

R E S O L U T I O N

WHEREAS, Lisa N. Allen is the owner of a 10.44-acre parcel of land known as Parcel 164, Tax Map 135 in Grid A-2, said property being in the 11th Election District of Prince George's County, Maryland, and being zoned R-R; and

WHEREAS, on December 14, 2005, Landesign Inc. filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 17 lots and 3 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-05129 for Clinton Crossroads II was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on May 4, 2006, for its review and action in accordance with Article 28, Section 7-116, Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

WHEREAS, the staff of The Maryland-National Capital Park and Planning Commission recommended APPROVAL of the application with conditions; and

WHEREAS, on May 4, 2006, 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/50/05), and further APPROVED Preliminary Plan of Subdivision 4-05129, Clinton Crossroads II for Lots 1-17 and Parcels A, B, & C 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 existing buildings and sheds on the plan "to be razed."
 - b. Provide a general note on the plan that indicates that the existing structures will be razed prior to the approval of a final plat, and that a raze permit must be obtained through the Department of Environmental Resources prior to the removal of any structures on site.
 - c. Provide the right-of-way width and centerline for both of the proposed internal roads.
 - d. Label the ten-foot wide, public utility easement.
 - e. Add a general note that demonstrates that the mandatory dedication of parkland will be addressed by a fee-in-lieu.

- f. Add a general note that indicates that there are no rare, threatened, or endangered species found to occur on the subject property.
 - g. Add a general note that indicates that there are no cemeteries within the boundary limits of the subject property.
 - h. Label the fence/dog pen on Lot 12 and the fence and shed on Lot 14 “to be removed.”
 - i. Provide a ten-foot-wide public utility easement adjacent and contiguous to the public right-of-way on Parcels A and C.
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 Stormwater Management Concept Plan 37400-2005-00 and any subsequent revisions.
4. The following note shall be placed on the final plat of subdivision:

“Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/50/05), 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 Ordinance.”
5. 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.
6. The final plat shall carry a plat note that any lot line adjustments involving Parcels A, B, or C shall not result in additional buildable lots without a new preliminary plan of subdivision.
7. Prior to the issuance of any building permits within the subject property, the applicant shall conduct a traffic signal warrant study at the intersection of MD 5 and Earnshaw Drive/Burch Hill Road. The performance of a new study may be waived by SHA in writing if SHA determines that an acceptable recent study has been conducted. If a traffic signal is deemed warranted by SHA, the applicant shall bond a pro-rata share of the cost of the signal, provided that full funding for the signal, through any combination of public funding and funding by other private parties, is available and provided that an equitable arrangement can be coordinated with SHA. Otherwise, the applicant shall bond the full cost of the signal prior to the release of any building permits within the subject property and install it at a time when directed by SHA. The applicant will be responsible for any additional pavement markings and signage at the intersection.
8. Prior to final plat approval, there shall be available, through adjacent Parcel 80, a deeded 60-foot right-of-way for the purpose of extending Lusby’s Lane.

9. Prior to the issuance of a grading permit for the development, a public safety mitigation fee shall be paid in the amount of \$64,260 (\$3,780 x 17 dwelling units). Notwithstanding the number of dwelling units and the total fee payments noted in this condition, the final number of dwelling units shall be as approved by the Planning Board and the total fee payment shall be determined by multiplying the total dwelling unit number by the per unit factor noted above. The per unit factor of \$3,780 is subject to adjustment on an annual basis in accordance with the percentage change in the consumer price index for all urban consumers. The actual fee to be paid will depend upon the year the grading permit is issued.
10. Prior to final plat, the applicant, his heirs, successors and/or assignees shall submit executed deeds of conveyance by all parties for Parcel A, B, and C. The applicant, his heirs, successors and/or assignees will demonstrate due diligence in obtaining the agreement for the conveyance of the parcels. The parcels shall be conveyed as follows:
 - a. Parcel A to be conveyed to Jose P. Flores, or to be included into the area of Lot 17.
 - b. Parcel B to be conveyed to the adjacent property owner of Parcel 145 for the inclusion of the subdivision process.
 - c. Parcel C to be conveyed to The Department of Public Works and Transportation, or to an appropriate abutting property owner on the east side of Lusby's Lane.
11. Prior to the approval of building permits, the applicant, his heirs, successors and/or assignees shall submit copies of the recorded deeds of conveyance for Parcels A, B, and C.
12. Prior to the approval of a final plat, the applicant, his heirs, successors, and/or assignees shall provide documentation demonstrating that the existing buildings on the subject property have been razed.

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 Lusby's Lane approximately 600 feet south of its intersection with Lusby's Turn.

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

	EXISTING	PROPOSED
Zone	R-R	R-R
Use(s)	Undeveloped	Single-Family Dwellings
Acreage	10.44	10.44
Lots	0	17
Outlots	0	0
Parcels	1	3
Dwelling Units:		
Detached	0	17
Public Safety Mitigation Fee		Yes

4. **Environmental**—The Environmental Planning Section has reviewed the preliminary plan of subdivision for Clinton Crossroads II, 4-05129, accepted for processing on December 14, 2005, and the revised Type I Tree Conservation Plan, TCPI/50/05, stamped as received by the Environmental Planning Section on February 8, 2006. The Environmental Planning Section recommends approval of 4-05129 and TCPI/50/05 subject to conditions. The Environmental Planning Section has no records of any previous applications for the subject property. The proposal is for 17 lots and three parcels in the R-R Zone.

There are no streams, wetlands, or 100-floodplain on the property. The site eventually drains into Piscataway Creek in the Potomac River watershed. According to the *Green Infrastructure Plan*, only a tiny corner of the property is an evaluation area and another sliver is a network gap. Marlboro clay does not occur in this area. 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, rare, threatened, or endangered species do not occur in the vicinity of this property. No designated scenic or historic roads will be affected by the proposed development. There are no nearby sources of traffic-generated noise. The proposal is not expected to be a noise generator.

An approved natural resources inventory (NRI), NRI-121-05, was submitted with the application. A simplified forest stand delineation (FSD) was included with the NRI. The FSD indicates three forest stands totaling 3.90 acres and no specimen trees.

The on-site woodlands are relatively low quality. There are no sensitive environmental features on site. Based upon this analysis, there are no priority woodlands on site.

This property is subject to the provisions of the Prince George’s County Woodland Conservation Ordinance because the gross tract area is in excess of 40,000 square feet and there are more than 10,000 square feet of existing woodland on-site.

The Type I Tree Conservation Plan, TCPI/50/05, has been reviewed. The plan proposes clearing 2.89 acres of the existing 3.90 acres of woodland. The woodland conservation requirement has

been correctly calculated as 3.62 acres. The plan proposes to meet the requirement by providing 3.62 acres of off-site woodland conservation. An additional 1.01 acres of woodland will be retained on site but not as part of any requirement.

The TCP appropriately provides adequate clearing around all proposed structures and for a 40-foot cleared outdoor activity area at the rear of each proposed structure. The encumbrance of these lots with woodland conservation areas is not consistent with the purposes of the Woodland Conservation Ordinance because the lots are barely over 20,000 square feet, the woodlands to remain are isolated, and the woodlands are of low quality. All required woodland conservation for this proposal should be provided off site.

According to the Prince George's County Soils Survey the principal soils on this site are in the Sassafras series. Sassafras soils pose no special problems for development.

Stormwater Management Concept Plan CSD 37400-2005-00 has been approved by the Prince George's County Department of Environmental Resources. The proposal is to use open-ditch sections and tie into existing systems. The soils on the site are well-suited for infiltration.

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 subject property is located within the limits of the 1993 Master Plan for Subregion V, Planning Area 85A in the Brandywine Community. The proposed development of 17 lots for detached single-family dwellings is consistent with the master plan land use recommendations for residential use.

The 2002 General Plan locates the subject 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 proposed development is consistent with the Development Pattern policies for the Developing Tier.

6. **Parks and Recreation**—In accordance with Section 24-134(a) of the Subdivision Regulations, the Park Planning and Development Division recommends that the applicant pay a fee-in-lieu of parkland dedication because the land available for dedication is unsuitable due to its size and location.
7. **Trails**—There are no master plan trails issues identified in the adopted and approved Subregion V Master Plan. The majority of the roads in the vicinity of the subject site are open section with no sidewalks. There are isolated and fragmented sections that contain sidewalks, but no continuous network exists.
8. **Transportation**—The Transportation Planning Section has reviewed the subdivision application referenced above. The applicant proposes a residential subdivision consisting of 17 single-family detached lots.

Due to the size of the subdivision, a traffic study was not required. Counts at the intersection of MD 5 and Earnshaw Drive/Burch Hill Road were requested of the applicant and provided. Therefore, 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 in 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 is required in the developing tier.

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.

Analysis of Traffic Impacts

The intersection of MD 5 and Earnshaw Drive/Burch Hill Road is determined to be the critical intersection for the subject property. This intersection is the nearest major intersection to the site and would serve most of the site-generated traffic. The turning movement counts indicate that the critical intersection operates poorly as an unsignalized intersection, with an average vehicle delay exceeding 999 seconds in both the eastbound and westbound movements during both the AM and the PM peak hours. Once again, these operating conditions are determined using the *Highway Capacity Manual*, and vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections.

There are no funded capital projects at this intersection in either the county's Capital Improvement Program or the state's Consolidated Transportation Program that would affect the critical intersection. There are seven approved but unbuilt developments that would affect the intersection. With background growth added, the critical intersection would continue to operate with an average vehicle delay exceeding 999 seconds in both the eastbound and westbound movements during both the AM and the PM peak hours.

With the development of 17 single-family detached residences, the site would generate 13 AM (3 in and 10 out) and 15 PM (10 in and 5 out) peak-hour vehicle trips. The site was analyzed with the following trip distribution: 65 percent north along MD 5, and 35 percent south along Lusby's Lane to

Dyson Road and US 301. Given this trip generation and distribution, staff has analyzed the impact of the proposal. With the site added, the critical intersection would continue to operate with an average vehicle delay exceeding 999 seconds in both the eastbound and westbound movements during both the AM and the PM peak hours. Therefore, the critical intersection operates unacceptably as an unsignalized intersection under existing, background, and total traffic.

Under total future traffic as developed using the guidelines, adding the impact of the proposed development, the critical intersection was found to be operating with excessive delay. In response to inadequacies identified at unsignalized intersections, the Planning Board has generally recommended that the applicant provide a traffic signal warrant 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. A study is needed at the intersection of MD 5 and Earnshaw Drive/Burch Hill Road, and the applicant should be responsible for any improvements identified as necessary by the warrant study. With such a condition, the critical intersection will operate acceptably in both peak hours. This condition is identical to the one provided for 4-02056 and 4-02057, as well as other developments approved in the area.

It is noted that Lusby's Lane exists as a dedicated roadway to the north of adjacent Parcel 80, and while there is a public right-of-way to the south, it is substandard. Although the submitted plan shows an area of potential dedication across Parcel 80 to which the subdivision could connect, no public right-of-way exists across Parcel 80. It is understood that the applicant is actively pursuing an agreement with the owner of Parcel 80 through which a 60-foot right-of-way for Lusby's Lane would be deeded for public use. Given that the transportation and access findings for this site have been based upon the extension of Lusby's Lane through Parcel 80, and given that staff would not favor sole access for this site by means of a substandard right-of-way, it is recommended that the platting of this subdivision be conditional upon the deeding of a 60-foot right-of-way for the purpose of extending Lusby's Lane through Parcel 800.

Transportation Staff Conclusions

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 preliminary plan for 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.

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