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PRELIMINARY PLAN

4-02056

Application	General Data
Project Name:	Date Accepted 07/10/02
LOVELESS PROPERTY	Planning Board Action Limit 01/11/03
Location:	Tax Map & Grid 134/F-03
East side of Moore's Lane, approximately 2,000 feet north and east of the intersection with Branch Avenue.	Plan Acreage 45.60
Applicant/Address:	Zone R-R
PDC Land Development, LLC	Lots 42
10451 Twin Rivers Road, #240	Parcels 2
Columbia, MD 21044	Outlot 1
	Planning Area 85
	Council District 09
	200-Scale Base Map 216SE07

Purpose of Application	Notice Dates
RESIDENTIAL SUBDIVISION	Adjoining Property Owners (CB-15-1998) N/A
	Previous Parties of Record (CB-13-1994) N/A
	Sign(s) Posted on Site 09/25/02
	Variance(s): Adjoining Property Owners N/A
Staff Recommendation	Staff Reviewer: Del Balzo
APPROVAL	APPROVAL WITH CONDITIONS
	DISAPPROVAL
	DISCUSSION
	X

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Preliminary Plan of Subdivision 4-02056
Loveless Property, Lots 1 – 42 and Parcels “A” through “F”

OVERVIEW

The subject property consists of approximately 45.6 acres of land in the R-R Zone. It is undeveloped and characterized by severe terrain. The property is known as Parcels 7, 8, 10, 75, and 133, Tax Map 134, Grid F-3.

The applicant proposes to subdivide the property into 42 lots and 6 parcels. Under the Lot Size Averaging provisions of the Zoning Ordinance and Subdivision Regulations, lot sizes range from 16,000 square feet to 87,000 square feet. Access is proposed from Shady Oak Parkway, a street being constructed on the adjoining Earnshaw Estates property by the same developer, and via a public street connection to Branch Avenue. The applicant has a deed that ostensibly grants to right to convert a 60-foot access easement into a public street. The final plat should not be approved until the access easement is converted to a public street.

Staff is recommending disapproval of this application for reasons outlined in Finding 2: Environmental Issues and Variation Request. Staff informed the applicant of the deficiencies in the plan at the Subdivision Review Committee meeting held on August 2, 2002. While some of the required revisions have been made, others have not. A variation request was presented at the Subdivision Review Committee meeting of September 27, 2002. This variation request was incomplete and did not address all of the proposed impacts to environmentally protected land. The applicant was informed of these deficiencies. This case is in its second 70-day time period; final action must be taken by January 11, 2003.

SETTING

The property is located east of MD 5, northeast of Moore's Lane and south of proposed Shady Oak Parkway in Brandywine. A tributary to Piscataway Creek runs along the eastern boundary of the property. To the north is Earnshaw Estates, a subdivision under development in the R-R Zone. To the east, south and west are single-family homes on large wooded parcels in the R-R Zone.

FINDINGS AND REASONS FOR STAFF RECOMMENDATION

1. Development Data Summary—

	EXISTING	PROPOSED
Zone(s)	R-R	R-R
Use(s)	Undeveloped	Single-Family Detached Dwellings
Acreage	45.6±	45.6±
Lots	0	42
Parcels	5	6

2. Environmental Issues and Variation Request—The Environmental Planning Section has reviewed the preliminary plan, stamped as accepted for processing on September 17, 2002. A variation request was subsequently submitted and was discussed at the Subdivision Review Committee on September 27, 2002.

Two complete reviews of the submitted plans have been conducted and the required revisions have not been made. In addition, a proper variation request has not been submitted. The previous variation request did not address all the areas required for the disturbances shown, the maps provided were incorrect, and the required information was not provided. (See memorandum from Robert Metzger to Joe Del Balzo dated September 26, 2002.) The Environmental Planning Section recommends denial of the preliminary plan until such time as the required variation request has been submitted and reviewed

Based on aerial photographic observation and a site visit made on July 25, 2002, the site is predominantly wooded and undeveloped. Portions of the site to the south were previously used as a sand and gravel mine, and have since been vegetated by pine and other early successional species. Adjacent to the subject property are residential areas consistent with the surrounding zoning of R-R. The site is characterized with gradually rolling terrain with areas of severe slopes, and is traversed by tributaries of the Piscataway Creek, in the Potomac River Basin. There are streams, nontidal wetlands, 100-year floodplain, erodible soils, and Waters of the U.S. associated with the site. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program, publication titled "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. According to the Sewer Service and Water Service maps produced by DER, the property is in categories S-4 and W-4. The predominant soil types on-site are Beltsville, Bibb and Sassafras. These soil types generally exhibit moderate to severe limitations to development due to slow permeability, perched water table, impeded drainage, steep slopes, high water table, flood hazard, high erosion potential, and poor drainage. There are no noise issues associated with the proposal because it is located some distance away from major noise generators. There are no Marlboro clay outcrops or scenic and historic roads affected by this proposal.

Environmental Review

This property is subject to the provisions of the Woodland Conservation Ordinance because it is more than 40,000 square feet in size and contains more than 10,000 square feet of woodland. A revised Forest Stand Delineation (FSD) was requested during the previous review of the project. One of the outstanding issues is the location of the existing tree line. The existing tree line shown on the FSD and the TCP does not conform with 2000 aerial photographs. In the previous memo the confines of the previous sand and gravel mining areas were requested along with a soils report. A soils report has been submitted; however, the confines of the previous sand and gravel mining areas have not been shown. The locations of these areas would have provided a better indication of the actual location of the existing tree line. At this time the FSD will not be required to be revised; however, the TCPI must be revised to show an accurate existing tree line.

A revised Type I Tree Conservation Plan, stamped as accepted for review on September 17, 2002, has been reviewed. Several of the comments from the previous review of the TCP have not been addressed. In addition, the TCPI shows clearing within the protected stream and wetland buffers in

five places. The TCPI cannot be recommended for approval until the required variation requests have been submitted.

The Woodland Conservation Worksheet shows that the requirements are proposed to be met through a combination of on-site preservation and reforestation. The worksheet will need to be revised when the other comments in this section have been addressed.

There are several minor errors that need to be corrected on the TCPI. They will not impact the layout of the site, but will affect the woodland conservation calculations. Required Revisions: Revise the Type I Tree Conservation Plan (TCPI/30/02) as follows:

- a. Revise the TCP to show the existing and proposed sanitary sewer lines with an appropriate amount of clearing for installation of all lines.
- b. Revise the computation worksheet to reflect all changes to the plan.
- c. Revise the notes on the plan as required exclusively for a Type I Tree Conservation Plan, fill in all the required information, and revise the clearing penalty to read \$1.50 per square foot.
- d. Eliminate the use of all areas less than 35 feet in width (several areas on the plan).
- e. The area of land to be cleared must be accurately reflected. Show all of the clearing that is also shown on the stormwater management concept plan.
- f. Eliminate the use of reforestation in the stormwater management pond or provide evidence that DER has approved the planting of this area (it is not shown on the concept plan as a reforestation area).
- g. Add all symbols used to the legend and add symbols for areas preserved but counted as cleared, and off-site areas to be cleared.
- h. Provide calculations for lots with floodplain to ensure that at least 20,000 square feet of each lot is outside the floodplain.

The plan as submitted shows streams flowing south to north, and west to east through the center of the property. Section 24-130 requires the preservation of stream buffers associated with streams and wetland buffers associated with the existing wetlands. The wetlands and buffers have been shown on the revised plans. The expanded stream buffer has not, however, been fully delineated for the stream that flows west to east behind Lot 23 and adjacent to the stormwater management pond. In addition, the plan shows five areas of proposed impacts for which the required variations have not been submitted.

The preliminary plan and the TCP still need to be revised to show the full extent of the expanded stream buffer adjacent to Lot 23 and the stormwater management pond. In addition, a complete variation request must be submitted for each of the proposed impacts to stream and/or wetland buffers no less than 30 days prior to any Planning Board hearing. The statement of justification must identify each impact and provide a separate justification. All impacts must be mapped on 8½-inch x 11-inch sheets. The variation requests must clearly show the areas of proposed impacts and shall quantify each of the impacts.

Until these environmental issues are resolved, the plan should not be approved.

3. Community Planning—The 2002 General Plan places the property in the Developing Tier. The 1993 *Subregion V Master Plan* recommends Low Suburban residential land use at up to 2.6 dwelling units per acre. The 1993 *Subregion V SMA* classified this property in the R-R Zone. The proposed subdivision is consistent with the residential land use recommendations of the master plan.
4. Parks and Recreation—The proposed subdivision is subject to the mandatory park dedication requirements of Section 24-134 of the Subdivision Regulations. Because the size, topography and location of available land is unsuitable for park purposes, staff recommends the applicant pay a fee-in-lieu of park dedication in accordance with Section 24-135 of the Subdivision Regulations.
5. Trails—The *Adopted and Approved Subregion V Master Plan* (1993) recommends a master plan trail facility along proposed Shady Oak Parkway (C-613). This facility will be completed as part of the road construction. Standard sidewalks are recommended along all internal residential streets.
6. Transportation—The proposed plan indicates that the subject property will be divided into two parts. The southern part would consist of 26 lots (Lots 17 through 42) with access to Branch Avenue by extending and reconstructing Moore's Lane. The northern segment would consist of 16 lots (Lots 1 through 16), but access to these lots is proposed via a planned but not yet constructed secondary residential street that was not planned to be utilized in this manner. The Master Plan recommends that access be via a planned collector street, proposed Shady Oak Parkway.

The Transportation Planning Section has reviewed the application along with relevant traffic data, including turning movement counts conducted in August and October 2002 and submitted by the applicant. The findings and recommendations outlined below are based upon a review of these materials and analyses conducted by the staff which are consistent with the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*.

Summary of Traffic Impacts

As per current policy and past practices for subdivisions of similar size along transportation facilities similar in function to MD 5, the staff is limiting its consideration in this case to the critical intersection of MD 5 with Earnshaw Drive/Burch Hill Road. The intersection of MD 5 with Moore's Lane was reviewed only as a point of access. Both of these intersections are unsignalized.

The existing condition at the critical intersection for this application is summarized as follows. In the AM peak hour, the intersection of MD 5 with Earnshaw Drive/Burch Hill Road operates with an average vehicle delay exceeding 999 seconds in both the eastbound and westbound movements. In the PM peak hour, the intersection operates with an average vehicle delay also exceeding 999 seconds in both the eastbound and westbound movements. These operating conditions are determined using the Highway Capacity Manual. The Planning Board has determined that for unsignalized intersections on the transportation network, any intersection having an average vehicle delay exceeding the acceptable level (50.0 seconds) in any movement is deemed to be operating unacceptably. Therefore, under existing traffic the critical intersection operates unacceptably as an unsignalized intersection.

Staff conducted a review of background development in the immediate vicinity. A growth rate of 2.5 percent per year along MD 5 was assumed. There are no improvements to this intersection which are

programmed for construction in either the Prince George's County Capital Improvement Program (CIP) or the State Consolidated Transportation Program (CTP). Therefore, background traffic conditions (existing plus growth in through traffic plus traffic generated by background developments with funded improvements) are summarized as follows. In the AM peak hour, the intersection would continue to operate with an average vehicle delay exceeding 999 seconds in both the eastbound and westbound movements. In the PM peak hour, the intersection would operate with an average vehicle delay exceeding 999 seconds in both the eastbound and westbound movements. Given the Planning Board's criteria, under background traffic the critical intersection would continue to operate unacceptably.

This subdivision proposes 42 single-family detached units for the subject property. Using the trip rates obtained from the *Guidelines*, the development of the site under the proposed subdivision would generate 7 inbound and 26 outbound trips during the AM peak hour, and 25 inbound and 14 outbound trips during the PM peak hour. Total traffic under future conditions is summarized as follows. In the AM peak hour, the intersection would operate with an average vehicle delay exceeding 999 seconds in both the eastbound and westbound movements. In the PM peak hour, the intersection would operate with an average vehicle delay exceeding 999 seconds in both the eastbound and westbound movements. Given the Planning Board's criteria, under total traffic the critical intersection would continue to operate unacceptably.

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. The staff believes that this study is needed at the intersection of MD 5 and Earnshaw Drive/Burch Hill Road, and that the applicant should be responsible for any improvements identified as necessary by the warrant study. With such a condition, the staff believes that the critical intersection will operate acceptably in both peak hours.

Plan Comments

The northern end of the site is traversed by a collector facility (C-613), proposed Shady Oak Parkway, as designated in the *Subregion V Master Plan*. To the west of the subject property, at the location where C-613 would cross MD 5, the Master Plan shows a planned diamond interchange. In the Final Environmental Impact Statement (FEIS) for MD 5 dated June 9, 1988, the selected alternative for upgrading MD 5 includes a diamond interchange near the Master Plan location which would replace the at-grade intersections of MD 5/Earnshaw/Burch Hill and MD 5/Moore's Lane. Since the approval of the FEIS, the State Highway Administration (SHA) has proceeded to develop detailed designs for each recommended interchange, and then fund and construct each one.

In consideration that C-613 will at some point become the preferred (if not the sole) means of accessing MD 5, the staff recommends that the C-613 right-of-way (ROW) through the subject property be dedicated, and that the lots (1 through 16) in the northern segment of the proposed subdivision not be approved, due to inadequate and insufficient access until the planned C-613 is constructed. To that end, the transportation staff would make the following recommendations:

- a. The C-613 collector facility is shown correctly on the plan. The required rights of way should be dedicated.

- b. The proposed New Ashram Road should be extended to intersect the C-613 opposite of the planned Smoot Way.
- c. Moore's Lane needs to be reconstructed as a primary residential street with 60 feet of ROW, from MD 5 to the southern edge of the property and as a secondary residential street with 50 feet of ROW to the proposed New Relief Terrace.

7. Schools—The Historic Preservation and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of public facilities in accordance with Section 24-122.02 of the Subdivision Regulations and the *Adequate Public Facilities Regulations for Schools* (CR-23-2001 and CR-38-2002).

Impact on Affected Public School Clusters

	Affected School Cluster		
	Elementary School Cluster 5	Middle School Cluster 3	High School Cluster 3
Dwelling Units	42 sfd	42 sfd	42 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	10.08	2.52	5.04
Actual Enrollment	4,357	4,959	9,317
Completion Enrollment	220	43	172
Wait Enrollment	50	15	30
Cumulative Enrollment	30.48	22.92	47.02
Total Enrollment	4,667.56	5,042.44	9,571.06
State Rated Capacity	3971	5114	8767
Percent Capacity	117.54%	98.60%	109.17%
Funded School	N/A	N/A	Surrattsville

Source: Prince George's County Planning Department, M-NCPPC, July 2002

The affected elementary and high school cluster percent capacities are greater than 105 percent. There is no Funded School in the affected elementary school cluster. The Surrattsville addition is the Funded School in the affected high school cluster. Based on this information, this subdivision may be approved with a six-year waiting period, in accordance with Section 24-122.02.

8. Fire and Rescue—The Historic Preservation and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of public facilities and concluded the following.
- a. The existing fire engine service at Brandywine Fire Station, Company 40, located at 14201 Brandywine Road, has a service travel time of 4.72 minutes, which is within the 5.25-minute travel time guideline for Lots 17-42. All other lots are beyond.
 - b. The existing ambulance service at Brandywine Fire Station, Company 40, located at 14201 Brandywine Road, has a service travel time of 4.72 minutes, which is within the 6.25-minute travel time guideline for Lots 17-42. All other lots are beyond.

- c. The existing paramedic service at Brandywine Fire Station, Company 40, located at 14201 Brandywine Road, has a service travel time of 4.72 minutes for Lots 17-42 and 7.16 minutes for Lots 1-16, which is within the 7.25-minute travel time guideline.

These findings are in conformance with the 1990 *Adopted and Approved Public Safety Master Plan* and the *Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities*. Fire engine service will be inadequate to serve a portion of the lots. The Fire Department requires that a fire suppression system be installed in all residential structures in accordance with National Fire Protection Association Standard 13D and all applicable Prince George's County laws. Because this is a matter of law for residential units, no condition is necessary.

In addition, proposed Lots 1-16 of the development are beyond the recommended response times from existing facilities that provide ambulance service. Therefore the development will not be adequately served by ambulance services. This finding was based on using the existing road system and the existing stations.

Staff found that the planned Brandywine EMS Facility will be the first due station which will provide ambulance services to this development. The Brandywine EMS Facility is shown in the *Approved Public Safety Master Plan, July 1990*. The Public Facilities Section, with the cooperation of the Fire Department, has estimated the cost of an EMS facility to be approximately \$1,405,000. This project is not contained in the current county CIP.

To mitigate the ambulance response time deficiencies, staff recommends that the applicant participate in providing a fair share contribution toward the planned Brandywine EMS Facility. We recommend that the applicant provide this fee prior to issuance of the first building permit. The fee amount is based upon the construction cost of the facility and the purchase of one ambulance unit divided by the total amount of residential and employee population within the entire service area in 2006. The service area includes those areas that will be served by the planned Brandywine EMS Facility. The fair share fee is \$527.00 per dwelling unit.

Staff recommends that the applicant provide a payment of \$527.00 per dwelling unit to Prince George's County, which shall serve as a fair share contribution toward the construction of the Brandywine Emergency Services Facility.

9. Police Facilities—The proposed development is within the service area for District V-Clinton. In accordance with Section 24-122.01(c) of the Subdivision, existing county police facilities will be adequate to serve the proposed Loveless Property development. This police facility will adequately serve the population generated by the proposed subdivision.
10. Health Department—The Health Department offered no comments on the application.
11. 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 has been submitted, but not yet approved. To ensure that development of this site does not result in on-site or downstream flooding, this concept plan must be approved prior to signature approval of the preliminary plan. Development must be in accordance with this approved plan.

12. Public Utility Easement—The preliminary plan correctly includes the required 10-foot-wide public utility easement. This easement will be depicted on the final plat.
13. Cemeteries—The applicant’s engineer has certified that there are no cemeteries on the subject property.
14. Lot Size Averaging—24-121(a)(12) requires that the Planning Board make the following findings in permitting the use of lot size averaging:
 - A. **The subdivision design provides for better access, protects or enhances historic resource or natural features and amenities, or otherwise provides for a better environment than that which could be achieved by the exclusive use of standard lots.** In some places, the design of this subdivision respects the natural features on this property. Staff believes much could be done to minimize the impact to the slopes and stream, but that at present not all impacts are justified by an appropriate variation request.
 - B. **The subdivision design provides for an adequate transition between the proposed lot sizes and locations of lots and the lots, or lot size standards, of any adjacent residentially zoned parcels.** The property includes environmentally sensitive land. In general, the subdivision has been designed to maximize lot size where lots abut these adjoining properties; given the large gross lot area of the lots, the subdivision will appear to have larger than required lot sizes. This will be a positive impact on adjoining properties.
 - C. **The subdivision design, where applicable, provides for an adequate transition between the proposed natural features of the site and any natural features of adjacent parcels.** The subdivision accomplishes this task by locating larger lots near the environmental features and the adjoining properties. Interior lots are reduced in size.

In addition, Section 27-423 of the Prince George’s County Zoning Ordinance sets the zoning requirements for lot size averaging. Specifically, in the R-R Zone

 - A. **The maximum number of lots permitted is equal to the gross acreage divided by the largest minimum lot size in the zone (20,000 square feet).** In this case, with 45.6 acres and a minimum lot size of 20,000 square feet, the maximum number of lots allowed is 99. The applicant proposes 42 lots.
 - B. **At least 50 percent of the lots created shall equal or exceed the largest minimum lot size in the zone (20,000 square feet).** As proposed, 29 of the proposed 42 lots exceed 20,000 square feet. Therefore the proposed subdivision meets the minimum Zoning Ordinance standards for lot size averaging.
15. SMECO Easement—The property includes a SMECO easement. Originally, the easement was proposed on some of the lots. At staff’s recommendation, the applicant has created three parcels for this easement. The easement is not proposed to encumber any residential lots. The applicant may contact SMECO to deed the parcels to SMECO, or maintain ownership of the parcels and continue the easement.

RECOMMENDATION

DISAPPROVAL, based on unresolved environmental issues.

STAFF RECOMMENDS DISAPPROVAL OF THE TYPE I TREE CONSERVATION PLAN
(TCPI/30/02).