

C O R R E C T E D R E S O L U T I O N

WHEREAS, Next Clinton, LLC is the owner of a 27.74-acre parcel of land known as Lots 11-14 and 11A, 12A, 13A, 14A, part of 15A, and 16A, B8@24, Lots 6 and 7, and B8@16, Tax Map 116, Grid E-3 said property being in the 9th Election District of Prince George's County, Maryland, and being zoned R-80; and

WHEREAS, on May 6, 2004, Centex Homes filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 53 lots and 3 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-04100 for Clinton Gardens 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 September 30, 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 September 30, 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/39/04), and further APPROVED Preliminary Plan of Subdivision 4-04100, Clinton Gardens including two variations to Section 24-130 and DISAPPROVED of a third variation to Section 24-130 for Lots 1-50, Parcels A-E, Outlots A and B, with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the plan shall be revised as follows:
 - a. To delete Lots 43 and 44.
 - b. To provide a note that in accordance with Section 24-112 of the Subdivision Regulations, the applicant shall vacate that portion of Wade Drive and Patrick Drive if any necessary for the implementation of the subdivision.
 - c. To revise General Note 12 to reflect the approved stormwater management concept plan number and approval date.
 - d. To provide an existing structures note.

- e. To delete Lot 39 and increase the area of Parcel C and create Parcel D. Create Parcel E (out of Lot 40) to contain entrance features, buffering, and fencing at the entrance to the subdivision (Staff Exhibit B).
2. Prior to the issuance of permits, a Type II tree conservation plan shall be approved.
3. Development of this site shall conform to the approved Stormwater Management Concept Plan #15029-2004-00 and any subsequent revisions.
4. At the time of final plat, the applicant, his heirs, successors and/or assignees shall convey to the homeowners association (HOA) open space land (Parcels A, B, C, D and E). Land to be conveyed shall be subject 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. 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.

5. Prior to the approval of building permits, a limited detailed site plan shall be approved by the Planning Board to evaluate:
 - a. Entrance features, open space elements, and recreational facilities on Parcels C, D and E
 - b. Stormwater management facilities on Parcels A and B
 - c. Fencing
 - d. Landscaping
 - e. Architecture
6. 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.
- *7. The applicant, his heirs, successors and/or assignees shall submit three original recreational facilities agreements (RFAs) to DRD for approval prior to [the submission of final plats] issuance of building permits, for construction of recreational facilities on homeowners land. Upon approval by DRD, the RFA shall be recorded among the county land records.
8. The applicant, his heirs, successors and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for the construction of recreational facilities on homeowners land prior to the issuance of building permits.
9. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the expanded stream buffer, excluding those areas where variation requests have been approved, and be reviewed by the Environmental Planning Section prior to certification. 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.”
10. Prior to the issuance of any permits that impact jurisdictional 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.

*Denotes correction

[Brackets] denotes deletion

Underlining denotes addition

11. 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/39/04), 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.”

12. Prior to the approval of grading or building permits, the applicant shall determine the extent of the land that shall be the subject of a Phase I archeological investigation with the concurrence of DRD. If any portion of the property is determined to be subject, the applicant shall complete a Phase I investigation that may include research into the property history and archeological literature. At that time staff will determine if archeological resources exist in the project area, and if so the applicant shall be advised of the requirement of a Phase II or Phase III archeological investigation.
13. Prior to the approval of the final plat of subdivision, in accordance with Section 24-112 of the Subdivision Regulations, the applicant shall vacate those portions of Wade Drive and Patrick Drive necessary for the implementation of the subdivision.
14. The applicant, with the concurrence of the Department of Public Works and Transportation (DPW&T), shall construct the following sidewalks within the public rights-of-way:
 - a. Standard sidewalks along both sides of all internal roads.
 - b. A standard sidewalk along the subject site's entire frontage of Stuart Lane.
 - c. A standard sidewalk along the subject site's entire frontage of Woody Lane.
15. Prior to the issuance of any building permit on the subject property, the following improvements at the intersection of MD 223/Woody Terrace shall (a) have full financial assurances, (b) have been permitted for construction, and (c) have an agreed-upon timetable for construction with the appropriate operating agency:
 - a. Install a traffic signal at the intersection of MD 223/Woody Terrace, in accordance with the standards of the SHA.
16. The applicant shall submit an executed deed of conveyance of Outlot A to the property owner of Parcel 77, and Outlot B to the property owner of Lot 18, Section 1, Oak Orchard Subdivision at the time of approval of the final plat and shall submit recorded deeds of conveyance prior to the approval of a grading permit. If either Outlot A or Outlot B is not conveyed to the respective owners of Parcel 77 and /or Lot 18, the land area shall be incorporated into Lots 2, 3 and 4.

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 west side of Stuart Lane and Woody Terrace.
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
Use(s)	Vacant	Vacant
Acreage	27.74	27.74
Lots	10	50
Outlots	0	2
Parcels	0	5
Dwelling Units:		
Detached	0	50

4. **Environmental**—There are streams, wetlands and 100-year floodplain associated with Piscataway Creek in the Potomac Watershed on the subject property. Current air photos indicate that about 95 percent of the site is forested. There are no nearby sources of traffic-generated noise. The proposal is not expected to be a noise generator. No scenic or historic roads are affected by the application. 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 property. According to the *Prince George’s County Soils Survey*, the predominant soil types on site are in the Fallsington, Galestown, Mattawan, Rumford and Sassafras series.

This site contains expanded stream buffers associated with Piscataway Creek in the Potomac River watershed. These natural features are required to be protected under Section 24-130 of the Subdivision Regulations. A wetlands report was included with the forest stand delineation; the Prince George’s County Department of Environmental Resources Floodplain Study #200406 has determined the 100-year floodplain and the streams conform to those shown in the *Prince George’s County Soils Survey*. The streams, wetlands, 100-year floodplain and expanded stream buffers are correctly depicted on the plans. The site has been well designed to avoid placing any of the expanded stream buffer on any residential lot.

At the time of final plat, bearings and distances should describe a conservation easement. The conservation easement should contain the expanded stream buffer, excluding those areas where variation requests have been approved. Disturbance to sensitive environmental features are shown on the TCPI. All disturbance not essential to the development of the site as a whole is prohibited within expanded stream buffers. Essential development includes such features as public utility lines [including sewer and stormwater outfalls], streets, and so forth, that are

mandated for public health and safety; nonessential activities are those, such as grading for lots, stormwater management ponds, parking areas, and so forth, that do not relate directly to public health, safety or welfare. Impacts for essential development features require variations to the Subdivision Regulations. Staff will not support impacts to sensitive environmental features that are not associated with necessary road construction or the installation of public utilities.

Three variation requests were submitted. Request “A” is for the construction of an outfall for the stormwater management pond and will impact 757 square feet of the expanded stream buffer. Request “B” is an impact of 1,970 square feet to an expanded stream buffer that is required for improvements to existing Stuart Lane. The proposed outfall for the stormwater management facility and road improvements to Stuart Lane appears to be necessary and unavoidable.

Section 24-130 of the Subdivision Regulations restricts impacts to these buffers unless the Planning Board grants a variation to the Subdivision Regulations in accordance with Section 24-113. Even if approved by the Planning Board, the applicant will need to obtain federal and state permits prior to the issuance of any grading permit. Each variation is described individually below. However, for purposes of discussion relating to Section 24-113(a) of the Subdivision Regulations, the impacts were discussed collectively.

Section 24-113(a) of the Subdivision Regulations sets forth the required findings for approval of variation requests. Section 24-113(a) reads:

Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon evidence presented to it in each specific case that:

- (1) The granting of the variation request would not be detrimental to public safety, health or welfare and does not injure other property;**

The installation of stormwater management is required by the Prince George’s County Department of Environmental Resources to provide for public safety, health and welfare. Improvements to Stuart Lane are required by the Department of Public Works and Transportation to provide access for emergency vehicles and safe travel. All designs of these types of facilities are reviewed by the appropriate agency to ensure compliance with other regulations. These regulations require that the designs are not injurious to other property.

- (2) The conditions on which the variations are based are unique to the property for which the variation is sought and are not applicable generally to other**

properties;

The specific topography of the site requires the use a stormwater management pond and an outfall to adequately serve the proposed development. The alignment of Stuart Lane and the required improvements to bring it up to current standards allow no flexibility. Thus, all of the requested variations are not generally applicable to other properties.

(3) The variation does not constitute a violation of any other applicable law, ordinance or regulation; and

The installation of stormwater management facilities and the proposed road construction are required by other regulations. Because the applicant will have to obtain permits from other local, state and federal agencies as required by their regulations, the approval of this variation request would not constitute a violation of other applicable laws.

(4) Because of the peculiar physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulation is carried out.

The topography provides no alternative for the locations of the stormwater outfalls that are required to serve the development. Without the required stormwater management facilities, the property could not be properly developed in accordance with the regulations of the R-80 Zone. The improvements to Stuart Lane are required not only for this application but also to provide safe travel for the neighboring communities.

Staff supports variation requests “A” and “B” for the reasons stated above.

A third variation (Request “C”) was submitted to construct a pedestrian trail from the rears of Lots 50-53 to the cul-de-sac of Street C. The applicant’s proposal to provide a connection in this area has shifted several times. Therefore, staff has evaluated this impact in broad terms and based on the following does not support Request “C.”

Section 24-113(a) of the Subdivision Regulations sets forth the required findings for approval of variation requests. Section 24-113(a) reads:

Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon evidence presented to it in each specific case that:

- (1) The granting of the variation request would not be detrimental to public safety, health or welfare and does not injure other property;**

The installation of the trail to provide pedestrian access for the residents of four dwelling units would not be detrimental to public safety, health or welfare and does not injure other property.

- (2) The conditions on which the variations are based are unique to the property for which the variation is sought and are not applicable generally to other properties;**

It is not unique that small areas of buildable land are isolated from the main portion of the developable area on a tract of land. Generally these areas are preserved as open space or utilized for woodland conservation. In fact there are two areas on this site that are isolated and, therefore, not unique generally, the areas of Lots 50-53 and Lots 43 and 44.

- (3) The variation does not constitute a violation of any other applicable law, ordinance or regulation; and**

The installation of the pedestrian trail to serve four dwellings is a significant impact for the resulting benefit. Based on experience and professional judgment, staff does not believe that the applicant will be able to obtain the necessary permits from other local, state and federal agencies as required by their regulations because the impact is not proportional to the benefit.

- (4) Because of the peculiar physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulation is carried out.**

A hardship would result not if the applicant were not granted the ability to impact the features behind Lots 50-53. The applicant proposed four lots along Stuart Lane with no ability to provide pedestrian access to the recreational facilities on Parcel C. Staff did not suggest the development of the area of Lots 50-53. The denial of the variation for Request "C" is not a particular hardship on the property owner. The denial of the variation will not result in the property being unusable.

The forest stand delineation (FSD) has been reviewed. The FSD, based upon six sample points, describes a single forest stand containing four specimen trees. The FSD includes a wetlands report. The soils boundaries and streams are a reasonable representation of those shown in the *Prince George's County Soils Survey*. The FSD meets the requirements of the Woodland Conservation Ordinance.

This site is subject to the provisions of the Woodland Conservation Ordinance because the entire site is more than 40,000 square feet in size and has more than 10,000 square feet of woodland. A tree conservation plan is required.

The revised Type I Tree Conservation Plan, TCPI/39/04, proposes clearing 17.98 acres of the existing 23.99 acres of upland woodland and no clearing of any of the 2.16 acres of floodplain

woodland. The woodland conservation requirement for this project has been correctly calculated as 9.61 acres. The plan proposes to meet the requirement by providing 4.35 acres of on-site preservation, 0.42 acre of on-site planting, and 4.84 acres of off-site conservation for a total of 9.61 acres. The plan proposes to preserve an additional 1.66 acres of woodland on site that cannot be used as part of any requirement because it does not meet dimensional or locational requirements. All proposed woodland conservation is provided on HOA land and serves to protect the sensitive environmental features on the site.

The Planning Board deleted Lots 43 and 44 for several reasons, among them being the amount of off-site woodland conservation being proposed by the applicant. The area of Lots 43 and 44 is to be retained as woodland conservation and that area included in Parcel B, increasing the amount of on-site woodland conservation being provided on site. The Type I Tree Conservation should be revised to reflect this revision prior to signature approval.

According to the *Prince George's County Soils Survey*, the predominant soil types on site are in the Fallsington, Galestown, Mattawan, Rumford and Sassafras series. Fallsington soils are in the D-hydric group, typically have poor drainage and a high water table, and frequently have associated nontidal wetlands. Mattawan soils are in the C-hydric group and may have a seasonally high water table and poor drainage. Galestown, Rumford and Sassafras soils have no special problems for development.

The Environmental Planning Section supports the variation requests for the reasons stated in this memorandum.

Water and Sewer Categories

The water and sewer service categories are W-3 and S-3 according to water and sewer maps obtained from the Department of Environmental Resources dated June 2003.

5. **Community Planning**—The subject property is located within the limits of the 1993 Subregion V Master Plan, Planning Area 81A in the Clinton Community. The proposed development conforms to the suburban residential land use recommendations of the 1993 Subregion V Master Plan for this area. The 2002 General Plan locates the property in the Developing Tier. An applicable vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities. The applicant's proposal is consistent with the residential zoning of the property.
The proposed development is adjacent to a major community activity center (MCAC) proposed around the intersection of MD 5 and Woodyard Road. The plan text indicates (pp. 71-72) that the west side of this activity center, specifically the Clinton Plaza shopping center, is an excellent location for a small regional mall or a specialty outlet incorporating one or more major retailers to serve the residents of the area. Since the plan was approved, major retailers such as Wal-Mart and Lowe's Home Improvement have located in Clinton Plaza. The portion of the activity center south of Woodyard Road, while not envisioned for development at the same intensity, provides an opportunity for smaller-scale commercial retail or office space and for consideration of mixed-use development. Although the properties immediately adjacent to this proposed

subdivision are currently vacant, development issues for the western section of the MCAC include the protection of adjoining residential homes. This concern should be addressed as development proposals are submitted for this portion of the MCAC.

6. **Parks and Recreation**—In accordance with Section 24-134 of the Subdivision Regulations staff recommends that the applicant provide private on-site recreational facilities to serve the residents of this community. The applicant has proposed Parcel C (23,522 square feet) for the placement of the required on-site recreational facilities. Staff had several concerns with proposed Parcel C. The usable area of Parcel C for required facilities was abutting Lot 39 and approximately 14,506 square feet. Staff was concerned that adequate area did not exist to provide appropriate bufferyards from the C-O-zoned property, adequate setbacks from the street, and area for optimum layouts for the recreational facilities. At the hearing the Planning Board deleted Lot 39 and increased the area of Parcel C, as well as creating open space parcels for entrance features and buffering at the entrance to the subdivision, in accordance with Staff Exhibit B.

Access to the recreation facilities on Lot C for Lots 50-53 is via the public street system (Stuart Lane to Wade Drive to Street A) to Parcel C, where the on-site recreational facilities are to be located. However, Stuart Lane is an open-section road with no sidewalks. The applicant has proffered to construct sidewalks along the site's frontage across Lot 15 and 16 and up Wade Drive to Parcel C to create pedestrian access for Lots 50 – 53 to Parcel C.

The property has proven difficult to develop. The applicant has proposed several changes from the original layout, changes that have benefited the layout and ultimately the residents of the community. The site has an unusual configuration because of the commercially-zoned property in the middle of the site (fronting on Stuart Lane) and the limited location for access. Careful site planning is essential to provide a livable community for all of the residents of the subdivision. With a number of commercial properties surrounding the site, on-site recreational facilities and sidewalks are of great importance for the health and recreation of the residents. It is important that there is a strong connectivity between all of the lots and the open space parcels.

7. **Trails**—There are no master plan trails proposed in the vicinity of the subject site in the adopted and approved Subregion V Master Plan. A park and ride site is proposed near the site in the vicinity of MD 223 and Branch Avenue.

A variety of road cross sections are present in the vicinity of the subject site. Sidewalks are not present on some streets, are along one side of the road in others, and along both sides of the road in other areas. Stuart Lane is open section with no sidewalks along the subject site. However, immediately to the south of the subject site a sidewalk has been constructed. Staff recommends the continuation of this sidewalk along the site's frontage. Sidewalks are also absent along Woody Lane, but exist further north along the road, but on the opposite side. Sidewalks are recommended along this frontage as well. Due to the density of the subject application, standard sidewalks are recommended along both sides of all internal roads, per the concurrence of DPW&T.

8. **Transportation**—The subject property is located 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.

The applicant presented staff with a traffic study that was prepared in March 2004. The study, with input from staff, identified the following intersections as the ones on which the proposed development would have the most impact, the critical intersections:

EXISTING CONDITIONS		
Intersection	AM	PM
	(LOS/CLV)	(LOS/CLV)
MD 223/MD 5	B/1000	C/1253
MD 223/Pine View Lane	A/860	B/1042
MD 223/Woody Terrace (Unsignalized) **	F/456.5 Seconds	F
**In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the guidelines, an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are outside of the normal range of the procedure, and should be interpreted as a severe inadequacy.		

The traffic study identified six background developments that collectively would have an impact on one or all of the above-mentioned intersections. An analysis of the impact of these background developments was done and the following results were determined:

BACKGROUND CONDITIONS		
Intersection	AM	PM
	(LOS/CLV)	(LOS/CLV)
MD 223/MD 5	B/1060	D/1316
MD 223/Pine View Lane	A/899	B/1098

MD 223/Woody Terrace (Unsignalized)	F/722.4	F
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Using the *Guidelines For The Analysis Of The Traffic Impact Of Development Proposals*, the study has indicated that the proposed development of 54 single-family units will be adding 40 (8 in; 32 out) AM peak-hour trips and 49 (32 in; 17 out) PM peak-hour trips at the time of full build-out. Applying a growth rate of 1.4 percent per year for through traffic along MD 4 and MD 223, and combining the site-generated traffic along with background developments, the following results were determined:

TOTAL CONDITIONS		
Intersection	AM	PM
	(LOS/CLV)	(LOS/CLV)
MD 223/MD 5	B/1071	D/1327
MD 223/Pine View Lane	A/899	B/1100
MD 223/Woody Terrace (Unsignalized)	F/866.2	F

All of the analyses indicate a delay at the MD 223/Woody Terrace (unsignalized) intersection of greater than 50 seconds. In circumstances where delay exceeds 50 seconds, a traffic signal warranty for said intersection is generally required. However, staff has been in discussion with the State Highway Administration (SHA), and SHA has indicated that it would support signalization at the subject intersection. At the hearing on September 30, the applicant presented written evidence from SHA, of their agreement to allow the installation of the signal at MD 223/Woody Terrace. The traffic study analyzed the MD 223/Woody Terrace intersection as if it were signalized and found the following result:

TOTAL CONDITIONS		
Intersection	AM	PM
	(LOS/CLV)	(LOS/CLV)
MD 223/Woody Terrace (signalized)	C/1232	C/1351

On the basis of a signal being installed at the MD 223/Woody Terrace intersection, staff concludes that the intersection would operate adequately. There are no on-site circulation issues. Adequate access roads will exist as required by Section 24-124 of the Prince George's County Code.

- 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	50 sfd	50 sfd	50 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	12.00	3.00	6.00
Actual Enrollment	4096	4689	8654
Completion Enrollment	180.48	86.22	158.07
Cumulative Enrollment	288.96	80.52	161.04
Total Enrollment	4565.44	4855.72	8979.11
State Rated Capacity	4214	5114	7752
Percent Capacity	108.34%	94.95%	115.83%

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

County Council bill CB-31-2003 establishes a school facilities surcharge in the amount of: \$7,000 per dwelling if a building is located between I-495 and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts 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.

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, CB-30-2003 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 fire and rescue facilities and concluded the following:
 - a. The existing fire engine service at Clinton Fire Station, Company 25, located at 9025 Woodyard Road has a service travel time of 1.92 minutes, which is within the 5.25-minute travel time guideline.
 - b. The existing ambulance service at Clinton Fire Station, Company 25, located at 9025 Woodyard Road has a service travel time of 1.92 minutes, which is within the 6.25-minute travel time guideline.
 - c. The existing paramedic service at Clinton Fire Station, Company 25, located at 9025 Woodyard Road has a service travel time of 1.92 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 services. These 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 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 no comments.
13. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. A stormwater management concept plan, # 15029-2004-00, has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. Development must be in accordance with this approved plan. Because of the location of the two required stormwater management facilities, a limited detailed site plan should be approved to ensure pleasing views of these facilities from abutting properties and lots. Enhancements include plant materials and ornamental fencing if appropriate.
14. **Historic**^{3/4} The Planning Board has identified that the possible existence of slave quarters and slave graves on certain properties must be considered in the review of development applications, and that potential means for preservation of these resources should be considered. Review of Historic Preservation office files indicates that there may be archeological resources of the antebellum period in the area of the subject site. The Warner family is documented to have been living in the area pre-Civil War; what is not known at this time is if this family were slave owners.

It is possible the site was actively farmed and it is also possible that there were slave dwellings and slave burials on this property. Documentary and archeological investigation should be required to determine whether there exists physical evidence of slave dwellings or burials.

Prior to the submittal or approval of any grading or clearing on site, the applicant should determine the extent of the land that should be the subject of a Phase I archeological investigation. The applicant's findings should be submitted to the DRD staff for review and concurrence. If any portion of the property is determined to be subject, the applicant should complete a Phase I investigation that may include research into the property history and archeological literature. At that time staff will determine if archeological resources exist in the project area, and if so the applicant will be advised of the requirement of a Phase II or Phase III

archeological investigation. The investigation should provide a plan for avoiding and preserving the resource in place, or provide a plan for mitigating the adverse effect upon these resources.

All investigations must be conducted by a qualified archeologist and must follow *The Standards and Guidelines for Archeological Investigations in Maryland* (Schaffer and Cole: 1994) and must be presented in a report following the same guidelines.

15. **Outlot-**The applicant has proposed the creation of Outlot A, a 4,875-square-foot triangle of land in the northwest corner of the site and Outlot B. The property owner of a developed single-family lot (Parcel 77) and Lot 18 have existing accessory structures that appear to be constructed on the subject property. The applicant proposes to convey to the property owners of Parcel 77 and Lot 18, Outlot A and B respectively. If the property owners do not accept the conveyance at the time of record plat, the area of land is to be incorporated into Lots 2, 3 and 4.
16. At the Planning Board hearing citizens requested that a limited detailed site plan (LDSP) be approved by the Planning Board to provide an opportunity to comment in a public hearing process on specific improvements to be constructed. Specifically, citizens request that the limited detailed site plan review evaluate the following:
 - a. Entrance features on Parcels D and E, to include appropriate buffering and possible fencing to delineate the entrance to the subdivision.
 - b. Proper siting of required recreational facilities.
 - c. Evaluation of the proposed stormwater management facilities on Parcels A and B, to ensure that they are visual amenities for the subject property and the surrounding properties.
 - d. Evaluation of the fencing proffered by the applicant along the rear property lines of Lots 2 thru 16, and landscaping.
 - e. Evaluation of architectural elevations.

Because the issues associated with the LDSP do not affect the lotting pattern, the LDSP is to be required prior to building permits.

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, Vaughns and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, September 30, 2004, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 4th day of November 2004.

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Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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