

R E S O L U T I O N

WHEREAS, Washington Church of the New Jerusalem, et al is the owner of a 83.57-acre parcel of land known as Parcels 6, 7, 8, 127, 137, 138 and 143, Tax Map 53 in Grid E-3 said property being in the 7th Election District of Prince George's County, Maryland, and being zoned R-S and R-A; and

WHEREAS, on September 15, 2005, Acton Park, Inc. filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 76 lots and 13 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-04149 for Acton Park 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 February 3, 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 February 3, 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 the Type I Tree Conservation Plan (TCPI/46/92-01), and further APPROVED Preliminary Plan of Subdivision 4-04149, Acton Park for Lots 1 – 76 and Parcels A- M with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the plan shall be revised as follows:
 - a. Reflect the property is located in water and sewer service Category 4.
 - b. Revise the lots, blocks and parcels to clearly reflect the preliminary plan.
 - c. Reflect the approved 100-year floodplain limits and net tract area.
 - d. Revise Parcel C, Block A to provide a 25-foot stem to the internal public street.
2. A Type II Tree Conservation Plan shall be approved with the specific design plan.
3. Development of this site shall be in conformance with the Stormwater Management Concept Plan, 8768-2003-00 and any subsequent revisions.
4. At the time of road construction permits, the applicant shall provide the following:

- a. A wide asphalt shoulder or wide outside curb along the properties frontage of MD 193, with the concurrence with SHA.
 - b. A standard sidewalk along both sides of all public internal streets unless modified by the Department of Public Works and Transportation.
5. Prior to the issuance of 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.
6. The applicant, his heirs, successors and/or assignees shall submit three original Recreational Facilities Agreements (RFA) to DRD for construction of recreational facilities on homeowners land, for approval prior to the submission of final plats. Upon approval by the DRD, the RFA shall be recorded among the County Land Records.
7. 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, or as established at the time of review of the specific design plan.
8. Prior to the issuance of building permits, the applicant, his heirs, successors and/or assignees shall convey to the homeowners association (HOA) 22.75± acres of open space land (Parcels A, B and C, Block D; Parcels B and C, Block C; and Parcel A, Block E). Land to be conveyed shall be subject to 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 specific design 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 storm drain 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. Storm drain 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.
9. Prior to signature approval of the Type I Tree Conservation Plan, the FSD shall be revised as follows:
- a. The summarized data is not consistent with the data reflected on the field data sheets. Revise the summary and stand descriptions to reflect the correct information.
 - b. The data reflected by the field data sheets, summary table and the photographs are inconsistent. Whereas, the photos show many smaller trees at the sample points these smaller trees are not reflected on the data sheets and the summary of the data is therefore inaccurate with respect to the stocking levels, the number of trees per acre and general stand composition.
 - c. In two locations off-site features have not been shown that have features or buffers on the subject property. They include the area of Parcel B, Block C and proposed Parcel E, Block A. All regulated features must be shown on the FSD for abutting properties where those features and/or their buffers extend onto the subject property.
 - d. After the FSD has been revised to address the plan view, the narrative shall be signed and dated by the qualified professional who prepared the plans.
10. Prior to signature approval of the Type I Tree Conservation Plan, it shall be revised as follows:
- a. Show the WCAs on lots as selective clearing areas for the specific purpose of removing invasive species or eliminate woodland conservation on lots where extensive areas of invasive species exist. If selective clearing is proposed, add the following note to the TCPI: "Selective clearing methods shall be identified on the TCPII in detail and shall be conducted prior to the issuance of building permits for individual lots. Certification that the invasive species removal has been conducted shall be provided prior to issuance of building permits for the subject lots. All invasive plant species removal shall be conducted by a qualified contractor with experience in invasive plant identification and removal."

- b. Adjust the woodland conservation worksheet for the proposed off-site impacts for the sewer outfall. Identify the area as off-site clearing and calculate those impacts on a 1:1 basis.
 - c. Revise the TCPI or the worksheet to reflect the accurate amount of acreage for the several woodland saved, but not counted, treatment areas.
 - d. Behind Lots 4, 5 and 7 of Block B, identify how woodland areas on lots are being treated when the area is not part of a Woodland Conservation Area.
 - e. Remove the proposed tree line.
 - f. Show the size of the proposed house pads to provide a more realistic representation of houses being built in this area (40feet x 60 feet).
 - g. Show the limits of disturbance (LOD) in Parcel B of Block D correctly in relation to a proposed private drive shown through the parcel.
 - h. Show all proposed off-site impacts and include them in the worksheet calculations.
 - i. After all the revisions have been made, have the qualified professional who prepared the plan sign and date it.
11. Review of the specific design plan (SDP) shall include the following:
- a. Provide at least 40 feet of unencumbered area from the rear of the conceptual house pads for construction of the single-family dwellings, to ensure the long-term protection of the preserved woodland and to allow for future changes in housing types that may impact the clearing and grading around each house.
 - b. Either combine Lots 20 and 21, Block C to avoid impacts to the wetlands buffer on Lot 21 and revise the limit of disturbance to ensure that a 40-foot active rear yard area can be achieved, or redesign the layout of other lots to eliminate impacts for the sole purpose of lot grading. If the 40-foot-wide areas cannot be achieved, these lots shall be eliminated and used as woodland conservation.
12. Development of this subdivision shall be in conformance with an approved Type I Tree Conservation Plan (TCPI/46/92-01). 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/46/92-01), 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.”

13. Prior to signature approval of the preliminary plan, a copy of the floodplain study shall be submitted, and the preliminary plan and TCPI shall be revised to delineate the limits as reflected in that document. An approved floodplain study may be required with the review of the SDP and referred to DPW&T.
14. 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 the six approved areas of 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.”
15. 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.
16. Prior to signature approval of the TCPI, the plan shall be revised to show the locations of the proposed stormwater management outfalls for all proposed pond structures and appropriate areas of disturbance.
17. The Type II Tree Conservation Plan shall show the locations of all proposed structures, including the proposed dry wells. No additional clearing shall be permitted for the installation of these structures.
18. 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.
19. In accordance with Condition 5 of CDP-8603, PGCPB No. 86-259, the applicant shall post signs at 300-foot intervals along all rights-of-way and around the periphery of the site and maintain these signs until the build-out of the project in order to discourage cutting or removal of plant materials from the subject site by unauthorized persons. The applicant shall submit evidence of this posting with the submittal of the SDP. These signs shall bear the following message:

“WARNING: unauthorized cutting or removal of trees or other plants from this site is strictly prohibited by authority of The Maryland-National Capital Park and Planning Commission unless written permission is granted by the property owner.”
20. The applicant shall submit a Phase I archeological investigation with the submittal of the SDP and/or any disturbance occurring on this property 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.

21. MD 193 and Chantilly Lane: Prior to the approval of a specific design plan for infrastructure within the subject property, the applicant shall submit an acceptable traffic signal warrant study to SHA (and DPW&T, if necessary) for a possible signal at the intersection of MD 193 and Chantilly Lane. The applicant should utilize a new 12-hour count and should analyze signal warrants under total future traffic as well as existing traffic at the direction of SHA. If a signal is deemed warranted by SHA at that time, the applicant shall bond the signal prior to the release of any building permits or as determined at the time of review of the specific design plan, within the subject property and install it at a time when directed by the appropriate permitting agency.
22. At the time of final plat approval, the applicant shall dedicate right-of-way along MD 193 of 90 feet from centerline.
23. Total development within Parcels A, B, and C of the subject property shall be limited to the existing church plus 15,000 square feet of church facilities, or equivalent development which generates no more than 11 AM, 11 PM, and 218 Sunday peak-hour vehicle trips. Whether a new stand-alone church or an addition to the existing church is built, any new development shall be limited to facilities of a pastoral nature and shall not include day care or school facilities. Any development other than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.
24. At the time of review of a specific design plan proposing any development within Parcels A, B, or C of the subject property, the applicant shall submit Sunday traffic counts for the intersections of MD 450/MD 193 and MD 193/Chantilly Lane. Transportation staff shall review these traffic counts, and any improvements needed for Sunday transportation adequacy shall be recommended as a part of specific design plan approval.
25. The woodland conservation proposed on the rear of Lots 5 and 6 (TCPI/46/92-01) shall be retained at a minimum of 40 feet wide and shall be reflected on all subsequent plans of development. A 40-foot building restriction line shall be reflected on the final plat on Lots 5 and 6, from the common boundary line with Parcels 126 and 145, and labeled as a "buffer" to ensure woodland preservation.

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 north and east of the intersection of Chantilly Lane and Progress Lane.

3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

Zone Use(s)	EXISTING	PROPOSED
	O-S Church/cemetery	O-S SFD-52 Units SFA-24 Units (12-Townhouses; 12-Quad Units)
Acreage	82.50	82.50
Lots	0	76
Parcels	6	13
Dwelling Units:		
Single-Family Detached	0	52
Townhouses	0	12
Quad Units	0	12

4. **Environmental**—The area included in this application was previously reviewed by the Environmental Planning Section in conjunction with the approvals of the Comprehensive Design Plan, CDP-8603; the Preliminary Plan of Subdivision, 4-86133; Specific Design Plans SDP-8719 and SDP-9207; the Type I Tree Conservation Plan, TCPI/46/92; and the Type II Tree Conservation Plan, TCPII/137/92. Preliminary Plan of Subdivision, 4-03110, was withdrawn from consideration after initial review comments were made. The prior approvals for this site did not include any environmental conditions.

A review of available information indicates that streams, wetlands, 100-year floodplain, areas of steep slopes with highly erodible soils and severe slopes are found to occur within the limits of this application. John Hanson Highway (US 50) and Enterprise Road (MD 193) have been identified as transportation-related noise generators that will impact some of the proposed lots on this site. The soils found to occur according to the Prince George's County Soil Survey include Bibb silt loam, Collington fine sandy loam; Ochlocknee sandy loam; and Shrewsbury fine sandy loam. These soils generally have no limitations that would affect the proposed application with the exception of the Bibb soils that are associated with the stream. According to available information, Marlboro clay is not found to occur on 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. This property is located in the Northeast Branch watershed of the Patuxent River basin and in the Developing Tier as reflected in the 2002 approved General Plan.

A revised Detailed Forest Stand Delineation (FSD) has been submitted and reviewed. Required revisions to the FSD from a memo dated October 6, 2004, have not been made to the plans submitted. Required revisions are necessary in order for critical data in the FSD to be reviewed in compliance with the Woodland Conservation Ordinance. This information is important for this application and any subsequent applications on the subject property and must be properly

prepared and submitted to be in conformance with state and local laws.

The property is subject to the Prince George's County Woodland Conservation Ordinance because the gross tract area is in excess of 40,000 square feet, there are more than 10,000 square feet of existing woodland on-site and there are previously approved Tree Conservation Plans for a portion of this site. This property, in the R-S Zone, has a Woodland Conservation Threshold of 20 percent or 14.97 acres and a replacement requirement of 5.50 acres due to the clearing of woodlands above the Woodland Conservation Threshold and clearing of woodland in the 100-year floodplain (.44 acres). The site's 20.91-acre woodland conservation requirement is proposed to be met with 23.30 acres of on-site woodland preservation.

Many Woodland Conservation Areas (WCAs) proposed on lots have extensive areas of invasive plant species that will present a maintenance issue for prospective homeowners. Revise the TCPI to reflect WCAs on lots as selective clearing areas for the specific purpose of removing invasive species prior to the issuance of any building permits and include the following note on the TCPI:

“Selective clearing methods shall be identified on the TCPII in detail and shall be conducted prior to the issuance of building permits for individual lots.” The alternative is to not have any woodland conservation on lots where extensive areas of invasive species currently exist.

The worksheet does not show clearing required for off-site impacts. The plan should identify the area as off-site clearing and calculate those impacts on a 1:1 basis through the use of the worksheet designed for off-site impacts. The TCPI shows 0.50 acres of additional woodland retained but not part of any requirements. A total of 0.47 acres of this woodland treatment has been found on the plan; however, 0.03 acres cannot be located. The TCPI or the worksheet should be revised to reflect the accurate amount of acreage for this woodland treatment area. Not all of the proposed Woodland Conservation Areas are labeled with the intended treatment. For example, behind Lots 4, 5 and 7 of Block B the plan does not identify how woodland areas on lots are being treated when the area is not part of a Woodland Conservation Area. The plan should address how this

existing woodland area will be treated. The plan should be revised to remove the proposed tree line.

The proposed house pads are shown at dimensions of 30 feet x 60 feet (1,800 square feet), which is not typical of what is generally being built in this area. The size of the proposed house pads should be revised to provide a more realistic representation of houses being built in this area. The house pads as shown result in six lots with woodland preservation areas having less than 40 feet of cleared rear yard area. These include Lots 1 and 22 of Block A; Lot 2 of Block B and Lots 14, 19 and 21 of Block C. At least 40 feet of unencumbered rear yard area is needed to provide room for construction of the homes to ensure the long-term protection of the preserved woodland and to allow for future changes in house types that may impact the clearing and grading around each house.

Proposed Lot 21 of Block C is problematic as designed. This lot should be combined with Lot 20 to avoid impacts to the wetlands buffer at the limit of disturbance line so that 40 feet of cleared active rear yard area can be achieved. Lot 20 also has a sewer line and stormdrain pipe easement on the west side. Combining these two lots would avoid impacts to the wetland buffer on Lot 21. This issue should be further evaluated with the review of the specific design plan (SDP), and could result in a loss of lots if not properly sited. The limits of disturbance (LOD) in Parcel B, Block D should be revised to correctly delineate the proposed private drive through the parcel.

The Subdivision Ordinance provides for the protection of stream, 50-foot stream buffers, wetlands, 25-foot wetland buffers, 100-year floodplain, and adjacent areas of slopes between 15 and 25 percent on highly erodible soils. When a property is located within the Patuxent River watershed, these features comprise the Patuxent River Primary Management Areas (PMA) that is to be protected to the "fullest extent possible." In order to evaluate the protection afforded the PMA, these features must be accurately identified on the TCPI and preliminary plan. It appears the PMA has been correctly identified on the TCPI and preliminary plan with the exception of the areas of 100-year floodplain. An approved floodplain study has not been submitted as required in the October 6, 2004, memo with review comments.

Evaluation of Proposed Impacts to the PMA

Six impacts are proposed to the PMA, as identified in a Letter of Justification dated November 15, 2004.

Impacts 1 and 2 are for required road crossings. These two impacts were previously approved as part of the review of Preliminary Plan of Subdivision 4-86133. Proposed Chantilly Lane was shifted slightly to the north so that the road would cross at a narrower portion of the stream, further minimizing Impact area 2. Both of these impacts are necessary for road access and the required traffic circulation. Impact 1 totals 18,317 square feet of disturbed area at Chantilly Place and Impact 2 totals 6,832 square feet of disturbance for the extension of Chantilly Lane.

Impacts 3, 4 and 5 are for the installation of stormwater management outfalls at three proposed water quality ponds. These impacts to the PMA total 827 square feet, 1,208 square feet and 605 square feet, respectively. Impacts 3 through 5 are justified because they are for the infrastructure improvements necessary in the stormwater management provisions at the site.

Impact 6 is for the installation of a sanitary sewer extension to serve the site. The total disturbed area for this impact is 13,628 square feet to the expanded buffer. The preservation of these areas will be further evaluated during the review of the Type II Tree Conservation Plan to ensure that the impacts are minimized to the fullest extent possible.

No other PMA impacts are proposed or recommended for approval. Staff has evaluated these impacts and found that they have been minimized to the extent possible. A further reduction in the impacts to the PMA may be accomplished with the review of the SDP when more detailed construction and grading plans are submitted.

A copy of the Stormwater Management Concept Plan and Concept Approval Letter has been submitted and reviewed. A review of this plan has been conducted in relation to the preliminary plan and the TCPI. Four on-site stormwater management ponds are proposed, in addition to infiltration and dry wells. The approved Stormwater Management Concept Plan, TCPI, and preliminary plan do not show three of the four proposed locations of the stormwater management outfalls for the conveyance of treated water to the stream. The Concept Plan Approval Letter indicates that a portion of the site will be treated by dry wells. The proposed locations of drywells are also not shown on the approved Stormwater Management Concept Plan, TCPI or the preliminary plan. The dry well locations should be shown on the TCPI to ensure that there is no conflict with the proposed woodland conservation areas on lots.

Two existing roads in proximity to the site have been identified as traffic-noise generators. These include John Hanson Highway (US 50) and Enterprise Road (MD 193). Traffic-noise impacts are anticipated from these two roads to the subject site. Both the TCPI and preliminary plan have been revised to include the location of the unmitigated 65 dBA Ldn noise contour. No structures are proposed within the 65 dBA Ldn noise contours.

Water and Sewer Categories

The water and sewer service categories are W-4 and S-4 according to water and sewer maps obtained from the Department of Environmental Resources dated June 2003 and will therefore be served by public/private systems.

5. **Community Planning**—The subject property is located within the limits of the Bowie-Collington-Mitchellville and vicinity master plan, Planning Area 74A in Community VII. The master plan land use recommendation is for low-suburban residential. The master plan contains guidelines that encourage setbacks, open space, landscaping, protection of natural environmental features, and limited water and sewer service to maintain a low-density residential character. The plan recommends that these site design techniques be used within the context of a Comprehensive Design Zone, as proposed with this site. The preliminary plan is consistent with this recommendation.

The 2002 General Plan locates this property in the Developing Tier. One of the visions for the Developing Tier is to maintain a pattern of low-to moderate-density suburban residential communities. The preliminary plan is consistent with the recommendations of the General Plan.

6. **Parks and Recreation**—In accordance with Section 24-134 of the Subdivision Regulations, staff recommend that the applicant provide private on-site recreational facilities in accordance with the Parks and Recreational Facilities Guidelines. Through the review of the specific design plan, adequacy and proper siting of the private recreational facilities will be determined.
7. **Trails**—There are no master plan issues associated with the development of this property. A variety of road cross section are utilized in the vicinity of this site. Due to large lots many roads are open section with no sidewalks and other areas include sidewalks on both sides of the street.

If closed section roadways are developed on this site, sidewalks are recommended along both sides of internal public streets.

8. **Transportation**—The transportation staff determined that a traffic study detailing weekday analyses was needed. In response, the applicant submitted a traffic study in support of the previous application (Preliminary Plan of Subdivision 4-03110) dated April 2004. The prior application was eventually withdrawn, and the study was referred for comment under the current application. Comments from the county Department of Public Works and Transportation (DPW&T) and the State Highway Administration (SHA) are attached to this memorandum. The findings and recommendations outlined below are based upon a review of these materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*.

Growth Policy—Service Level Standards

The subject property is located within the Developing Tier, as defined in the 2002 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. Mitigation, as defined by Section 24-124(a)(6) of the Subdivision Ordinance, is permitted at signalized intersections subject to meeting the geographical criteria in the *Guidelines*.

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 study and install the signal (or other less costly traffic controls) if deemed warranted by the appropriate operating agency.

Analysis of Traffic Impacts

The traffic study for this site examined the site impact at three intersections:

MD 450/MD 193 (signalized)
MD 193/Chantilly Lane (unsignalized)
MD 193/site access (unsignalized)

The existing conditions at the study intersections are summarized below:

EXISTING TRAFFIC CONDITIONS		
	Critical Lane Volume	Level of Service

Intersection	(AM & PM)		(LOS, AM & PM)	
MD 450 and MD 193	740	846	A	A
MD 193 and Chantilly Lane	515.1*	170.4*	--	--
MD 193 and site access	future		--	--
*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 <i>Guidelines</i> , 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. This criterion is applicable to roundabouts as well as standard four-way or three-way intersections.				

The area of background development includes several large developments in the vicinity of the subject property. Through traffic growth of 1.3 percent per year was assumed along MD 193, and growth of 1.0 percent per year was assumed along MD 450. There are no programmed improvements in the County Capital Improvement Program (CIP) or the State Consolidation Transportation Program (CTP). Recent improvements at the MD 450/MD 193 intersection were virtually complete but not operational at the time that the traffic study was done. Background conditions are summarized below:

BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 450 and MD 193	977	1,350	A	D
MD 193 and Chantilly Lane	+999*	+999*	--	--
MD 193 and site access	future		--	--
*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 <i>Guidelines</i> , 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. This criterion is applicable to roundabouts as well as standard four-way or three-way intersections.				

The site is proposed for development as a residential subdivision. The site is proposed to be developed with 56 single family detached residences and 24 single family attached residences; it is noted that the traffic study is based upon 80 detached residences. The requested type and

quantity of development would generate 59 (12 in, 47 out) AM peak-hour vehicle trips and 70 (46 in, 24 out) PM peak-hour vehicle trips. With the trip distribution and assignment as assumed, the following results are obtained under total traffic:

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 450 and MD 193	980	1,365	A	D
MD 193 and Chantilly Lane	+999*	+999*	--	--
MD 193 and site access	65.4*	78.1*	--	--
*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 <i>Guidelines</i> , 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. This criterion is applicable to roundabouts as well as standard four-way or three-way intersections.				

The traffic study identifies inadequacies at the unsignalized intersections of MD 193/Chantilly Lane and MD 193/site access, but identifies no strategies to alleviate the inadequacies. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal study and install the signal if it is deemed warranted by the appropriate operating agency. The warrant study is, in itself, a more detailed study of the adequacy of the existing unsignalized intersection. With a signal in place at either location, it is estimated that either intersection would operate acceptably in both peak hours.

DPW&T's comments expressed pessimism that a signal would be warranted at either unsignalized intersection but indicated that any decisions regarding signalization at these locations would be made by SHA. DPW&T had no other comments.

SHA indicates that they would not permit a full movement access at the proposed site access (termed Chantilly Way), and that action limiting left-turns at that location would resolve the inadequacy. SHA also recommends that the applicant widen the westbound approach of Chantilly Lane at MD 193 to provide a left-turn/through lane and a right-turn lane, as well as providing a southbound left-turn lane along MD 193. Although these improvements would improve operations, the intersection would still not operate acceptably as an unsignalized intersection. Therefore, improvements should still include study of signalization.

The applicant provided additional information received on December 27, 2004, regarding the possibility of a church within a parcel of the subject property. Parcel B is proposed to contain a new church, which is shown on CDP-8603. The existing church will be located on proposed Parcel A, and CDP-8603 suggests that a school may be added to this existing church.

The traffic study clearly did not include a new church or school, and none was discussed during the scoping of the traffic study. The letter provided by the applicant was an effort to supplement the traffic study and states that the conclusions of the traffic study, for the weekday analysis periods, are still valid with the inclusion of a 15,000 square foot church on Parcel B, within the development program that was included in the original traffic study.

In response, the following findings are made:

1. The existing church on proposed Parcel A could expand facilities by up to 5,000 square feet in accordance with the requirements of the R-S Zone, without the requirement for a Preliminary Plan of Subdivision (Section 24-107(c)(7)) however, there would still need to be a specific design plan reviewed.
2. The applicant has stated in the December 27, 2004, letter that services would only occur on Sundays within the proposed 15,000-square foot church on proposed Parcel B and would not generate an impact. However, the church should have been included in the traffic study, as churches generally experience some activity on weekdays as a result of comings and goings of ministers and paid staff. Furthermore, it would have been preferable to see and review the Sunday traffic counts to verify the impact of the church.
3. Notwithstanding the above, staff was able to determine that a 15,000-square foot church on proposed Parcel B would not change the conclusions regarding the unsignalized intersections nearest the site, nor would there be a change in the weekday service level at the MD 450/MD 193 intersection. This is the case as long as the proposed facilities are limited to church facilities of a pastoral nature, and do not include day care or school facilities.
4. In regard to a Sunday analysis, it is noted that 4-02127 for the Christian Hope Ministries was reviewed by the Planning Board in May 2003. That application was for a much larger church and covered a similar study area. Under total Sunday traffic, no signalized intersection within the study area was forecasted to operate at worse than LOS B, and the impact of a 15,000-square foot church on proposed Parcel B of the subject site does not appear to be sufficient to change the service levels at the intersections within the study area. However, unless Sunday counts are reviewed at both MD 450/MD 193 and MD 193/Chantilly Lane, it is not certain that a determination of adequate transportation facilities can be made. Given that within the context of specific design plan review a determination of transportation adequacy can be made, it is recommended that Sunday traffic counts be submitted at MD 450/MD 193 and MD 193/Chantilly Lane. Transportation staff would review these counts, and make appropriate recommendations to relieve any inadequacy at that time.
5. With the MD 193/Chantilly Lane improvements, a signal warrant study at that location, and subsequent review of Sunday traffic volumes at MD 450/MD 193 and MD 193/Chantilly Lane, the residential and church development proposed could be

accommodated within acceptable service levels.

Conformance to Prior Plans

This site was reviewed as Basic Plan A-9496 and CDP-8603. There were no transportation-related conditions on A-9496. CDP-8603 includes one condition, and the status of this condition is summarized below:

CDP-8603:

Condition 2: This condition requires that adequate improvements be installed at MD 193/Chantilly Lane as well as at the proposed site entrance. Both intersections have been reviewed, and SHA has determined that a full movement access will only be permitted at Chantilly Lane, with no left turns permitted at the new access point. The conditions address improvements needed for adequacy at MD 193 and Chantilly Lane.

Plan Comments

The site is adjacent to MD 193, which is a master plan arterial facility within a 150-foot right-of-way. Because the planned right-of-way is offset from the existing centerline to the east, dedication of 90 feet from centerline is required along this adjacent section of MD 193 and is appropriately reflected on the submitted plan.

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 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 3	Middle School Cluster 2	High School Cluster 2
Dwelling Units	76 sfd	76 sfd	76 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	18.24	4.56	9.12
Actual Enrollment	5960	5307	10580
Completion Enrollment	180.24	189.24	378.24

Cumulative Enrollment	0	2.70	5.40
Total Enrollment	6158.48	5503.50	10594.52
State Rated Capacity	5858	4688	8770
Percent Capacity	105.13%	117.40%	120.80%

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

County Council bill CB-31-2003 establishes a school facilities surcharge in the amounts of: \$7,000 per dwelling if a building is located between I-495 and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts on existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$12,000 per dwelling for all other buildings.

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.

The Historic Preservation and Public Facilities Planning Section staff finds that this project meets the 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:

Fire and Rescue

Institutional

- 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 4.25 minutes, which is beyond the 3.25-minute travel time guideline.
- b. The existing ambulance service at Glenn Dale Fire Station, Company 18, located at 11900 Glenn Dale Boulevard has a service travel time of 4.25 minutes, which is within the 4.25-minute travel time guideline.
- c. The existing paramedic service at Glenn Dale Fire Station, Company 18, located at 11900 Glenn Dale Boulevard has a service travel time of 4.25 minutes, which is within the 7.25-minute travel time guideline.
- d. The existing ladder truck service at Bowie Fire Station, Company 39, located at 15454 Annapolis Road has a service travel time of 10.43 minutes, which is beyond the 4.25-minute travel time guideline.

Single Family Attached and Detached

- 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 5.18 minutes, which is within the 5.25-minute travel time guideline.
- b. The existing ambulance service at Glenn Dale Fire Station, Company 18, located at 11900 Glenn Dale Boulevard has a service travel time of 5.18 minutes, which is within the 6.25-minute travel time guideline.
- c. The existing paramedic service at Glenn Dale Fire Station, Company 18, located at 11900 Glenn Dale Boulevard has a service travel time of 5.18 minutes, which is within the 7.25-minute travel time guideline.

In order to alleviate the negative impact on fire and rescue services due to the inadequate service discussed, an automatic fire suppression system should 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 above findings are in conformance with the standards and guidelines contained in the *Adopted and Approved Public Safety Master Plan 1990* and the "Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities."

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 applicable to this application 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 notes that a raze permit must be obtained prior to the removal of structures on-site. Any hazardous materials located in any structure must be removed and properly stored or discarded prior to obtaining a raze permit.
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, 8768-2003-00 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.
14. **Cemeteries**—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 Duvall and Cross families are documented to have been living in the area pre-civil war. 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.

With the submittal of the SDP 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.

15. **Basic Plan A-9496**—The Basic Plan contains 4 conditions and 11 considerations as follows:

Condition 1a Establishes the maximum land use quantities and types, and is limited to a maximum of 26 single-family attached units with a total maximum of 80 dwelling units on site.

Comment: The applicant proposes 76 dwelling units; 4 SFD previously approved, 52 SFD and 24 SFA with this application for a total of 80 dwelling units.

Condition 1b and 1c Relate to revisions required to the basic plan, relating to layout.

Comment: The preliminary plan is in general conformance to the layout approved with the basic plan and will be further refined with the review of the SDP.

Condition 2 Requires that there shall be no grading or cutting of trees except on a selective basis and requires all major tree stands be located on the CDP and SDP.

Comment: The Environmental Planning Section has evaluated the applicant's Type I Tree Conservation Plan and recommends approval. Further evaluation will be required with the approval of the Type II Tree Conservation Plan and SDP.

Condition 3 Requires that a floodplain study be submitted to the Department of Public Works and Transportation for approval prior to Phase II. This condition was further refined with the approval of CDP-8603.

Comment: This condition has been addressed in Condition 13 of this report that requires that prior to signature approval of the preliminary plan, a copy of the floodplain study shall be submitted, and the preliminary plan and TCPI shall be revised to delineate the limits as reflected in that document. An approved floodplain study may be required with the review of the SDP and Condition 4 of CDP-8603, PGCPB No. 86-259 and referred to DPW&T.

Condition 4 Required the submittal of a revised Basic Plan within 90-days of the approval.

Comment: The plan was submitted and the approval of CDP-8603 was consistent with that approved plan.

The preliminary plan is consistent with the recommendations of the Basic Plan.

16. **Urban Design**—The plan proposes a mixture of residential uses in the R-S Zone. The subject property is irregular in shape and two proposed entrances, which are located on the west side of the site, provide access. One entrance is located on Enterprise Road (MD 193) and the other is accessed from a continuance of the existing residential street, Chantilly Lane. The entire site consists of 83.6 acres of land. Based on the Urban Design Section’s review of the preliminary plan, we offer the following comments:

Comprehensive Design Plan CDP-8603

Comprehensive Design Plan CDP-8603, approved by the Planning Board on July 11, 1986 (Resolution PGCPB No. 86-259), with six conditions, permits the subject property to be developed with 80 single-family detached and attached units. Four of the 80 permitted lots are existing and located to the northwest on Progress Lane. The subject preliminary plan shows a layout and lotting pattern for the development of 76 dwelling units that is in general conformance with the approved CDP-8603.

The Comprehensive Design Plan included the following one condition pertaining to preliminary plan of subdivision review:

- “2. Prior to the approval of the preliminary plan of subdivision, the applicant shall address State Highway Administration concerns. These concerns include the accel/decel lane lengths, the need for a bypass lane on southbound MD193/556, and the possibility of combining accel/decel lanes between the two access points.”

Comment: This condition is addressed in Finding 6 of this report.

The following conditions are not specifically applicable to the subject review but are still valid as follows:

Condition 1 “All over-under type townhouse units, the proposed church and the proposed school shall be fully equipped with automatic fire suppression systems in accordance with National Fire Protection Association (NFPA) Standard 13 and all applicable County laws to alleviate the negative impact.”

Comment: This condition has been addressed with Condition 18 of this report that requires 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.

Condition 3 “The entire length of the proposed entrance drive to the future church shall be attractively screened with evergreens and shrubs.”

Comment: Conformance with this condition will be established with the review of the SDP.

Condition 4 “A floodplain study for Acton Park shall be approved by the Prince George’s County Department of Public Works and Transportation prior to the submission of any specific design plan based on the approved Acton Park Comprehensive Design Plan.”

Comment: Although a previous SDP has been approved for Lots 11-14, Block B, this condition has been addressed further with Condition 13 of this report that requires prior to signature approval of the preliminary plan, a copy of the approved floodplain study shall be submitted, and the preliminary plan and TCPI shall be revised to delineate the limits. A revised study may be required with the review of the SDP. The portion of the property currently under review contains the majority of the floodplain on-site.

Condition 5 “In order to discourage cutting or removal of plant materials from the subject site by unauthorized persons, the applicant shall post signs at 300-foot *[sic]* intervals along all rights-of-way and around the periphery of the site and maintain these signs until the build-out of the project. These signs shall bear the following message: “WARNING: unauthorized cutting or removal of trees or other plants from this site is strictly prohibited by authority of The Maryland-National Capital Park and Planning Commission unless written permission is granted by the property owner..

Comment: This condition has been addressed with Condition 19 of this report that requires that the applicant submit evidence of conformance with this condition with the submittal of the SDP.

Condition 6 “The applicant shall be prohibited from grading or clearing any portion of the property governed by the approved Acton Park CDP except as authorized by a specific design plan approved in conformity with the Acton Park CDP.”

Comment: This condition will be carried forward with the SDP.

The application is subject to Section 4.6 of the *Landscape Manual*, Buffering Residential Development from Streets. Enterprise Road is an arterial road and impacts development on Lot 1, Block D and Lot 9, Block C, in terms of noise, and views to the rear yards. Per Section 4.6, a minimum 50-foot-wide buffer area planted with 6 shade trees, 18 evergreen trees and 40 shrubs should be provided between the road and lots. Along the frontage of Enterprise Road, the proposed landscaping and noise attenuation treatment, as well as the architectural elevations, will

be evaluated during the review of the Specific Design Plan.

It is recommended that the layout of Lot 1, Block D and Lot 9, Block C be adjusted due to their prominent locations and the requirement of a 4.6 bufferyard. The new layout for the two lots should exclude the bufferyard from individual lots and should have enough land to accommodate both entrance features, landscape materials and possible noise mitigation structure in the future.

The subject property is in a comprehensive design zone and is not subject to Section 4.7, Buffering incompatible uses, of the *Landscape Manual*. There are incompatible uses identified along both the north and south boundaries of the site. The comprehensive design zone, however, calls for imaginative utilization of land in order to achieve a better development. The Urban Design Section recommends that screening and buffering should be carefully evaluated at the time of review of the SDP by using the requirements of Section 4.7 as guidelines.

The conceptual layouts of both townhouse and quad units are acceptable for purposes of review of the preliminary plan. However, the applicant has been advised that a more detailed analysis of the relationship between building and streets as well as the relationship among buildings will be carried out at the time of specific design plan review when more detailed grading and development plans are submitted for review. A revision to the layout could occur at that time.

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 Squire, seconded by Commissioner Harley, with Commissioners Squire, Harley, Vaughns and Hewlett voting in favor of the motion, and with Commissioner Eley absent at its regular meeting held on Thursday, February 3, 2005, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 24th day of February 2005.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator