuits, and preservation of the rural character and vistas that now exist. This application, as modified by the conditions of approval, is not inconsistent with the 2002 General Plan Development Pattern policies for the Rural Tier.

The property is in Planning Area 74B/Community X. The Bowie-Collington-Mitchellville & Vicinity Master Plan (1991), recommends large-lot residential development with densities of up to 0.5 dwelling units per acre. The proposed preliminary plan density is in conformance with large-lot development recommendations of the master plan. The Living Areas chapter (p. 95) includes Guideline 13 that pertains to the development of this property:

- “13. In residential areas, building setbacks combined with the use of berms, landscaping and/or other acoustical fencing should be utilized to deflect noise and to screen visual impacts from major roads, intersections and interchanges, or where other conflicts between land uses may develop.”

The Bowie-Collington-Mitchellville & Vicinity SMA (1991) retained the R-A Zone.



Access is provided along Clagett Landing Road, which is a local road. However, the property has frontage along US 301, a proposed freeway. Two guidelines in the Transportation chapter in the master plan (p. 51) pertain to the development of this property:

- “2. Properties adjacent to MD 3/US 301 should be required, at the time of subdivision or building permit approval, to preserve existing vegetation and/or to have a landscape/buffering plan approved. Such plans should provide appropriate noise and visual mitigation measures to reduce the impact of these new or improved transportation facilities on future development. Further, these landscape/buffering plans should be implemented upon approval so that vegetation will be mature by the time the facility is constructed. These areas will remain as permanent undisturbed buffer areas.
- “3. Occupants of new developments adjoining highways shall be protected from visual intrusion by the use of reverse frontage, setbacks, landscaping and fencing, as required by County Ordinances, and should be protected from the negative impacts of noise and air pollution to the degree that is legally possible.”

In addition, the Route 301 study also includes guidelines for development along US 301. Given these master plan and Route 301 study concerns related to locations adjacent to US 301, a limited detailed site plan review could ensure implementation of master plan guidelines.

- 6. **Parks and Recreation**—In accordance with Section 24-134(a) of the Prince George’s County Subdivision Regulations, the proposed subdivision is exempt from mandatory dedication of parkland requirements because all lots are over one acre in size.
- 7. **Trails**—There are no master plan trails issues identified in the Adopted and Approved Bowie-Collington-Mitchellville and Vicinity Master Plan. However, if road frontage improvements are required along Clagett Landing Road, a wide asphalt shoulder (seven to ten feet) is recommended along the subject property’s frontage to safely accommodate neighborhood pedestrian and bicycle traffic, per the concurrence of DPW&T.
- 8. **Transportation**—The proposal is not large enough to warrant a traffic study. Staff has data in the area that has been provided in support of several larger applications on the west side of US 301. 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 subject property is located within the Rural 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) C, with signalized intersections operating at a critical lane volume (CLV) of 1,300 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

Through the review of past cases, including preliminary plans for Beech Tree, the Planning Board has found that nearby intersections along US 301 operate unacceptably when considering growth and approved development with existing traffic. In response to the issues of adequacy, the Planning Board has allowed developments to pay a pro-rata share toward improvements along US 301 between MD 214 and MD 725. These improvements, as described in an item included in the county CIP, include a general roadway widening of one additional through lane northbound and southbound over that distance plus intersection improvements at key intersections along the link. Funding by developers has been based on payment of \$2.5 million toward the \$24 million required to complete the improvements.

However, the improvements described in the CIP only provide LOS D at signalized intersections along this link of US 301. As noted under the service level standards described above, properties within the Rural Tier that affect intersections along US 301 must demonstrate LOS C. While the county CIP project is certainly still valid for properties to the west of US 301 (which are in the Developing Tier), properties on the east side of US 301 (except for Marlboro Meadows) are subject to a different standard. This dual standard is fully consistent with the intent of the Prince George's County General Plan, which assigns "minimum priority to public sector capital improvements in or for the Rural Tier," and further states as a policy that "Public funds should not encourage further development in the Rural Tier."

Staff has, therefore, reviewed recent traffic data at intersections to the north and south of the subject site. The following conditions exist at the critical intersections:

EXISTING TRAFFIC CONDITIONS			
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)
US 301/Trade Zone Avenue	1,248	1,425	C D
US 301/Leeland Road	1,198	1,268	C C

The list of nearby developments is long, and it includes several million square feet of industrial space on approved lots, along with more than 2,000 approved residences. Given the assumptions of approved development, growth, and the CIP project, the following background traffic conditions were determined:

<b>BACKGROUND TRAFFIC CONDITIONS</b>				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
US 301/Trade Zone Avenue	1,283	1,390	C	D
US 301/Leeland Road	1,374	1,302	D	D

The application is a plan for a residential subdivision consisting of 40 single-family detached residences. The proposed development would generate 30 AM (6 in, 24 out) and 36 PM (24 in, 12 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:

US 301 from the north:	65%
US 301 from the south:	35%

With site traffic, the following operating conditions were determined:

<b>TOTAL TRAFFIC CONDITIONS</b>				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
US 301/Trade Zone Avenue	1,286	1,396	C	D
US 301/Leeland Road	1,377	1,304	D	D

Staff has identified that one additional northbound and southbound through lane would be needed in order to provide LOS C at intersections along the link of US 301 between MD 214 and MD 725. With additional through lanes in place, the following service levels are estimated:

<b>TOTAL TRAFFIC CONDITIONS WITH "LOS C" IMPROVEMENTS</b>				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	

US 301/Trade Zone Avenue	1,058	1,139	B	B
US 301/Leeland Road	1,137	1,152	B	C

The staff's analysis has identified that two additional northbound and southbound through lanes along US 301 would serve to provide LOS C at key signalized intersections within the corridor. The basic CIP improvement, which provides LOS D in the corridor and involves one additional northbound and southbound through lane, has a cost of \$24 million, of which a portion is being paid through pro-rata shares by developers, according to the description given for the CIP item. The additional northbound and southbound through lanes—which are not funded as part of the CIP and are needed to provide LOS C at nearby intersections in the US 301 corridor—have an additional estimated cost of \$13.7 million in 1989 dollars.

There is another case in the area, preliminary plan of subdivision 4-03131 for Cadeaux de ma Mere, which is pending. Identical transportation findings have been made for this adjacent property. Also, the two properties, when both are added to the network, would not result in worse levels of service than those reported herein for the subject property alone.

#### Plan Comments

Access and circulation as shown on the plan is acceptable. Staff supports the use of the easements as shown on the plan. Right-of-way dedication of 240 feet from base line of US 301 (toward a future planned right-of-way of 350 feet for the master plan freeway facility) is acceptable. No lot shall have driveway access onto US 301.

#### Transportation Conclusions

Based on the preceding findings, the Transportation Planning Section concludes that adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code if the application is approved with conditions requiring the road improvements noted.

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.

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 3	Middle School Cluster 2	High School Cluster 2
Dwelling Units	36 sfd	36 sfd	36 sfd
Pupil Yield Factor	0.24	0.06	0.12

Subdivision Enrollment	8.64	2.16	4.32
Actual Enrollment	6,141	5,131	10,098
Completion Enrollment	198.24	217.62	398.97
Cumulative Enrollment	152.40	119.88	239.76
Total Enrollment	6,491.64	5,470.66	10,741.05
State Rated Capacity	5,858	4,688	8,770
Percent Capacity	110.82%	116.69%	122.47%

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

County Council bill CB-31-2003 establishes a school facilities surcharge in the amounts of \$7,000 per dwelling if a building is located between 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 subdivision plans for adequacy of public fire and rescue facilities.
  - a. The existing fire engine service at Bowie Fire Station, Company 43, located at 16400 Pointer Ridge Drive, has a service travel time of 3.90 minutes, which is within the 5.25-minute travel time guideline.
  - b. The existing ambulance service at Bowie Fire Station, Company 43, has a service travel time of 3.90 minutes, which is within the 6.25-minute travel time guideline.
  - c. The existing paramedic service at Bowie Fire Station, Company 43, has a service travel time of 3.90 minutes, which is within the 7.25-minute travel time guideline.

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*. The proposed subdivision will be within the adequate coverage area of the nearest existing fire/rescue facilities for fire engine, ambulance and paramedic service.

11. **Police Facilities**—The proposed development is within the service area for Police District II-Bowie. 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. This police facility will adequately serve the population generated by the proposed subdivision.

12. **Health Department**—The Health Department has raised several issues regarding the perc tests for the property. Several lots have not received passing perc tests. Additional septic sites must be approved prior to signature approval of the preliminary plan or several lots will be lost. All lots without approved perc tests must be combined with other lots. No outparcels or outlots should be created.
13. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. Stormwater Management Concept Plan #41530-2002-00 has been approved to ensure that development of this site does not result in on-site or downstream flooding. The approval is valid through November 18, 2006. The proposed concept plan includes low-impact development techniques, including four large bio-retention areas. Development must be in accordance with this approved plan, or any revisions thereto.
14. **Cemeteries**—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. **Access Easements**—Access to proposed Lots 4–7, 21–24, 27–30, and 33–35 is proposed using four separate private access easements, in accordance with Section 24-128(b)(1) of the Subdivision Regulations. This section allows up to four lots, a minimum of two acres in size, to be served by private easements. Lots 4, 7 and 35 do not meet the minimum two-acre size requirement. Therefore, prior to signature approval, these lots must be revised to either include a minimum of two acres or have direct access to a public street.
16. **Public Utility Easement**—The proposed preliminary plan includes the required ten-foot-wide public utility easement along all rights-of-way and within the access easements. The public utility easements will be shown on the final plat.
17. **Varying Lot Sizes**—The applicant is proposing to use varying lot sizes as permitted by the Prince George’s County Zoning Ordinance. Unlike the provision for the use of Lot Size Averaging (R-55, R-80, R-R and R-E Zones), the use of varying lot sizes in the R-A and O-S Zones is permitted by right and does not require specific findings for approval. Only the minimum standards outlined in the Zoning Ordinance must be met.

Section 27-442(b)(Table I) of the Zoning Ordinance sets the minimum standards for varying lot sizes. In the R-A Zone, the creation of varying lot sizes is permitted as long as the total tract being subdivided is at least 25 acres in size. In this case the total tract area is 116.24" acres. Further, at least 60 percent of the lots created using varying lot sizes must meet or exceed the minimum lot

size in the zone: two acres in the R-A Zone. This requirement has been met with the submitted preliminary plan: 26 of the 40 lots (or 65 percent) are a minimum of two acres on this subdivision.

The Zoning Ordinance allows one 1-acre lot for every 25 acres of land in the tract. With 116.24 acres of land in the R-A tract, a maximum of four 1-acre lots is permitted. The remaining lots are required to exceed 50,000 square feet. The submitted preliminary plan includes two lots between one acre and 50,000 square feet in size, with the remaining 12 lots exceeding 50,000 square feet. This arrangement meets the minimum standards set forth in Section 27-442(b) (Table I) of the Zoning Ordinance for the use of varying lot sizes. If lots are lost due to failing perc tests (or any other reason), the relationship between lot sizes required by the Zoning Ordinance must be maintained.

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 Hewett 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 3rd day of June 2004.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

TMJ:FJG:JD:meg