

R E S O L U T I O N

WHEREAS, Charles Knott is the owner of a 20.53-acre parcel of land known as part of Parcel 30, Tax Map 182, Grid E-3, said property being in the 8th Election District of Prince George's County, Maryland, and being zoned O-S; and

WHEREAS, on May 13, 2004, Charles Knott filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 4 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-04067 for Knott 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 October 28, 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 October 28, 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/49/04), and further APPROVED Preliminary Plan of Subdivision 4-04067, Knott Property for Lots 1-4 with the following conditions:

1. Prior to signature approval of the preliminary plan, revise the forest stand delineation as follows:
 - a. Confirm that all areas of slopes greater than 25 percent are shown on the plan and correct the legend to read "Existing Slopes 25 percent or Greater";
 - b. Remove the PMA delineation from the plan and the legend;
 - c. Combine the "300' FIDS Offset" and the FIDS buffer and relabel as a "300' FIDS Buffer";
 - d. Add the wetlands, 25-foot-wide wetlands buffer, and existing tree line to the legend;
 - e. Correct the delineation of the forest interior dwelling species habitat ("FIDS Habitat") and the 300-foot-wide buffer on the western portion of the site; and
 - f. Have the revised FSD signed and dated by the qualified professional who prepared it.

2. Prior to signature approval of the preliminary plan, the TCPI shall be revised as follows:
 - a. Provide a corrected delineation of the Patuxent River Primary Management Area (PMA), expanded to include the correctly delineated FIDS habitat;
 - b. Remove the soil boundary line and labels;
 - c. Remove the "Standard Nondisturbance Notes" from the plan;
 - d. Include all graphics used on the plan in the legend and provide appropriate labels; and
 - e. Have the revised TCPI signed and dated by the qualified professional who prepared it.
3. All future plans for the subject property shall show no impacts to the PMA.
4. 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/49/04), 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."
5. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the delineated Patuxent Primary Management Area (PMA) and shall be reviewed by the Environmental Planning Section prior to approval of the final plat. 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. At time of final plat, a 40-foot-wide scenic easement shall be placed on Lots 1, 2, 3 and 4, behind the public utility easement adjacent to Neck Road, and a note shall be placed on the final plat as follows:

"The scenic easement described on this plat is an area where the installation of structures and roads and/or the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee."
7. At time of final plat, a 50-foot-wide building restriction line shall be delineated behind the right-of-way on Lot 1 and a 100-foot-wide building restriction line shall be delineated behind the right-of-way on Lots 2, 3, and 4.

8. 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.
9. Prior to the issuance of permits, a Type II tree conservation plan shall be approved.
10. A stormwater management concept plan shall be approved and the approval number and date shall be added to the preliminary plan prior to signature approval.
11. Prior to the issuance of building permits, the applicant, his heirs, successors and/or assignees shall provide a fee of \$9,065.48 to Prince George's County, which shall serve as a fair-share contribution toward the construction of the proposed Aquasco emergency services fFacility and acquisition of an ambulance and paramedic unit.

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 (Parcel 30) is located on the north side of Neck Road, approximately 2,500 feet southeast of its intersection with Aquasco Road.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	O-S	O-S
Uses	Single-family home	Single-family homes
Acreage	20.54	20.54
Lots	0	4
Parcels	1	0
Detached Dwelling Units	1	4 (3 new)

4. **Environmental**—There are possible streams, nontidal wetlands, and their associated buffers on the property. Areas of severe and steep slopes on highly erodible soils exist adjacent to the identified wetlands. The soils found on this property include Beltsville, Fallsingston, Sandy land, and Westphalia. Some of these soils have limitations with respect to impeded drainage or seasonally high water tables, while others have limitations with respect to steep slopes and erodibility. According to 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, there are no rare, threatened, or endangered species found to occur in the vicinity of this lot. There is a substantial block of forest interior dwelling species (FIDS) habitat located on site, which is linked with other identified

FIDS habitat. There are no designated scenic or historic roads located adjacent to the property. No adverse noise impacts from transportation are anticipated related to this proposal. The property is located in the Swanson Creek subwatershed in the Patuxent River basin; is located in the Rural Tier as reflected in the adopted General Plan; and in the Patuxent Rural Legacy Area.

Forest Stand Delineation

A detailed forest stand delineation (FSD) was submitted with this application. The map and text require revisions and additional information in order to meet all requirements. Severe slopes on highly erodible soils are now listed in the legend, and shown on the plan, but all slopes in excess of 25 percent should be indicated on the plan and correctly labeled in the legend. Steep slopes (15-25 percent) on highly erodible soils have been add to the legend and shown on the plan. Not all of the graphic symbols and lines used have been correctly identified in the legend. The "PMA buffer" should be removed from the FSD. The "FIDS Buffer" and the "300' FIDS Offset" should be combined, since they describe the same area, and relabeled "300' FIDS Buffer." The wetlands, 25 foot-wide wetland buffer and existing tree line have not been included in the legend, but have been indicated graphically on the plan. The FSD has identified specimen trees greater than 24 inches dbh. For species in Prince George's County, the minimum size for specimen trees is 30 inches dbh, or 75 percent of the county champion's diameter. Future FSDs should limit the identification of specimen trees to these parameters, unless specific circumstances indicate otherwise. The FSD plan has been revised to delineate areas of forest interior woodland habitat and the 300-foot-wide buffer, but incorrectly extends the delineation line on the western portion of the property where the FIDS buffer exists.

Woodland Conservation

This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the area of existing woodland is greater than 10,000 square feet and the area of the property is greater than 40,000 square feet. A Type I Tree Conservation Plan (TCPI/35/04) was submitted concurrent with the preliminary plan application as required.

The Tree Conservation Plan (TCPI/49/04) has been reviewed. The minimum requirement for this site is 10.25 acres (50 percent of the net tract), plus additional acres due to removal totaling 2.10 acres of woodland, for a total minimum requirement of 10.78 acres. The TCPI has proposed to meet the requirement with 11.30 acres of on-site preservation. A lot-by-lot table of woodland conservation has been included on the plan sheet and the disposition of specimen trees has been provided in a note. The PMA is incorrectly delineated and labeled. After the PMA has been correctly delineated, it should be expanded to include the correctly delineated FIDS habitat. The plan shows no disturbance to the PMA. Development of this subdivision should be in compliance with the Type I Tree Conservation Plan (TCPI/49/04) approved as part of this application.

Streams, Wetlands and other Natural Features

The site contains streams or wetland areas that may be impacted and may be regulated by federal and state requirements. Prior to the issuance of any permits that impact wetlands, wetland buffers,

streams or Waters of the U.S., the applicant must submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans. At time of final plat, a conservation easement will need to be described by bearings and distances. The conservation easement shall contain the delineated Patuxent Primary Management Area (PMA) and shall be reviewed by the Environmental Planning Section prior to approval of the final plat.

Rural Character

The subject property is located in the Rural Tier, where the adopted General Plan encourages the preservation of rural character. Rural Tier Policy 2 states: "Design future development to retain and enhance rural character." To retain the rural character of the viewshed along Neck Road, it is desirable for any lot adjacent to the road to provide the appearance of the required five-acre lot size and through the placement of vegetative buffers to screen views of the proposed dwellings. The plan delineates a 100-foot building restriction line along Neck Road for Lots 2, 3 and 4 to enhance the rural character of the roadway viewshed, and a 50-foot building restriction line along Neck Road for Lot 1 to enhance the rural character of the roadway viewshed. Placement of a scenic easement adjacent to Neck Road is recommended.

Soils

The Beltsville, Fallsington, Sandy land and Westphalia soil series have limitations that could affect the development of this property including high water tables, impeded drainage, slope, slow permeability, and slope stability. Discussion: Although these limitations may affect the construction phase of this development, there are no limitations that would affect the site design or layout. The Department of Environmental Resources may require a soils study addressing the soil limitations with respect to the construction of homes. A stormwater management concept approval plan and letter were submitted. Low-impact development methods are proposed, in keeping with the rural, low-density character of the site.

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 is not inconsistent with the 2002 General Plan Development Pattern policies for the Rural Tier.

The property is in Planning Area 79/Upper Marlboro. The 1994 Subregion VI Master Plan recommends low-density, large-lot residential development with densities of up to one dwelling unit per five acres. The proposed preliminary plan density is in conformance with large-lot development recommendations of the master plan.

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 Subregion VI Master Plan. Neck Road and the other roads in the vicinity of the subject site are open section with no sidewalks. No sidewalks are recommended for the subject application.
8. **Transportation**— The Transportation Planning Section has reviewed the subdivision application referenced above. The subject property consists of approximately 20.5 acres of land in the O-S Zone. The property is located on the north side of Neck Road, approximately 2,500 feet southeast of its intersection with Aquasco Road. The applicant proposes a residential subdivision consisting of four single-family detached residences.

Based on the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*, a four-lot, single-family development will generate 3 AM peak-hour trips, and 4 PM peak-hour trips. 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:

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.

Pursuant to provisions in the guidelines, the Planning Board may find that traffic impact of small developments is *de minimus*. A *de minimus* development is defined as one that generates five trips or fewer in any peak period.

Regarding on site circulation of traffic, staff has no issues.

Transportation Staff Conclusions

Based on the fact that the subject application is considered to be *de minimus*, adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code if the application is approved.

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

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 4	Middle School Cluster 3	High School Cluster 3
Dwelling Units	3 sfd	3 sfd	3 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	0.72	0.18	0.36
Actual Enrollment	5334	4689	8654
Completion Enrollment	351.84	86.22	158.07
Cumulative Enrollment	229.44	83.76	167.52
Total Enrollment	59116.00	4859.16	8979.95
State Rated Capacity	5384	5114	7752
Percent Capacity	109.88%	95.02%	115.84%

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 an 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 this subdivision plan for adequacy of public facilities and concluded the following.

The existing fire engine at Baden Fire Station, Company 36, located at 16608 Brandywine Road has a service travel time of 13.06 minutes, which is beyond the 5.25-minute travel time guideline.

The existing ambulance at Baden Fire Station, Company 36, located at 16608 Brandywine Road has a service travel time of 13.06 minutes, which is beyond the 6.25-minute travel time guideline.

The existing paramedic at Brandywine Fire Station, Company 40, located at 14201 Brandywine Road has a service travel time of 19.66 minutes, which is beyond the 7.25-minute travel time.

In order to alleviate the negative impact on fire and rescue services due to the inadequate service discussed, an automatic fire suppression system shall be provided in all new buildings proposed in this subdivision, unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate.

The entire development is beyond the recommended response times from existing facilities that provide ambulance and paramedic service. This finding is based on using the existing road system and stations. The staff also found that the planned Aquasco emergency services facility, which is shown in the General Plan, will be the first due station that will provide ambulance and paramedic service to this development.

To mitigate the ambulance response time deficiencies the staff recommends that the applicant participate in providing a fair-share contribution toward the construction of the Aquasco emergency services facility.

The fee amount is based upon the total cost of the facility (\$1,275,000) plus ambulance (\$131,000) and paramedic unit (\$131,000) divided by the total amount of residential and employment population within the service area in 2006. The service areas include those areas that will be served by the planned facility. The fair share fee is \$809.37 per person, for paramedic and ambulance service and facility.

2006 Service Area Population/Workers = 1,899
Station/Ambulance/Paramedic Cost \$1,406,000 / 1,899 = \$809.37 per person
Dwelling Unit Size @ 2.8 persons x \$809.37 = \$2,266.24 per dwelling unit
4 Dwelling Units @ \$2,266.24 per unit = \$9,065.48

The above findings are in conformance with the standards and guidelines contained in the *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 1/2/04, the county had 823 sworn staff and a total of 101,303 square feet of station space. Based on available space, there is the 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 is currently reviewing perk tests for the subject property. Our conversations with Health Department staff indicate that the perk tests will support the proposed septic recovery areas shown on the plan. These tests and the location of the septic

recovery areas must be approved prior to signature approval of the preliminary plan. Any lots without approved perk tests will need to be combined with other lots. No outparcels or outlots should be created.

13. **Stormwater Management**—A stormwater management concept plan has not yet been approved; it is pending payment of a fee-in-lieu. To ensure that development of this site does not result in on-site or downstream flooding, a stormwater management concept plan must be approved prior to signature approval of the preliminary plan. Development must be in accordance with this approved plan, or any revisions thereto. The preliminary plan indicates grass channels to manage stormwater.
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. **Public Utility Easement**—The proposed preliminary plan includes the required ten-foot-wide public utility easement along all rights-of-way. The public utility easements will be shown on the final plat.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the adoption of this Resolution.

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This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Harley, seconded by Commissioner Eley, with Commissioners Harley, Eley, Squire, Vaughns and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, October 28, 2004, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 16th day of December 2004.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:TL:rmk