



Note: Staff reports can be accessed at www.mnccppc.org/pgco/planning/plan.htm.

Preliminary Plan

4-03026

Application	General Data
Project Name: CHARWOOD VILLAGE Location: Northwest quadrant of the intersection of Harry S. Truman Drive and Mount Lubentia Way. Applicant/Address: Balian, Sevag Haverford at Charwood, LLC 6525 Belcrest Road, Suite #204 Hyattsville, MD 20782	Date Accepted: 04/07/03
	Planning Board Action Limit: 06/15/03
	Plan Acreage: 11.3
	Zone: R-30C
	Lots: 67
	Parcels: 2
	Planning Area: 73
	Council District: 06
	Municipality: N/A
	200-Scale Base Map: 201SE09

Purpose of Application	Notice Dates
RESIDENTIAL SUBDIVISION FOR CONSTRUCTION OF TOWNHOUSES	Adjoining Property Owners: (CB-15-1998) N/A
	Previous Parties of Record: (CB-13-1997) N/A
	Sign(s) Posted on Site: 05/16/03
	Variance(s): Adjoining Property Owners: N/A

Staff Recommendation		Staff Reviewer: Whitney Chellis	
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 Subdivision Plat 4-03026
Charwood Village, Lots 1-67, and Parcels A and B

OVERVIEW

The subject property consists of approximately 11.3 acres of land in the R-30C Zone. It is found on Tax Map 75, Grid A-2. The applicant proposes to subdivide this property into 67 lots for the construction of townhouses. The applicant previously received approval from the Planning Board for Preliminary Plan 4-00046, PGCPB Resolution No. 01-20, adopted on February 15, 2001. That preliminary plan is substantially identical to the proposed subdivision. However, that preliminary plan expired prior to the applicant receiving the approval of the final plat of subdivision.

The Zoning Ordinance requires the approval of a Special Exception (SE) for the construction of townhouses in the R-30C Zone. Prior to the expiration of the preliminary plan of subdivision, the applicant received approval of SE- 4435 for the construction of 67 townhouses. The foundation for the approval of the SE was the approved Preliminary Plan, 4-00046. The special exception requires the approval of a detailed site plan (DSP) by requiring conformance to Section 27-433 of the Zoning Ordinance for the development of townhouses. The approved SE remains valid. A detailed site plan (DSP-03018) for the site has been submitted and is currently pending.

This property is the subject of a previous record plat. The most recently recorded record plat, WWW 87@63, is known as Northampton Parcel E and was recorded in 1974. That final plat created one parcel. A new preliminary plan was filed in 1995 for the subdivision of Parcel E into 90 townhouse lots. That preliminary plan is known as Charwood, File 4-95016, PGCPB Resolution No. 95-205. A reconsideration regarding conditions relating to transportation issues was heard by the Planning Board, approved and then adopted on December 7, 1995, PGCPB Resolution 95-205(A). A detailed site plan was required for townhouse development in the R-30C Zone. Several issues delayed the application of a detailed site plan and the preliminary plan expired on December 7, 1997.

On November 12, 1996, with the adoption of CB-55-1996, townhouses in the R-30C Zone were no longer subject to detailed site plan review but are permitted only by the approval of a special exception. Grandfathering contained in CB-55-1996 would have required that the applicant file and have accepted for processing the then-required detailed site plan. In addition, the applicant was required to have building permits issued to construct ten percent of the dwelling units prior to December 30, 1997, to be exempt from the new regulations contained in CB-55-1996, notwithstanding the previously approved preliminary plan. The applicant was unable to meet any grandfathering provision contained in CB-55-1996.

CB-55-1996 revised the minimum standards for the development of townhouses. Among other revisions to the Zoning Ordinance for townhouse development, the allowable density for townhouses in the R-30C Zone went from eight dwelling units per acre to six. The minimum lot size was increased from 1,500 square feet to 1,800 square feet per townhouse lot. Detailed design guidelines were also set forth and established architectural standards and minimum gross living space and reduced the preferred number of townhouse units in a row.

The original Charwood Preliminary Plan 4-95016 expired prior to approval and recordation of a final plat. With the enactment of CB-55-1996 the ability to develop this property with 90 townhouse units was no longer permitted. Development on this site is now subject to all current code requirements. The maximum density allowed for townhouses on this site is 67 dwelling units. In addition, the applicant is now required to comply with additional design criteria not provided for in the previously approved preliminary plan. These new design guidelines affect several design elements that will be addressed with the review and approval of a DSP.

The approval of density, access and adequate public facilities establishes in large part the foundation for approval of the preliminary plan. However, because the applicant is proposing townhouses, the lotting pattern and layout must be approved at this time. The R-30C Zone does allow other housing types that do not require the approval of a lotting pattern and layout, to include the development of multifamily dwellings.

SETTING

The site is located in the northeast quadrant of the intersection of Harry S Truman Drive and Mt. Lubentia Way, fronting both streets. The corner lot is located at the intersection of Harry S Truman Drive and Mt. Lubentia Way; abutting to the southeast is a small C-S-C-zoned, commercially developed property. The property to the east is zoned R-T and known as the Largo Woods Townhouse development. The property to the north is zoned R-R and is part of the Prince George's Community College campus. Also north, abutting the subject site, is the Northampton Townhouse development, Parcel B, zoned R-T.

FINDINGS AND REASONS FOR STAFF RECOMMENDATION

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

	EXISTING	PROPOSED
Zone	R-30C	R-30C
Use(s)	Vacant	Townhouses
Acreage	11.3	11.3
Lots	0	67
Parcels	1	2
Dwelling Units:		
Townhouses	0	67

2. **Environmental Issues**—The Environmental Planning Section has reviewed the above-referenced Preliminary Plan of Subdivision and finds that the environmental issues have been addressed. This property is not exempt from the provisions of the Prince George's County Woodland Conservation Ordinance because the gross tract area of the property is greater than 40,000 square feet and there is more than 10,000 square feet of existing woodland. The Preliminary Plan of Subdivision, 4-03026,

has been reviewed and found to be consistent. The plans are in conformance with the previously approved Type I Tree Conservation Plan, TCPI/16/95-01.

This site was previously reviewed by the Environmental Planning Section in conjunction with the approval of Preliminary Plan of Subdivision 4-95016; Preliminary Plan of Subdivision 4-00046; Detailed Site Plan DSP-96013; Special Exception, SE-4435; Type I Tree Conservation Plan, TCPI/16/95; and Type II Tree Conservation Plan, TCPII/43/96.

A review of the available information indicates that streams, 100-year floodplain, severe slopes, and areas of steep slopes with highly erodible soils are not found to occur on the property. However, wetlands are found to occur in the northeast corner of the site and have been accurately delineated in accordance with the wetland delineation from prior approvals. Wetlands found on this property are part of the Patuxent River Primary Management Area (PMA) as defined by Section 24-101 of the Subdivision Ordinance. No impacts to the wetland or 25-foot wetland buffer are proposed by this application.

The soils found to occur according to the Prince George's County Soil Survey include Adelphia silt loam and Shrewsbury silt loam that have significant limitations with respect to high water tables and impeded drainage. According to available information, Marlboro clay is not found to occur on this property.

According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program publication 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. There are no designated scenic and historic roads in the vicinity of this property. This property is located in the Southwest Branch watershed of the Patuxent River Basin and in the Developing Tier as reflected in the adopted General Plan.

Although Harry S Truman Drive is classified as an arterial roadway, there is no data available from the Department of Public Works and Transportation with respect to the average daily traffic counts that are needed to do a noise analysis for this site. During the review of Preliminary Plan of Subdivision 4-00046 it was indicated that noise would not be an issue on this site provided the footprints for the habitable structures were located at least 150 feet from the centerline of Harry S Truman Drive. Staff is recommending appropriate mitigation for interior and exterior living areas. The Preliminary Plan of Subdivision and the Type I Tree Conservation Plan both show the proposed townhouses to be over 150 feet from the centerline of Harry S Truman Drive.

3. **Community Planning**—The 1990 Approved Largo-Lottsford Master Plan supports the proposed low urban density for this property and rezoned the subject property from Commercial Shopping Center Zone (C-S-C) to the Residential Multifamily Low Density Condominium Zone (R-30C). The 2002 General Plan locates the property in the Developing Tier. The proposed plan is consistent with the master plan and General Plan.

The master plan states that the Largo community will have a surplus of parkland at the buildout of this community. The Southwest Branch master plan trail is proposed to cross Harry S Truman Drive approximately 500 feet south of the subject property. Currently there are sidewalks along both sides of Harry S Truman Drive for pedestrian movement.

The proposed townhouses are in accordance with the intent of the master plan because the proposed use is compatible with the predominant single-family attached and multifamily residential land uses along Harry S Truman Drive. The proposed median breaks on Harry S Truman Drive have been coordinated with the entrances proposed across the street as part of the proposed Truman Park Apartment project (SP-93045/01).

4. **Parks and Recreation**—In accordance with Section 24-135(b) of the Subdivision Regulations the Park Planning and Development Division of the Department of Parks and Recreation recommends that the applicant provide on-site private recreational facilities for the residents of the proposed development.

The private recreational facilities should be reviewed by the Urban Design Section for adequacy and proper siting concurrent with the review of the detailed site plan (DSP).

5. **Trails**—There are no master plan trails issues. However, staff recommends that standard sidewalks be provided along both sides of the internal private streets. The pending detailed site plan proposes sidewalks on both sides of the streets in accordance with this recommendation.
6. **Transportation**—The Transportation Planning Section has reviewed the subdivision application. The property is on the northeast corner of the intersection of Harry S Truman Drive and Mount Lubentia Way. The applicant proposes the development of 67 townhouse residences.

This site was originally reviewed for a residential subdivision of identical size in 2000 as Preliminary Plan Application 4-00046 that expired prior to record plat. Staff reviewed this development previously and did not make a request for a traffic impact study, which would normally be required given the trip generation potential of the site. The findings and recommendations outlined below are based upon a review of relevant materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*.

Growth Policy - Service Level Standards

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

Links and signalized intersections: Level-of-Service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better. Mitigation, as defined by Section 24-124(a)(6) of the Subdivision Ordinance, is permitted at signalized intersections within any Tier subject to meeting the geographical criteria in the *Guidelines*.

Unsignalized intersections: The Highway Capacity Manual procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

As noted earlier, the previous preliminary plan reviewed for this site, 4-00046, expired prior to approval and recordation of a final plat. While this site might initially be considered subject to new findings of transportation adequacy, there are a number of factors to consider at this time:

- a. The application is a proposal to resubdivide existing Parcel E of Northampton, which is zoned R-30C, by creating 67 townhouse lots plus two homeowners parcels. The existing parcel is recorded and is unimproved. Recordation by plat occurred in 1974, meaning that the property is legally vested for development under the existing ordinances, and the development of 67 townhouses could occur on a single parcel under a condominium regime under the zoning.
- b. The construction of 67 townhouses on the subject property has been assumed in all recent traffic impact studies in the area.

In recognition that there is a prior subdivision for this site, and that the development for the subject property remains unchanged from the prior subdivision, staff finds the subject application would generate no net trips relative to prior applications for the site. Consequently, there would be no net impact on the Harry S Truman Drive/Mount Lubentia Way intersection, which is the critical intersection for the subject property, or other area streets and intersections.

Staff raised access issues concerning the single access onto Harry S Truman Drive when the past preliminary plan was reviewed in 2000. In consideration of the Planning Board's findings during the hearing for 4-00046, staff determines that the single access point onto Harry S Truman Drive shown on the current plan is acceptable.

Harry S Truman Drive is a master plan arterial facility with a planned right-of-way of 120 feet. Mount Lubentia Way is a master plan collector facility with a planned right-of-way of 80 feet. Sufficient right-of-way exists along both roadways, and no further dedication is required by this plan.

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 Subdivision Regulations if the application is approved. No transportation-related conditions are recommended.

7. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of school 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) and concluded the following:

Finding

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 2	Middle School Cluster 2	High School Cluster 2
Dwelling Units	67 sfd	67 sfd	67 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	16.08	4.02	8.04
Actual Enrollment	6182	4896	9660
Completion Enrollment	234	197	393
Wait Enrollment	96	225	451
Cumulative Enrollment	14.16	7.62	15.24
Total Enrollment	6542.24	5329.64	10527.28
State Rated Capacity	6616	4638	8770
Percent Capacity	98.89%	114.91%	120.04%
Funded School	N/A	N/A	Frederick Douglass addn.

Source: Prince George's County Planning Department, M-NCPPC, January 2003

These figures are correct on the day the referral memo was written. They are subject to change under the provisions of CB-40 and CR-23. Other projects that are approved prior to the public hearing on this project will cause changes to these figures. The numbers that will be shown in the resolution of approval will be the ones that apply to this project.

The affected middle and high school clusters percent capacities are greater than 105 percent. There is no Funded School in the affected middle school cluster. The Frederick Douglass addition is the Funded School in the affected high school cluster. Therefore, this subdivision can be approved with a six-year waiting period.

Based on this information, staff finds that the subdivision may be approved subject to conditions, in accordance with Section 24-122.02.

School Facility Agreement— A School Facilities Agreement (SFA) was approved for the subject property in 2002. That SFA was associated with Preliminary Plan 4-00046. Because that preliminary plan expired, the associated SFA became null and void. In conjunction with the subject preliminary plan, the applicant has submitted a new SFA.

On March 4, 2003, the County Council of Prince George's County, Maryland, sitting as the District Council, adopted Council Resolution 6-2003. The stated purpose of that resolution is the establishment of "...procedures for the District Council and Planning Board to review and for the Council to act on school facilities agreement for residential subdivisions, to advance school construction in clusters where elementary, middle, or high schools are over capacity."

Pursuant to CR-6-2003, the owner of the subject property has filed a school facilities application to avoid the required six-year waiting period. The completed school facilities agreement form is in accordance with the school adequacy findings associated with Preliminary Plan 4-03026 and, when coupled with the resolution of approval for the subject preliminary plan, will contain all the information required by Chapter 389 of 2002. The residential development to be implemented pursuant to this school facilities agreement is consistent with the General Plan for Prince George's County.

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 Kentland Fire Station, Company 46, located at 10400 Campus Way South, has a service travel time of 3.97 minutes, which is **within** the 5.25-minute travel time guideline.
- b. The existing ambulance service at Kentland Fire Station, Company 46, located at 10400 Campus Way South, has a service travel time of 3.97 minutes, which is **within** the 6.25-minute travel time guideline.
- c. The existing paramedic service at Kentland Fire Station, Company 46, located at 10400 Campus Way South, has a service travel time of 3.97 minutes, which is **within** the 7.25-minute travel time guideline.

The above findings are in conformance with the *Adopted and Approved Public Safety Master Plan 1990* and the *Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities*. The proposed subdivision will be within the adequate coverage area of the nearest existing fire/rescue facilities for fire engine, ambulance and paramedic service.

9. **Police Facilities**—The proposed development is within the service area for Police District II-Bowie. In accordance with Section 24-122.01(c) of the Subdivision Regulations the existing county police facilities will be adequate to serve the proposed Charwood Village development. This police facility will adequately serve the population generated by the proposed subdivision.

The Planning Board's current test for police adequacy is based on a standard for square footage in police stations relative to the number of sworn duty staff assigned. The standard is 115 square feet per officer. As of 6/30/2002, the county had 874 sworn staff and a total of 101,303 square feet of station space. Based on available space, there is capacity for additional 69 sworn personnel.

10. **Health Department**—The Health Department has reviewed the proposed subdivision and has no comment.
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, # 8006870-1995-01, 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.
12. **Urban Design**—Staff has reviewed the proposed layout and finds the preliminary plan in substantial conformance with the proposed Detailed Site Plan, DSP-03018.

RECOMMENDATION

APPROVAL, subject to the following conditions:

1. Prior to the issuance of building permits the applicant, his heirs, successors and/or assignees shall demonstrate that a homeowners association has been established and that the common areas have been conveyed to the homeowners association.
2. The applicant, his heirs, successors and/or assignees shall provide adequate private recreational facilities on site, in accordance with the standards outlined in the *Parks and Recreational Facilities Guidelines*.
 - a. The applicant shall submit three (3) original Recreational Facilities Agreements (RFA) to the Development Review Division (DRD) for their approval concurrent with the submission of the final plat. Upon approval by DRD, the RFA shall be recorded among the county Land Records.
 - b. The applicant shall submit a performance bond, letter of credit or other suitable financial guarantee prior to grading permits, for an amount to be determined by DRD.
 - c. The applicant his successors and/or assignees shall submit a site plan which complies with the standards outlined in the *Parks and Recreational Facilities Guidelines* and shall include detailed siting plans and an equipment schedule for all recreational facilities provided.
 - d. The applicant, his successors and/or assignees shall satisfy the Planning Board that there are adequate provisions to assure the retention and future maintenance of the proposed recreational facilities.
3. The land to be conveyed to a homeowners association shall be subject to the following conditions:
 - a. Conveyance shall take place prior to the issuance of building permits.
 - b. All manmade debris shall be removed from the land to be conveyed.
 - c. The conveyed open space shall not suffer the disposition of construction materials, soil filling, discarded plant materials, refuse or similar waste matter.
 - d. Any disturbance of land to be conveyed to a homeowners association shall be in accordance with an approved Detailed Site Plan or shall require the written consent of the Development Review Division. This shall include, but not be limited to: The location of sediment control measures, tree removal, temporary or permanent stormwater management, utility placement and storm drain outfalls. If such proposals are approved, a written agreement and financial guarantee shall be required to warrant restoration, repair or improvements required by the approval process.
4. At the time of special exception review, a determination will be made by the Environmental Planning Section as to the adequacy of appropriate noise mitigation measures in compliance with state-acceptable standards of 65dBA (1dn) exterior and 45 dBA (1dn) interior.

5. Development of this site shall be in conformance with the approved stormwater concept plan, Concept # 8006870-1995-01.
6. Development of this subdivision shall be in compliance with the approved Type I Tree Conservation Plan (TCPI/16/95). The following note shall be placed on the Final Plat of Subdivision:
 - Development is subject to restriction shown on the approved Type I Tree Conservation Plan (TCPI/16/95), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation/Tree Preservation Policy and Subtitle 25.●
7. No building permits shall be issued for this subdivision until the percent capacity, as adjusted pursuant to the School Regulations, at all the affected school clusters is less than or equal to 105 percent, or 6 years have elapsed since the time of the approval of the preliminary plan of subdivision; or pursuant to the terms of an executed school facilities agreement whereby the subdivision applicant, to avoid a waiting period, agrees with the County Executive and County Council to construct or secure funding for construction of all or part of a school to advance capacity.

STAFF RECOMMENDS APPROVAL