

PGCPB No. 07-184

File No. 4-06155

R E S O L U T I O N

WHEREAS, Darryl Clark is the owner of a 6.31-acre tract of land known as Part of Lot 7, Ward Subdivision, Tax Map 124 in Grid E-4, said property being in the 9th Election District of Prince George's County, Maryland, and being zoned R-E; and

WHEREAS, on April 20, 2007, Darryl Clark filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 3 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-06155 for Ward Subdivision, Lots 48-50 was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on September 20, 2007, for its review and action in accordance with Article 28, Section 7-116, Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

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

WHEREAS, on September 20, 2007, 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/19/07), and further APPROVED Preliminary Plan of Subdivision 4-06155, Ward Subdivision, for Lots 48-50 with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the plan shall be revised as follows:
 - a. Delineate the required 150-foot lot width at the front building line for Lots 49 and 50.
 - b. Revise general note no. 6 to indicate that a water and sewer waiver has been issued by DER on August 23, 2007.
 - c. Label and provide the square footage of any right-of-way dedication area. It appears that an additional five-feet of dedication area is being provided.
 - d. Provide a general note which states that a private right-of-way easement will be provided to serve Lots 49 and 50 in accordance with Section 24-128(b)(1) of the Subdivision Regulations.
 - e. Verify and provide a general note which states that the portion of the private right-of-way

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easement extending onto Lots 49 and 50 has been subtracted from the net lot area for both lots.

- f. Provide a label on the plan which demonstrates that the abutting property to the north, (Part of Lot 7), is denied access to the private right-of-way easement which will serve the subject property.
 - g. Extend the 10-foot PUE across the property's entire street frontage of Tippet Road, to include the bottom of the private right-of-way easement.
 - h. Provide a general note which states that the private right-of-way easement has been extended into the limits of Lots 49 and 50 for the purposes of providing each lot with the minimum required street frontage of 50-feet.
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 Stormwater Management Concept Plan, #35733-2006-00 and any subsequent revisions.
4. Prior to signature approval of the preliminary plan, TCPI/019/07 shall be revised as follows:
 - a. Show conceptual house footprints at least 2,500 square feet in area.
 - b. Provide cleared areas of at least 40 feet to the rear and 20 feet to each side of the conceptual footprints.
 - c. Include the area counted as cleared for the septic recovery area on Lot 48.
 - d. Label the house on Lot 48 to remain.
 - e. Provide a 40 foot-wide useable rear yard area on Lot 48.
 - f. Revise the worksheet as necessary.
 - g. Have the revised plan signed and dated by the qualified professional who prepared the plan.
5. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the expanded stream buffer and shall be reviewed by the Environmental Planning Section prior to 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 allowed.”

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6. Prior to signature approval of the preliminary plan of subdivision, the applicant shall submit two copies of the stormwater management concept plan, signed by DPW&T, and two copies of the approval letter. The stormwater management concept plan approval number and approval date shall be delineated on the preliminary plan and TCPI. Any required stormwater management facilities shall be shown on the TCPI.
7. Prior to signature approval of the preliminary plan of subdivision, the applicant shall demonstrate conformance with the following Health Department requirements:
 - a. Submit a revised site plan of a scale of at least 1-inch equals 50 feet that includes the following changes to proposed Lot 49:
 - b. Relocate the proposed storm water management device to the northwest side of the proposed septic tank so that the device will drain away from the sewage recovery area. A minimum 25 feet distance must be maintained between the storm water management device and the sewage recovery area. The applicant may consider splitting the device into two smaller units located off both rear corners of the house.
 - c. The proposed well must be located 50 feet from the storm water management device.
8. A note shall be affixed to the final plat which states the following for Lots 49 & 50:

“Lots 49 and 50 to be served by deep-drilled wells. Grouting requirements will be based on the actual well location relative to potential sources of contamination. Information on well construction requirements applicable to these lots may be obtained from the Prince George’s County Health Department, Division of Environmental Health. Any specific requirements for an individual well applicable to this subdivision will be provided as part of the well permitting process”.
9. A note shall be affixed to the final plat which states the following:

Health Department approval of this plat is based on plan(s) dated (TBD) -- reference Case No. 4-06155. A minimum 10,000 square foot area of each lot, as shown on the plan(s) must remain undisturbed for sewage disposal purposes. Any sewage disposal area(s) located within 50 feet of the planned extent of grading activity or other soil disturbance must be field staked or otherwise protected. Required protective measures must be field verified by the Health Department prior to approval of any grading or building permit application. In accordance with Subtitle 22 of the Prince George’s County Code, the sewage disposal area for each lot is sized to accommodate a specified sewage flow based on the size and use of the proposed building for that lot. Any change in the projected sewage flow or change to the designated sewage disposal area may require additional percolation testing. Detailed information on the sewage disposal limitations applicable to these lots may be obtained from the Prince George’s County Health Department, Division of Environmental Health.

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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 along the east side of Tippet Road, approximately 300 feet north of its intersection with Wards Road.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	R-E	R-E
Use(s)	Single-Family	Single-Family
Acreage	6.31	6.31
Lots	1	3
Parcels	0	0
Dwelling Units:		
Detached	1	3 (2 New)
Public Safety Mitigation Fee		No

4. **Environmental**—The Environmental Planning Section has reviewed the preliminary plan application for Ward Subdivision, 4-06155, and the Type I Tree Conservation Plan, TCPI/019/07, stamped as received by the Environmental Planning Section on June 13, 2007. The Environmental Planning Section recommends approval with conditions.

Background

The Environmental Planning Section notes that this project was previously reviewed under Pre-Preliminary Plan application, P-05023. The current application proposes three lots in the R-E Zone.

Site Description

This 6.31-acre property in the R-E Zone is located on the east side of Tippet Road. The current land use is a mostly wooded parcel with a residential structure and a shed. According to the "Prince George's County Soils Survey," the principal soils on this site are in the Aura and Bibb series. Marlboro clay does not occur in the area. A 100-year floodplain, a stream, and expanded stream buffers associated with Piscataway Creek do occur on the property. There are no nearby traffic-generated noise sources. The proposed subdivision is not expected to be a noise generator. No designated scenic or historic roads are affected by this proposal. The site is in the Developing Tier according to the approved General Plan.

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Environmental Issues Addressed in the Subregion V Master Plan.

The Subregion V Master Plan indicates that there are substantial areas designated as natural reserve on the site. The *Countywide Green Infrastructure Plan* designations of regulated area, evaluation area and network gap supersede the master plan designations. There are no specific environmental recommendations in the plan for the subject property.

Conformance with the *Countywide Green Infrastructure Plan*

The stream valley on the property is identified as a regulated area in the *Countywide Green Infrastructure Plan* and most of the northern portion is designated as an evaluation area. The plan implements the *Countywide Green Infrastructure Plan* through the preservation of the stream and its associated woodlands.

Environmental Review

A signed natural resource inventory, NRI/031/06, was submitted with the application. There is a perennial stream, nontidal wetlands, and 100-year floodplain located on the site. The FSD indicated one forest stand totaling 5.29 acres. Twelve specimen trees are noted. The expanded stream buffers depicted on the NRI are also shown on the preliminary plan and TCPI. No additional information is needed with regard to the NRI.

This property is subject to 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.

A Type I tree conservation plan was submitted with this application and was found to require revisions. The worksheet proposes clearing 1.31 acres of the existing 4.70 acres of upland woodland, and no clearing of the 0.59 acre of woodland within the 100-year floodplain. The woodland conservation threshold is 1.43 acres. Based upon the proposed clearing, the woodland conservation requirement has been calculated as 1.76 acres. The plan proposes to meet the requirement by providing 1.76 acres of on-site preservation. An additional 1.63 acres of woodland will be retained on-site that is not part of any requirement.

The plans require some minor revisions. The footprint of the proposed houses shown is only 750 square feet. These footprints are much too small to depict the potential footprint for new houses. The plan should be revised to show footprints at least 2,500 square feet in size. This conceptual footprint will allow for any reasonably sized home with bump-out and deck features. After the conceptual footprints have been shown, a 40-foot-wide useable rear yard area for each lot and 20 feet of clearance on each side must be demonstrated on the plan. A note on the plan states that the woodland within the septic recovery area on Lot 48 has not been counted as cleared. Because this area could be required to be cleared at any time to allow access for maintenance, this area should be included in the area calculated as cleared. It is not clear on the plans if the existing house on Lot 48 will remain. Additional notes are needed to provide clarity regarding its status. If the house is to remain or if a new house is proposed, Lot 48 should be afforded a useable rear yard

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area unencumbered by woodland conservation. The plans need to be revised to show the preservation area to be at least 40 feet from the existing or proposed footprint of the house on Lot 48.

The site contains a segment of a stream and its associated floodplain. These features comprise the expanded buffer on the site. Section 24-130 of the Subdivision Regulations states that the expanded buffer shall be preserved unless the Planning Board approves a variation. No impacts to the expanded buffer are proposed.

According to the "Prince George's County Soil Survey," the principal soils on the site are in the Aura and Bibb series. Aura soils are highly erodible and are in the C-hydric group. Bibb soils are associated with floodplains.

This information is provided for the applicant's benefit. The Prince George's County Department of Environmental Resources will require a soils report in conformance with CB-94-2004 during the permit process.

Copies of the stormwater management concept approval letter and the associated plan were not submitted with this application. The plan shows dry wells on the new lots to handle stormwater. Because there are only two new lots, additional stormwater management methods will not be required.

The Environmental Planning Section recommends approval of Preliminary Plan 4-06155 and the Type I Tree Conservation Plan, TCPI/019/07, subject to conditions.

Water and Sewer Categories

The water and sewer service categories are W-5 and S-5 according to water and sewer maps obtained from the Department of Environmental Resources dated June 2003. The applicant is proposing that the two new dwellings be served by private systems. A Category 5 water and sewer designation is not for public systems or for private systems, but is utilized as a holding zone. On August 23, 2007, the Department of Environmental Resources waived the water and sewer category change requirements for Lots 49 and 50 and approved the installation of individual wells and septic systems, provided the Health Department's standards are met. Lot 48, within the subject application, is already improved with an existing detached residential dwelling, which is currently connected to public water and utilizes an existing septic recovery area with no changes proposed.

5. **Community Planning**—The subject property is located within Planning Area 81B within the Clinton Community and is within the limits of the 1993 Approved Subregion V Master Plan and Sectional Map Amendment. The master plan recommendation for this property is for a Suburban Estate Residential land use at up to 1.0 dwelling units per acre. This application proposes a Suburban Estate Residential land use that is consistent with the land use recommendation within the 1993 Approved Subregion V Master Plan and Sectional Map Amendment.

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The 2002 General Plan locates this property within the Developing Tier. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial centers, and employment areas that are increasingly transit serviceable. This application proposes a low- to moderate-density suburban residential community that is consistent with the 2002 General Plan Development Pattern policies for the Developing Tier.

The 1993 Subregion V Sectional Map Amendment classified this property within the R-E (Residential Estate) Zone.

6. **Parks and Recreation**—In accordance with Section 24-134(a) of the Prince George's County Subdivision Regulations, all lots within the subject subdivision are exempt from the mandatory dedication of parkland requirements because they are over one acre in size.
7. **Trails**—There are no master plan trails issues identified in the Approved Subregion V Master Plan that impact the subject property. Existing Tippet Road is open section with no sidewalks for its entire length. There are no master plan trail recommendations.
8. **Transportation**—The following comments are from the Transportation Planning Section concerning site access, geometric design, and traffic impact of the subject application. Based on the size of the proposed development, a traffic study was not requested from the applicant.

The subject application involves three single-family residential lots. One lot is already improved with an existing dwelling, which will remain. With the addition of two more net residences, the subdivision would have a minimal impact on the adjacent roadways. Access to the two new lots would be via a private right-of-way easement, which is acceptable.

Geometric Evaluation: Tippet Road is a primary roadway. The plan shows an existing right-of-way of 30 feet from the centerline, which is sufficient.

Master Plan Rights-of-Way to be Dedicated or Recommended to be Placed in Reservation: The site is not within or adjacent to any master plan transportation facilities.

TRANSPORTATION STAFF FINDINGS

The application is a preliminary plan of subdivision for a residential development consisting of three single-family residential lots to be created within an existing and developed lot. The proposed net development would generate 2 AM and 2 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.

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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 MD 223 and Tippet Road. There are no projects to improve this intersection in either the county's Capital Improvement Program or the state's Consolidation Transportation Program.

The Transportation Planning Section has recent counts available at the critical intersection of MD 223 and Tippet Road. In connection with the Transportation Planning Section's review of three large cases within the area (4-05049, 4-05050, and 4-05051 for the Bevard properties), it was determined that this intersection would operate unsatisfactorily as an unsignalized intersection under total future traffic. All three subdivisions were approved with conditions to improve operations at that intersection.

Nonetheless, 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. The Transportation Planning Section would, therefore, recommend that the Planning Board find that 2 AM and 2 PM net peak-hour trips will have a de minimus impact upon delay in the critical movements at the MD 223 and Tippet Road intersection.

TRANSPORTATION STAFF CONCLUSIONS

Based on the preceding findings, the Transportation Planning Section concludes that adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code if the application is approved.

9. **Schools**—The Historic Preservation and Public Facilities Planning Section have reviewed this preliminary plan for impact on 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.

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 5	Middle School Cluster 3	High School Cluster 3
Dwelling Units	3	3	3
Pupil Yield Factor	.24	.06	.12
Subdivision Enrollment	.72	.18	.36
Actual Enrollment	3,898	5,968	9,696

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Completion Enrollment	148.8	90	181
Cumulative Enrollment	117.12	29.46	58.92
Total Enrollment	4,164.64	6,087.64	9,936.28
State Rated Capacity	3,771	6,114	10,392
Percent Capacity	110.43	99.56	95.61

Source: Prince George's County Planning Department, M-NCPPC, January 2007

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. Council bill CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts are \$7,671 and \$13,151 to be paid at the time of issuance of each building permit.

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 finds that 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-23-20033

10. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section have reviewed this subdivision plan for fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(B)-(E) of the Subdivision Ordinance.

The Prince George's County Planning Department has determined that this property is within the required seven-minute response time for the first due fire station Company 25, Clinton, using the Seven-Minute Travel Times and Fire Station Locations Map provided by the Prince George's County Fire Department.

Pursuant to CR-69-2006, the Prince George's County Council and the County Executive suspended the provisions of Section 24-122.01(e)(1)(A, B) regarding sworn police and fire and rescue personnel staffing levels.

The Fire Chief has reported that the department has adequate equipment to meet the standards stated in CB-56-2005.

11. **Police Facilities**—The subject property located in Police District V. The response standard is 10 minutes for emergency calls and 25 minutes for nonemergency calls. The times are based on a rolling average for the proceeding 12 months. The preliminary plan was accepted for processing by the Planning Department on April 20, 2007.

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Reporting Cycle	Previous 12-Month Cycle	Emergency Calls	Nonemergency Calls
Acceptance Date 04/20/2007	3/06-3/07	10 minutes	15 minutes
Cycle 1	4/06-4/07		
Cycle 2	5/06-5/07		
Cycle 3	6/06-6/07		

The response time standards of 10 minutes for emergency calls and 25 minutes for nonemergency calls were met on April 25, 2007.

The Police Chief has reported that the department has adequate equipment to meet the standards stated in CB-56-2005.

Pursuant to CR-69-2006, the Prince George's County Council and the County Executive suspended the provisions of Section 24-122.01(e)(1)(A, B) regarding sworn police and fire and rescue personnel staffing levels.

12. **Health Department**—The Environmental Engineering Program has reviewed the revised preliminary plan of subdivision for Ward Subdivision and has the following comments to offer:

- The development of the subdivision is projected to utilize individual sewage disposal systems and both public and individual water supply systems. Each of the lots has sufficient percolation tests to accommodate a 10,000-square-foot or larger sewage disposal area.
- Submit a revised site plan of a scale of at least one-inch equals 50 feet that includes the following changes to proposed Lot 49:

Relocate the proposed storm water management device to the northwest side of the proposed septic tank so that the device will drain away from the sewage recovery area. A minimum 25-foot distance must be maintained between the storm water management device and the sewage recovery area. The applicant may consider splitting the device into two smaller units located off both rear corners of the house.

The proposed well should be located 50 feet from the storm water management device.

- A note should be affixed to the final plat stating the following for Lots 49 & 50:

Lots 49 and 50 to be served by deep-drilled wells. Grouting requirements will be based on the actual well location relative to potential sources of contamination.

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Information on well construction requirements applicable to these lots may be obtained from the Prince George's County Health Department, Division of Environmental Health. Any specific requirements for an individual well applicable to this subdivision will be provided as part of the well permitting process.

- A note should be affixed to the final plat stating the following:

Health Department approval of this plat is based on plan(s) dated (TBD)--reference Case No. 4-06155. A minimum 10,000 square foot area of each lot, as shown on the plan(s) must remain undisturbed for sewage disposal purposes. Any sewage disposal area(s) located within 50 feet of the planned extent of grading activity or other soil disturbance must be field staked or otherwise protected. Required protective measures must be field verified by the Health Department prior to approval of any grading or building permit application. In accordance with Subtitle 22 of the Prince George's County Code, the sewage disposal area for each lot is sized to accommodate a specified sewage flow based on the size and use of the proposed building for that lot. Any change in the projected sewage flow or change to the designated sewage disposal area may require additional percolation testing. Detailed information on the sewage disposal limitations applicable to these lots may be obtained from the Prince George's County Health Department, Division of Environmental Health.

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, #35733-2006-00 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. **Historic**—A Phase I archeological survey is not recommended on this 6.31-acre property located on the east side of Tippet Road. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low. The western portion of the subject property has been extensively impacted by recent construction, and it is unlikely that any undisturbed archeological sites will be identified. However, the applicant should be aware that there are five historic sites and one prehistoric site located within a one-mile radius of the subject property. In addition, there is one Historic Site, Wyoming and Cemetery (81B-4) and one Historic Resource, Thrift Schoolhouse (81B-3), located within a one-mile radius of the subject property.

Moreover, Section 106 review may require archeological survey for state or federal agencies. Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effects of their undertakings on historic properties, to include archeological sites. This review is required when state or federal monies, or federal permits are required for a project.

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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 date of notice of 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 Clark, with Commissioners Squire, Clark, Vaughns, Cavitt and Parker voting in favor of the motion at its regular meeting held on Thursday, September 20, 2007, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 11th day of October 2007.

R. Bruce Crawford
Executive Director

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By Frances J. Guertin
Planning Board Administrator

RBC:FJG:JF:bjs