

R E S O L U T I O N

WHEREAS, Mariner Overlook Development, LLC is the owner of a 1.86-acre parcel of land known as Parcel 73, Tax Map 122 in Grid C-3, said property being in the 5th Election District of Prince George's County, Maryland, and being zoned R-R; and

WHEREAS, on August 23, 2004, Mariner Overlook, Development, LLC filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 2 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-04147 for Mariner's Overlook 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 January 20, 2005, 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 January 20, 2005, 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 Preliminary Plan of Subdivision 4-04147, Mariner's Overlook for Lots 1 and 2 with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision the plan shall be revised as follows:
 - a. Label the 15-foot access easement benefiting Lot 1 as "pedestrian only," unless modified by an approved CBCA plan.
 - b. Remove the vehicular access easement intended to serve Lot 2 across Lot 1.
 - c. Indicate the stormwater management plan number and approval date.
 - d. Include a note indicating the CBCA plan number.
 - e. Increase the amount of dedication by 6 feet to provide each lot with a minimum of 70 feet of frontage on the public street. Make lot adjustments accordingly.
 - f. Clearly label the limit of the L-D-O Overlay Zone and the amount of acreage within the overlay.

2. Prior to the issuance of permits, a Type II Tree Conservation Plan shall be approved.
3. Development of this site shall be in conformance with the approved Stormwater Management Concept Plan #29111-2004-00 and any subsequent revisions.
4. Prior to approval of the final plat of subdivision the applicant, his heirs, successors and/or assignees shall pay a fee-in-lieu of parkland dedication for Lot 2.
5. Development of this property shall be in conformance with the approved Chesapeake Bay Critical Area Plan, CP-04018.
6. Prior to approval of the final plat of subdivision and/or any disturbance occurring on this property, the applicant shall submit a Phase I archeological investigation and, if determined to be needed by Planning Department staff, a Phase II and Phase III investigation. If necessary the final plat shall provide for the avoidance and preservation of the resources in place or shall include plat notes to provide for mitigating the adverse effect upon these resources. All investigations must be conducted by a qualified archaeologist 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.
7. The following note shall be placed on the final plat:

“Development of this site is subject to Chesapeake Bay Critical Area Plan CP-04018 and any subsequent revisions.”
8. The final plat shall contain the following note:

“The 15-foot-wide access easement across Lot 2 is for pedestrian access to the Potomac River shoreline benefiting Lot 1.”

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 at the western terminus of Mariner's Drive within the Riverview Estates Subdivision.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

Zone Use(s)	EXISTING R-R/L-D-O	PROPOSED R-R/L-D-O
	Single-family Residential	Single-family Residential
Acreage	1.86	1.86
Lots	0	2
Parcels	1	0
Dwelling Units:		
Detached	1	2 (1 existing)

4. **Environmental**—The 1.86-property in the R-R/L-D-O Zones is located at the north end of Mariner Drive. The property is currently developed with a single-family detached residential structure, lawn areas, landscaping, and a gazebo. There is no woodland on the property. The western property line is the Potomac River. The 100-foot Chesapeake Bay Critical Area buffer and an area of 100-year floodplain occur in the northern portion of the site.

The property that is the subject of this application does not include streams, wetlands, or the associated buffers to these features. A significant area of steep slopes occurs on the property. There are no nearby sources of traffic-generated noise. The proposed development is not a noise generator. According to the Prince George's County Soil Survey, the principal soils on the site are in the Sassafras series. Marlboro clay is not found to occur in the vicinity of this property.

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. There are no designated scenic or historic roads in the vicinity of the property. The site is in the Developing Tier according to the adopted General Plan.

The entire 1.86-acre property is exempt from the requirements of the Prince George's County Woodland Conservation and Tree Preservation Ordinance because it is located in the Chesapeake Bay Critical Area (CBCA), which has more stringent requirements than the Woodland Conservation Ordinance. No additional information with regard to the Woodland Conservation Ordinance is required at this time. During the review of the CBCA Conservation Plan, afforestation requirements will be addressed.

A Chesapeake Bay Critical Area plan must be approved by the Planning Board prior to the approval of any subdivision in the Chesapeake Bay Critical Area. The Chesapeake Bay Critical Area Plan, CP-04018, is scheduled to be heard by the Planning Board prior to this application.

The preliminary plan shows a proposed 15-foot access easement from Lot 1 and across Lot 2 to the Potomac River shoreline. The applicant stated that the purpose of this easement is for pedestrian access only. No construction of any kind is shown on the Chesapeake Bay Critical Area plan within the easement. A pedestrian use of this easement would be in keeping with the Chesapeake Bay Critical Area Program because it provides access to the shoreline. The easement will not be considered sufficient by federal or state review authorities for the construction of a

dock to serve Lot 2, and cannot be used for vehicular access to the shoreline.

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 and will therefore be served by public systems.

5. **Community Planning**—The property is located within the limits of the 1981 master plan for Subregion VII, Planning Area 80, in the Broad Creek Community. The master plan land use recommendation is for low suburban residential. The 2002 General Plan locates the property in the Developing Tier. One of the visions for the Developing Tier is to maintain low to moderate land use densities. The proposed preliminary plan is consistent with the recommendations of the master plan and the General Plan.
6. **Parks and Recreation**—Section 24-134 of the Subdivision Regulations exempts from the requirement of mandatory dedication of parkland, lots being created that are improved with a legally existing dwelling at the time of subdivision. Proposed Lot 1 has an existing dwelling that is to remain. Proposed Lot 2 will be created for the development of a new single-family dwelling unit. Therefore, Lot 1 is exempt from the requirements of mandatory dedication of parkland and Lot 2 is subject to the requirements. Because of the location and limited land available for dedication, the Department of Parks and Recreation is recommending that a payment of a fee-in-lieu of mandatory dedication be made.
7. **Trails**—The 1985 Equestrian Addendum to the Adopted and Approved Countywide Trails Plan shows the proposed Potomac River Trail running along the shorelines through the subject site. However, due to existing development in this vicinity and other constraints, this trail will be located along the existing road network off the subject site. There are no recommendations regarding this planned facility. In the vicinity of the subject site, roads are open section with no sidewalks. There are no master plan trails issues.
8. **Transportation**—The application is a preliminary plan of subdivision for a residential development consisting of two lots, one of which is already developed with an existing residence. The proposed net development of two residences would generate 1 AM and 1 PM peak-hour vehicle trips as determined using *Guidelines for the Analysis of the Traffic Impact of Development Proposals*.

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.

The traffic generated by the proposed preliminary plan would impact the intersection of Fort Washington Road and Livingston Road.

Staff has reviewed a recent traffic study at the critical intersection of Fort Washington Road and Livingston Road. Under background traffic, it was determined that the intersection would operate at Level-of-Service (LOS) A, with a critical lane volume (CLV) of 945 in the AM peak hour, and at LOS B with a CLV of 1,094 in the PM peak hour. Furthermore, due to the limited trip generation of the site, the Prince George's County Planning Board could deem the site's impact at this location to be de minimus. Staff would therefore recommend that the Planning Board find that 1 AM and 1 PM peak-hour trips will have a de minimus impact upon delay in the critical movements at the Fort Washington Road/Livingston Road intersection, which is currently operating at an acceptable level of service.

Based on the preceding findings, 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 6	Middle School Cluster 3	High School Cluster 3
Dwelling Units	1 sfd	1 sfd	1 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	0.24	0.06	0.12
Actual Enrollment	4183	4688	8866
Completion Enrollment	158.40	69.06	136.68
Cumulative Enrollment	6.96	27.24	54.36
Total Enrollment	4348.60	4784.36	9037.16
State Rated Capacity	4512	5114	7752
Percent Capacity	96.38%	93.55%	116.84%

Source: Prince George's County Planning Department, M-NCPPC, December 2004

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 Allentown Road Fire Station, Company 47, located at 10900 Fort Washington Road, has a service travel time of 4.92 minutes, which is within the 5.25-minute travel time guideline.
 - b. The existing ambulance service at Allentown Road Fire Station, Company 47, located at 10900 Fort Washington Road, has a service travel time of 4.92 minutes, which is within the 6.25-minute travel time guideline.

- c. The existing paramedic service at Allentown Road Fire Station, Company 47, located at 10900 Fort Washington Road, has a service travel time of 4.92 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. 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 IV-Oxon Hill. 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 had 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 (29111-2004-00) has been submitted but not yet approved. Prior to signature approval of the preliminary plan the applicant should submit a copy of the concept approval letter and indicate the approval date on the preliminary plan. Development must be in accordance with that approved plan to ensure that development of this site does not result in on-site or downstream flooding. .
14. **Historic**—The Planning Board has determined 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 subject property may be part of the antebellum Edelen property and prehistoric archeological sites are located in similar settings in the immediate vicinity.

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 approval of the final plat and/or any disturbance occurring on this property, the applicant should submit a Phase I archeological investigation to the Planning Department staff for review and concurrence, and if determined to be needed, a Phase II and Phase III investigation. If necessary, the final plat should provide for the avoidance and preservation of the resources in place and should provide appropriate plat notes ensuring the mitigation of any adverse effect

upon these resources. All investigations must be conducted by a qualified archaeologist 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.

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 Squire, seconded by Commissioner Harley, with Commissioners Squire, Harley and Vaughns voting in favor of the motion, and with Commissioner Eley and Chairman Hewlett absent at its regular meeting held on Thursday, January 20, 2005, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 10th day of February 2005.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:WC:rmk