

R E S O L U T I O N

WHEREAS, George Blagman is the owner of a 3.63-acre parcel of land known as Block 31, Chautauqua Addition to Lincoln, said property being in the 20th Election District of Prince George's County, Maryland, and being zoned R-80; and

WHEREAS, on February 25, 2004, IPDS, LLC, filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for four lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-04029 for Buckner 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 20, 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 20, 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/23/95), and further APPROVED Preliminary Plan of Subdivision 4-04029, for Lots 1-4 with the following conditions:

1. 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. All other trash must be removed and properly discarded.
2. Development of the property shall be in conformance with the approved stormwater management concept plan #8010790-1995-0, or any approved revisions thereto.
3. Prior to signature approval of the preliminary plan, the FSD map and text shall be revised as follows:
  - a. Locate on the map each soil type present at the site with an appropriate boundary symbol to be added to the legend.
  - b. Show the existing tree line on all four corners of the site extending 100 feet off of the site.
  - c. Label the existing woodlands and forest stand boundaries to the nearest 100th of an acre.

- d. After all of these revisions have been made to the FSD map and text, have the qualified professional who prepared the plans sign and date them.
4. Prior to signature approval of the preliminary plan, revise the TCPI as follows:
  - a. The worksheet shall be revised so that no shortage is shown in the site's woodland conservation requirements for both the gross tract and the street rights-of-way. If use of the street rights-of-way is pursued for woodland conservation, obtain written permission from the DPW&T to allow for the street rights-of-way to be used for woodland conservation requirements for this site. In the event the latter cannot be obtained, then off-site mitigation shall be provided.
  - b. Revise the plans to show a realistic limit of disturbance for all lots.
  - c. Identify the limit of disturbance symbol in the legend.
  - d. Revise the worksheet to account for all necessary off-site clearing.
  - e. After all of these revisions have been made to the plan, have the qualified professional who prepared it sign and date it.
5. Development of this subdivision shall be in conformance with an approved Type I Tree Conservation Plan (TCPI/23/95). The following note shall be placed on the Final Plat of Subdivision:
6. "Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/23/95), 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 Preservation Policy."
7. Prior to signature approval of the preliminary plan and TCPI, the plans shall be revised to show the correct delineation of the Patuxent River Primary Management Area and all its associated features.
8. Prior to signature approval of the preliminary plan, revise the TCPI and preliminary plan to a lot layout that preserves the PMA to the fullest extent possible.
9. At the time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain all of the Patuxent River Primary Management Area, except for areas of approved impacts, and shall be reviewed by the Environmental Planning Section prior to certificate approval. 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 permitted.”

10. A Type II Tree Conservation Plan shall be approved prior to the approval of permits.
11. Prior to recordation of the final plat, the applicant shall obtain approval of a Detailed Site Plan by the Planning Board or its designee. The DSP shall address house siting, minimizing impacts on the PMA, architecture, and the location of lot lines.

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 west side of Elm Street at its intersection with Buena Vista Road.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	R-80	R-80
Uses	Vacant	Single-Family Residences
Acreage	2.18	2.18
Lots	0	4
Parcels	1	0

4. **Environmental**—A review of the available information indicates that the site is mostly wooded. An unnamed tributary (stream) to Folly Branch is located on the northern portion of the site. In addition, wetlands, 100-year floodplain, and steep slopes have been identified on the site. The soils found to occur, according to the Prince George's County Soil Survey, include two types in the Christiana Silt Loam series (CeB2 and CeC2). The CeB2 soils have two to five percent slopes and the CeC2 soils have five to ten percent slopes, and both are characterized as being moderately erodible. According to available information, Marlboro clay is not found to occur on this property. Information obtained from the Maryland Department of Natural Resources, Natural Heritage Program publication entitled “Ecologically Significant Areas in Anne Arundel and Prince George's Counties,” December 1997, indicates there are no rare, threatened, or endangered species found to occur in the vicinity of the property. The intersection of two existing major arterial roads (MD 704 and 450) is in the vicinity of this site, approximately 500 feet to the southeast. There are no scenic or historic roads in the vicinity of the site. The property is located in the Folly Branch watershed of the Patuxent River basin and is in the Developing Tier in the 2002 adopted General Plan.

1. A Detailed FSD has been submitted and was reviewed. The FSD map identifies three forest stands. No specimen trees are present at the site. Both the FSD map and text need minor revisions in order to meet the requirements of the Woodland Conservation Ordinance.

Required information on the FSD map is not shown, and as such the map does not provide a complete depiction of the existing woodland situation. The missing information includes showing the soil boundaries, the existing tree line, and labeling both the existing woodlands and forest stand boundaries to the nearest 100th of an acre. The FSD map contains a soils table, however, the soils and their boundaries are not shown on the map. Revise the map to locate each soil type present at the site with an appropriate boundary symbol to be added to the legend. Show the existing tree line on all four corners of the site extending off-site 100 feet. Also, label the existing woodlands and the forest stand boundaries to the nearest 100th of an acre. After all of these revisions have been made to the FSD map have the qualified professional who prepared the plans sign and date them.

2. The site is subject to the provisions of the 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 woodlands on site. A revised Type I Tree Conservation Plan (TCPI) has been submitted and minor revisions are necessary to meet the requirements of the Woodland Conservation Ordinance. For purposes of clarification, the subject TCPI submittal has been given the same number as the previous TCPI (TCPI/23/95) reviewed in 1995. It is not technically a revision to the last TCPI because the application is different.

The minor revisions that are still needed are as follows: a two-part woodland conservation worksheet has been prepared because a portion of the property is within the street rights-of-way of Chautauqua and Buena Vista Avenues and Elm Street. The revised TCPI contains a gross tract of 3.63 acres, of which 2.18 acres is 100-year floodplain and a net tract area of 1.45 acres. Existing woodland of the net tract area totals 1.45 acres. The TCPI shows the amount of woodland cleared to be 0.61 acre, all of which is outside the floodplain. The total woodland conservation provided on-site is 0.62 acre. This site is unique in that there are 1.47 acres separate from the gross tract that are within the three planned street rights-of-way, of which 0.70 acre is within the 100-year floodplain, for a total net tract area of 0.77 acre. The proposed amount of woodland cleared in the street rights-of-way totals 0.46 acre. Staff notes only a portion of Elm Street provides vehicular access for existing residences along it. The total woodland conservation proposed in the street rights-of-way is 0.31 acre. This is a potential problem because the applicant does not control the street rights-of-ways and as such cannot commit to the provision of woodland conservation in these areas.

The revised TCPI worksheet has a shortage in both the area of the proposed woodland conservation for the gross tract and the three street rights-of-way. Typically, woodland conservation is not counted in the street rights-of-way because these are controlled by the Prince George's County Department of Public Works and Transportation (DPW&T) after

mandatory dedication of the road frontage. In the event DPW&T plans to construct these three streets to their ultimate rights-of-way, these areas cannot be used for woodland conservation. Only if written permission is obtained from DPW&T indicating that they will allow the woodland conservation to exist within the rights-of-way can the areas can be counted for woodland conservation. Therefore, the worksheet must be revised accordingly, or written permission from DPW&T must be obtained allowing for the street rights-of-way to be used for woodland conservation requirements for this site. In the event the latter cannot be obtained, then off-site mitigation is required. Woodland clearing necessary for the construction of access to the lots within the rights-of-way is required to be accounted for on this project. The worksheet does not account for this clearing.

The proposed limit of disturbance (LOD) is not clearly shown on the plans and needs to be revised to show realistic clearing limits on all the lots. As currently shown, there is no clearance between the house and LOD on Lot 4; there is less than 10 feet of clearance between the LOD and the house on Lots 2 and 3; and the LOD appears to go through the proposed house on Lot 1. At a minimum, there needs to be 40 feet of cleared area at the rear of each house, and at least 30 feet of cleared area on the sides of each house.

3. There is an area of Patuxent River Primary Management Area (PMA) on the site. The PMA includes a stream, wetlands, 100-year floodplain, and areas of steep slopes on highly erodible soils. The slopes are located adjacent to the floodplain, which makes all the slopes part of the PMA. These areas are critical to the long-term integrity of the stream and the 100-year floodplain. The PMA is required to be preserved to the "fullest extent possible" as stipulated in Section 24-130 of the Subdivision Ordinance.

The plans as submitted do not clearly delineate the PMA, and in one instance an area is labeled as PMA that does not appear to meet the criteria. The PMA on this site includes the 100-year floodplain; the stream and a 50-foot stream buffer; wetlands and a 25-foot wetland buffer; and all associated severe slopes and steep slopes on highly erodible soils. The plans also do not show the location of the 50-foot-wide stream buffer. If the PMA were correctly delineated on the site, almost all of proposed Lot 1 would be shown to be within this regulated area and approximately two-thirds of the other lots would also be shown to be within this regulated area.

4. Wetlands information has been submitted as required. A wetlands study was prepared and the location of these features has been determined at the site. The wetlands are outside of the proposed development activity for the construction of single-family detached dwellings.
5. The stormwater management concept approval letter and concept plan have been submitted. Concept plan approval from the Department of Environmental Resources was issued on March 23, 2004. Infiltration is the primary method of stormwater management. A fee payment of \$2,000 in lieu of providing on-site attenuation/quality control measures is part of the concept plan approval. The conditions of approval include the provision of grass swales along the right-of-way of Elm Street for water quality and drywells for individual water quality and ground recharge on each lot. These methods will not impact

the proposed woodland conservation areas shown on the TCPI.

6. The site contains 100-year floodplain totaling 2.40 acres, not including that portion identified in the street rights-of-way. A 100-year floodplain delineation approved by the county's Department of Environmental Resources (DER) has been submitted. The plans reflect the approved location of the 100-year floodplain.

### **Water and Sewer Categories**

The property is in water category W-3 and sewer category S-3 according to water and sewer maps obtained from the Department of Environmental Resources dated June 2003.

5. **Community Planning**—The property is in Planning Area 70/Annapolis Road 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 *Approved Master Plan and Sectional Map Amendment for Glenn Dale- Seabrook- Lanham and Vicinity (Planning Area 70)* recommends suburban density for single-family detached dwellings. The master plan also shows a future stream valley park associated with Folly Branch extending through the property. This application conforms to the master plan recommendation.
6. **Parks and Recreation**—The applicant proposes dedication of Parcel A, 2.4 acres of mostly wetland and floodplain to M-NCPPC. DPR staff, after assessing the applicant's proposal, has recommended that Parcel A be eliminated and the applicant instead provide a fee-in-lieu to meet mandatory dedication requirements.
7. **Trails**—There are no master plan trails issues regarding the subject application. However, if road frontage improvements are required, the provision of a standard sidewalk is recommended along the subject site's frontage of Elm Street, per the concurrence of DPW&T. This is consistent with the developments immediately to the west of the subject property where sidewalks are provided along both sides of internal roads.
8. **Transportation**—The applicant has not prepared a traffic impact study. It was not required by the transportation staff based on the proposed use of the site. Based on the three additional single-family lots that would be created, the proposed development would generate 2 AM and 3 PM peak-hour vehicle trips as determined using the "Guidelines for the Analysis of the Traffic Impact of Development Proposals" (revised September 2002).

The site is within the Developing Tier, as defined in the General Plan for Prince George's County. As such, the subject property is evaluated according to the following standards:

**Links and signalized intersections:** Level-of-service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better.

**Unsignalized intersections:** The *Highway Capacity Manual* procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

### **Staff Comments**

The traffic generated by the proposed preliminary plan would impact the intersection of MD 704 and MD 450.

Staff has reviewed a recent traffic study at the critical intersection of MD 704 and MD 450. Even under total traffic, it was determined that the intersection would operate at LOS A, with a CLV of 847 in the AM peak hour and at a LOS D with a CLV of 1,379 in the PM peak hour. Due to the limited trip generation of the site, the Prince Georges' County Planning Board could deem the site's impact at this location to be de minimus, with minimal impact on the intersection's level of service standard. Given these facts, staff would, therefore, recommend that the Planning Board find that 2 AM and 3PM peak-hour trips will have a de minimus impact at the intersection of MD 704 and MD 450.

All four lots would have access via Elm Street, which is platted but unbuilt. The applicant will be required to construct Elm Street along the frontage as required by DPW&T and construct a public street connection to the nearest available existing street. Coordination with DPW&T is essential.

### **Transportation Conclusion**

Based on the preceding findings, the Transportation Planning Section finds that 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**—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 2	Middle School Cluster 2	High School Cluster 2
Dwelling Units	4 sfd	4 sfd	4 sfd

Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	0.96	0.24	0.48
Actual Enrollment	5,623	5,131	10,098
Completion Enrollment	327.84	217.62	398.97
Cumulative Enrollment	147.84	89.52	179.04
Total Enrollment	6,099.64	5,438.38	10,676.49
State Rated Capacity	5,894	4,688	8,770
Percent Capacity	103.52	116.01	121.74

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

These figures are correct on the day this 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 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 school facilities, which are expected to accommodate the new students that will be generated by this development proposal. This project meets the adequate public facilities policies of Section 24-122.02, CB-30-2003, CB-31-2003 and CR-23-2003.

10. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of fire and rescue facilities.

- a. The existing fire engine service at Glenn Dale Fire Station, Company 18, located at 11900 Glenn Dale Boulevard has a service travel time of 5.25 minutes, which is within the 5.25-minute travel time guideline.
- b. The existing ambulance service at Glenn Dale Fire Station, Company 18, has a service travel time of 5.25 minutes, which is within the 6.25-minute travel time guideline.
- c. The existing paramedic service at Glenn Dale Fire Station, Company 18, has a service travel time of 5.25 minutes, which is within the 7.25-minute travel time guideline.

The proposed subdivision will be within 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 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. Therefore, in accordance with Section 24-122.01(c) of the Subdivision Regulations, existing county police facilities will be adequate to serve the proposed development.
12. **Health Department**—The Health Department reviewed the application and offered the following comment:

“A significant amount of domestic trash and other debris (cans, bottles, crushed concrete, three tires) were found near the stream located at the northwest corner of the property off of Buena Vista Avenue 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 ten-foot-wide public utility easement adjacent to both Beacon Light Road and 65<sup>th</sup> Avenue.
16. **Prior Approvals**—The subject property was included in TCPI/08/91, which is being revised as part of this application.
17. **Impact on the PMA**—There is an area of Patuxent River Primary Management Area (PMA) on the site. The PMA includes a stream, wetlands, 100-year floodplain, and areas of steep slopes on highly erodible soils. The slopes are located adjacent to the floodplain, which makes all the slopes part of the PMA. These areas are critical to the long-term integrity of the stream and the 100-year floodplain. The PMA is required to be preserved to the “fullest extent possible” as stipulated in Section 24-130 of the Subdivision Ordinance. Impacts to the PMA are proposed for grading of the four proposed lots.

The applicant has substantially reduced the impact to the PMA with a revised preliminary plan shifting the lot lines to the east. Their original submittal showed 2,082 square feet of impact in Lot 1 alone. The revised plan shows approximately 200 square feet of impact on Lot 1 and minimal impacts on the other three lots. In addition, a Detailed Site Plan will be required to ensure that these impacts are further minimized through judicious house siting, architecture and location of lot lines. In view of the drastic reduction in impacts to the PMA presented in the revised preliminary plan, as supplemented by the requirement for DSP approval, the PMA is being preserved to the fullest extent possible.

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 Vaughns, seconded by Commissioner Harley, with Commissioners Vaughns, Harley, Eley and Hewlett voting in favor of the motion, and with Commissioner Squire absent at its regular meeting held on Thursday, May 20, 2004, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 8th day of July 2004.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

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