

R E S O L U T I O N

WHEREAS, Creighton Associates is the owner of a 2.9066-acre parcel of land known as Lots 1 and 4, said property being in the 5<sup>th</sup> Election District of Prince George's County, Maryland, and being zoned R-R (Rural Residential), R-E (Residential-Estate); and

WHEREAS, on April 20, 2009, Creighton Associates filed an application for approval of a Preliminary Plan of Subdivision for 1 lot; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-08057 for Rio Vista Farm 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 24, 2009, 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 24, 2009, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED Preliminary Plan of Subdivision 4-08057, Rio Vista Farm, for 1 lot with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, general Note 6 shall be revised to water Category 3 and sewer Category 3.
2. Development of this site shall be in conformance with Stormwater Management Concept Plan 35175-2008 and any subsequent revisions.
3. Prior to the approval of the final plat, the following notes shall be placed on the plat:
  - a. "This property is within the Chesapeake Bay Critical Area, in which development is strictly controlled. Development is subject to Chesapeake Bay Critical Area Conservation Plan CP-08007 and Conservation Agreement and any subsequent revisions."

- b. “Lot 1 shall be denied access to the 22-foot access easement recorded in Plat Book VJ 176 @ 25.”
4. At the time of final plat, the applicant shall dedicate a ten-foot public utility easement (PUE) along the public right-of-way (ROW) as delineated on the approved preliminary plan of subdivision.

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

	EXISTING	APPROVED
Zone	R-R, R-E, L-D-O	R-R, R-E, L-D-O
Use(s)	Single Family Detached	Single Family Detached
Acreage	2.9	2.9
Lots	2	1
Outlots	0	0
Parcels	0	0
Dwelling Units:		
Detached	1	1
Public Safety Mitigation Fee	No	No

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard before the Subdivision Review Committee (SRC) on May 15, 2009.

3. **Environmental**—A Chesapeake Bay Critical Area Conservation Plan, CP-08007, for the subject property has been approved. Section 24-151 of the Subdivision Regulations requires the approval of a Chesapeake Bay Critical Area (CBCA) conservation plan by the Planning Board prior to the approval of the preliminary plan of subdivision. The required conservation plan was scheduled for the Planning Board hearing date of September 24, 2009 and was presented prior to the preliminary plan.

The associated CBCA Conservation Plan (CP-08007) is for the entire property and a conceptual plan. Prior to the approval of the final plat, the agreement associated with CP-08007 is required to be approved and recorded in land records (Section 27-548.11).

Prior to any building permit for Lot 1, a new CBCA conservation plan and agreement associated with any specific development proposal will be required.

### **Site Description**

The 2.90-acre property in the R-R/R-E/L-D-O Zones is located on the west side of Riverview Road between Swan Creek Road and Sero Road. This property is located in the Potomac River watershed and is within the Chesapeake Bay Critical Area. There are no streams, wetlands, floodplain, or Chesapeake Bay Critical Area buffer on the property. Although there are some scattered trees and shrubs, there is no woodland on-site. According to the *Prince George's County Soil Survey*, the principal soils are in the Sassafras series. Marlboro clay is not found to occur in the vicinity of this property. Based on the Maryland Department of Natural Resources, Natural Heritage Program, there are no rare, threatened, or endangered species found to occur on the property or on adjacent properties. There are no designated scenic or historic roads in the vicinity of the property.

### **Master Plan Conformance**

The site is located within the 2006 *Approved Master Plan and Sectional Map Amendment for the Henson Creek-South Potomac Planning Area*. Except for noting that the property is within the Chesapeake Bay Critical Area, there are no specific recommendations pertaining to the environmental elements of the master plan that relate to the subject property.

### ***Approved Countywide Green Infrastructure Plan Conformance***

The 2005 *Approved Countywide Green Infrastructure Plan* designates the area of this application as a network gap. The proposed development will be in conformance through the implementation of a CBCA conservation plan.

### **Environmental Review**

An approved Natural Resources Inventory, NRI/060/08, was submitted with the application. This property is located in the Potomac River watershed and is within the Chesapeake Bay Critical Area. Although there are some scattered trees and shrubs, there is no woodland on-site. There are no streams, wetlands, floodplain, or Chesapeake Bay Critical Area buffer on the property.

The property located is not subject to the requirements of the Prince George's County Woodland Conservation and Tree Preservation Ordinance because it is entirely within the Chesapeake Bay Critical Area. Properties within the Chesapeake Bay Critical Area are subject to more stringent requirements than those afforded by the Woodland Conservation Ordinance. A Standard Letter of Exemption, S-308-08, was issued on December 12, 2008.

According to the *Prince George's County Soil Survey*, the principal soils are in the Sassafras series. Sassafras soils pose no special problems for development. This

information is provided for the applicant's benefit. Prince George's County will require a soils report in conformance with County Council Bill CB-94-2004 during any future permit review process.

A Stormwater Management Concept Letter, CSD 35175-2008-00, was submitted with the subject application. The letter notes that because no new construction is proposed, no stormwater management or roadway improvements are required. This information will be required to be reflected on the CBCA conservation plan.

The final plat will note that the property is within the Chesapeake Bay Critical Area and that development is strictly controlled and subject to the approval of a CBCA plan and agreement.

4. **Water and Sewer Categories**—Section 24-122.01(b)(1) of the Subdivision Regulations states that “the location of the property within the appropriate service area of the Ten-Year Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for preliminary or final plat approval.”

The water and sewer categories were W-3 and S-5 according to water and sewer maps obtained from the Department of Environmental Resources for existing Lot 1. However, the existing dwelling on Lot 1 has been connected to public facilities since 1982 according to WSSC records. The applicant submitted an administrative amendment application to the Department of Environmental Resources to correct and change the sewer category from 5 to 3. The sewer category change was approved on July 20, 2009.

Since the administrative amendment, this property is now in water and sewer Category 3 and the site is therefore served by public systems. The provision of water and sewer to this site is consistent with the 2006 approved Henson Creek-South Potomac master plan and sectional map amendment and the 2002 *Prince George's County Approved General Plan*.

5. **Community Planning**—The property is located within the Developing Tier as delineated in the 2002 *Prince George's County Approved General Plan*. 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. Specifically, this application is consistent with Developing Tier Policy 1, Encourage low-to moderate-density development (p. 37).

The property is also located within the limits of the 2006 approved Henson Creek-South Potomac master plan and sectional map amendment, in Planning Area 80 in the South Potomac community. The land use recommendation for this property is low-density residential up to 3.5 dwelling units per acre. The sectional map amendment retained the R-R Zone on Rio Vista, Lot 1, and the R-E Zone on River Estates, Lot 4. Both lots

retained the Chesapeake Bay Critical Area L-D-O (Limited Development Overlay) classification.

The preliminary plan is not inconsistent with the land use pattern for the Developing Tier and conforms to the 2006 approved Henson Creek-South Potomac master plan and sectional map amendment as set forth in all of the findings of this report.

6. **Department of Parks and Recreation (DPR)**—In accordance with Section 24-134(a)(3)(B) of the Subdivision Regulations, the lot on the subject subdivision is exempt from mandatory dedication of parkland requirements because the lot is over one acre in size and an existing dwelling unit is to remain.
7. **Trails**—The plan was reviewed for conformance with the *Countywide Trails Plan* and/or the appropriate area master plan in order to implement planned trails. The property has frontage along Riverview Road, which is a section of road designated as the Potomac National Heritage Scenic Trail. In terms of bicycling, the road is a “shared use roadway” where vehicles and bicycles share a designated bicycle route. There is no development proposed and there are no impacts to any master planned trails from the effects of this application. No trails are required.
8. **Transportation**—This preliminary plan of subdivision is for the consolidation of two existing lots into one lot. One of the existing lots contains an existing residence which would remain after the subdivision. It is determined that the subdivision would generate a net of 0 AM and 0 PM weekday peak-hour vehicle trips. Therefore, a full traffic study is not required.

The lot being created by consolidation of two lots would have access to Riverview Road via a driveway that is also encumbered with a recorded easement. This is acceptable given that this is the access that has existed since the existing residence was built. The dedication shown on the plan is acceptable. Riverview Road functions as a primary residential facility with a 60-foot right-of-way (ROW). The site is not within or adjacent to any master plan roadway facilities.

The subject property is located within the Developing Tier, as defined in the 2002 *Prince George's County Approved General Plan*. As such, the subject property is evaluated according to the following standards:

- a. Links and signalized intersections: Level-of-service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better.
- b. Unsignalized intersections: *The Highway Capacity Manual* (Transportation Research Board) 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 preliminary plan would impact the intersection of Riverview Road and Swan Creek Road. There are no recent turning movement counts at the critical intersection of Riverview Road and Swan Creek Road. The subdivision is intended to consolidate two lots to accommodate the existing residence. Due to the limited trip generation of this site, the Prince George's County Planning Board deems the site's impact at this location to be *de minimus*. The Planning Board finds that 0 AM and 0 PM peak-hour trips will have a *de minimus* impact upon delay in the critical movements at the Riverview Road and Swan Creek Road intersection.

The critical intersection of Riverview Road and Swan Creek Road is not programmed for improvement with 100 percent construction funding within the next six years in the current Maryland Department of Transportation "Consolidated Transportation Program" or the Prince George's County "Capital Improvement Program."

The Planning Board concludes that adequate access roads exist as required by Section 24-124 of the Prince George's County Code. There are no transportation-related conditions.

9. **Schools**—This preliminary plan has been reviewed for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and County Council Resolution CR-23-2003 and concluded the following:

**Impact on Affected Public School Clusters**

<b>Affected School Clusters #</b>	<b>Elementary School Cluster 6</b>	<b>Middle School Cluster 3</b>	<b>High School Cluster 3</b>
Dwelling Units	1 DU	1DU	1DU
Pupil Yield Factor	.16	.13	.14
Subdivision Enrollment	0.16	0.13	0.14
Actual Enrollment	4,507	3,954	7,230
Total Enrollment	4,507.2	3,954.1	7,230.1
State Rated Capacity	4,781	4,983	7,792
Percent Capacity	94.3%	79.3%	92.8%

*Source: Prince George's County Planning Department, M-NCPPC, April 2009*

County Council Bill CB-31-2003 established a school facilities surcharge in the amounts of: \$7,000 per dwelling if a building is located between I-95/495 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 (WMATA); or \$12,000 per dwelling for all other buildings.

County Council Bill CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts are \$8,177 and \$14,019 to be paid at the time of issuance of each building permit. The school facilities surcharge may be used for the construction of additional or expanded school facilities and renovations to existing school buildings or other systemic changes.

10. **Fire and Rescue**—This preliminary plan has been reviewed for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(B) thru (E) of the Subdivision Regulations.

This preliminary plan is within the required seven minute response time for the first due fire station, Silesia, Company 47, using the *Seven Minute Travel Times and Fire Station Locations Map* provided by the Prince George's County Fire/EMS Department. The Fire/EMS Chief has reported that the Fire/EMS Department has adequate equipment to meet the standards stated in County Council Bill CB-56-2005.

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

11. **Police Facilities**—The subject property is located in Police District IV, Oxon Hill. The response time standard is 10 minutes for emergency calls and 25 minutes for nonemergency calls. The times are based on a rolling average for the preceding 12 months. The preliminary plan was accepted for processing by the Planning Department on April 20, 2009.

Reporting Cycle	Previous 12 Month Cycle	Emergency Calls	Nonemergency Calls
Acceptance Date <b><u>April 20, 2009</u></b>	<b>02/08 to 3/09</b>	<b>9.0 minutes</b>	<b>13.0 minutes</b>
Cycle 1			
Cycle 2			

Cycle 3			
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The response time standards of 10 minutes for emergency calls and 25 minutes for nonemergency calls were met May 20, 2009. The Police Chief has reported that the Police Department has adequate equipment to meet the standards stated in County Council Bill CB-56-2005.

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

12. **Health Department**—The Prince George's County Health Department has evaluated the proposed preliminary plan of subdivision and had no comments to offer.
13. **Stormwater Management**—The Department of Public Works and Transportation (DPW&T), Office of Engineering, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan, 35175-2008, 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**—No Cemeteries have been identified on the property.
15. **Historic**—A Phase I archeological survey is not required on the above-referenced 2.90-acre property located at 12205 Riverview Road in Fort Washington, Maryland. This plan proposes to consolidate two lots, Lot 1 of the Rio Vista Subdivision and Lot 4 of the River Estates Subdivision. No new construction is proposed. Construction of a house on Lot 1 and the grading of Lot 4 have likely impacted any archeological deposits. The probability of archeological sites within the subject property is low. However, the applicant should be aware that there are two County historic sites, Riverview Pavilion (80-022) and Tulip Hill (80-048), and one historic resource, Warbruton Manor Site (80-015), located within a one-mile radius of the subject property. In addition, there are nine known archeological sites, seven prehistoric, one historic, and one multicomponent site, within a one-mile radius of the subject property. Overall, the proposed consolidation of Lots 1 and 4 will have no effect on identified historic sites, resources, or districts.

However, Section 106 of the National Historic Preservation Act and the Maryland Historical Trust Act of 1985 may require an archeological survey for state or federal agencies. Section 106 of the National Historic Preservation Act (NHPA) 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.



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.

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This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Squire, seconded by Commissioner Cavitt, with Commissioners Squire, Cavitt, Clark, Vaughns and Parker voting in favor of the motion at its regular meeting held on Thursday, September 24, 2009, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 22<sup>nd</sup> day of October 2009.

Oscar S. Rodriguez  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

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