



*Note: Staff reports can be accessed at [www.mncppc.org/pgco/planning/plan.htm](http://www.mncppc.org/pgco/planning/plan.htm).*

## Preliminary Plan

**4-03064**

Application	General Data
<b>Project Name:</b> <b>WOODYARD ESTATES, PHASE 3</b>  <b>Location:</b> At the dead end of Georgian Lane, approximately 250 feet east of Georgian Drive and Georgian Lane intersection.  <b>Applicant/Address:</b> Woodyard Estates, LLC. 9320 W & W Industrial Road LaPlata, MD. 20646	Date Accepted: 07/14/03
	Planning Board Action Limit: 10/22/03
	Plan Acreage: 9.48
	Zone: R-R
	Lots: 18
	Election District: 15
	Planning Area: 82A
	Council District: 09
	Municipality: N/A
	200-Scale Base Map: 210SE09

Purpose of Application	Notice Dates
<b>RESIDENTIAL SUBDIVISION</b>	Adjoining Property Owners: (CB-15-1998) N/A
	Previous Parties of Record: (CB-13-1997) N/A
	Sign(s) Posted on Site: 10/01/03
	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 4-03064  
Woodyard Estates, Lots 1–18

OVERVIEW

The property consists of approximately 9.48 acres of land in the R-R Zone. It is currently undeveloped. The applicant proposes to subdivide the property into 18 lots for single-family homes, using the Lot Size Averaging technique. Access is provided by an extension of Georgian Lane, a residential street in Woodyard Estates. The applicant also proposes Parcel “A” to provide pedestrian access to the adjoining park.

SETTING

The property is located at the end of Georgian Lane, approximately one-half mile east of Woodyard Road. To the northeast is the Melwood Hills Neighborhood Park. Developing lots in the Woodyard Estates subdivision abut the rest of the property. A trail easement running through Woodyard Estates is to the north.

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-R	R-R
Use(s)	Vacant	Single-family detached homes
Acreage	9.48	9.48
Lots	0	18
Parcels	1	1
Detached Dwelling Units	0	18

2. **Environmental**—There are no wetlands, streams or floodplain on the site. The site eventually drains into Piscataway Creek in the Potomac Watershed. Current air photos indicate that about one-half of the site is forested. Based on the most recent Air Installation Compatible Use Zone Study released to the public in August 1994 by the Andrews Air Force Base, aircraft-generated

noise is significant. There are no nearby sources of traffic-generated noise. The proposal is not expected to be a noise generator. No scenic or historic roads are affected by the application. 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 Prince George's County Soils Survey the predominant soil types on site are in the Westphalia series. The site is in the Developing Tier according to the General Plan.

### **Woodland Conservation**

This site is subject to the provisions of the Woodland Conservation Ordinance because the entire site is more than 40,000 square feet in size and has more than 10,000 square feet of woodland. A Tree Conservation Plan is required. A Forest Stand Delineation was reviewed with TCPII/99/02, which was previously approved for a grading permit. That plan proposed less clearing and more on-site preservation than the Type I TCP submitted with this application. If the Type I TCP is approved, the Type II plan will require revisions.

The Type I Tree Conservation Plan, TCPI/50/03, has been reviewed and was found to require additional revisions. The plan proposes clearing 2.80 acres of the existing 3.94 acres of woodland. The woodland conservation requirement has been correctly calculated as 3.16 acres. The plan proposes on-site preservation of 0.83 acre, on-site planting of 0.62 acre and 1.14 acres of off-site conservation previously recorded in the Land Records at Liber 16678 folio 214. Because there are no priority woodlands existing on the site as defined by the Woodland Conservation Ordinance, the small amount of on-site afforestation might be better satisfied by using an off-site easement. Larger caliper stock will be required for afforestation areas on the Type II TCP because the proposed planting areas are so visible and their long-term viability is questionable.

### **Noise**

Based on the most recent Air Installation Compatible Use Zone Study (AICUZ) released to the public in August 1994 by Andrews Air Force Base, aircraft-generated noise is significant. The study indicates that the noise threshold is above 65 dBA (Ldn) for most of the property. This noise level is above the "State Acceptable Noise Level" for residential land uses. It will not be possible to mitigate aircraft noise in the outdoor activity areas; however, proper construction materials must be used to ensure that the noise inside of the residential structures does not exceed 45 dBA (Ldn). Appropriate conditions are necessary to ensure that noise is mitigated as much as possible and that potential homebuyers are informed about the noise associated with military aircraft.

### **Soils**

According to the Prince George's County Soils Survey the predominant soil types on site are in the Westphalia series. Westphalia soils are highly erodible; however, there are no steep or severe slopes on the property, so these soils should pose no special problems for development. A soils report may be required by the Prince George's County Department of Environmental Resources during the permit process review.

## Water and Sewer Categories

The property is in Water Category W-3 and Sewer Category S-3; it will be served by public systems.

3. **Community Planning**—The property is in Planning Area 82A/Rosaryville and the Developed Tier as identified in the 2002 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. The 1993 Subregion VI Study Area Master Plan recommends residential land use at the Low-Suburban density of 1.6 to 2.6 dwellings per acre. The 1994 Sectional Map Amendment for the Subregion VI Study Area Master Plan retained the subject property in the R-R Zone in accordance with plan recommendations.

This application is not inconsistent with the 2002 General Plan Development Pattern policies for the Developing Tier. The proposal conforms to the land use recommendations in the master plan. There are no additional master plan issues associated with this application.

4. **Parks and Recreation**— The proposal is subject to the mandatory dedication requirements of Section 24-135 of the Subdivision Regulations. With approximately 9.48 acres of land, the mandatory dedication requirement for this subdivision would be nearly half an acre of parkland.

The property is adjacent to Mellwood Hills Community Park on the west. The applicant proposes to dedicate approximately 0.12 acre and construct recreation facilities on the adjacent parkland in lieu of mandatory dedication of parkland. Park Planning and Development Division staff agrees with this proposal and recommends conditions of approval to ensure that land to be dedicated is suitable for park purposes.

5. **Trails**—There are no master plan trails issues identified for this property in the Subregion VI Master Plan
6. **Transportation**—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. **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 following table represents the critical intersection and the corresponding level of service based on the analyses that were outlined in a recent traffic study for a nearby subdivision:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 223 and Dower House Road	33.9*	270.1*	--	--
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the guidelines, an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are outside of the normal range of the procedure and should be interpreted as a severe inadequacy.				

The study identified 20 background developments whose traffic would have an impact on the subject intersection. Background conditions also assume through traffic growth of 1.5 percent annually along MD 223 and 1.0 percent annually along other roadways. There is also a CIP improvement (ID FD669451) that is assumed in the traffic study. This improvement assumes signalization and geometric improvements at the MD 223/Dower House Road intersection and the MD 223/Rosaryville Road intersection. It should be noted that this improvement is shown to be fully funded; however, that full funding is contingent upon developer contributions. Of the \$2.75 million cost, developer contributions—either direct or via collections of smaller amounts by the county—make up \$2.25 million of the total. Background conditions are summarized below:

BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 223 and Dower House Road	1,297	1,385	C	D

Using the *Guidelines For The Analysis Of The Traffic Impact Of Development Proposals*, the proposed development of 18 single-family units will be generating 14 (3 in; 11 out) AM peak-hour trips and 17 (11 in; 6 out) PM peak-hour trips at the time of full build-out. Approximately 60 percent of the site-generated traffic would impact the subject intersection, while the remaining 40 percent will be oriented to points to the west and south of the property. In reanalyzing the intersection with the new trips, the following results are obtained:

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 223 and Dower House Road	1,303	1,395	D	D

Based on these findings, staff 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 with a condition requiring improvements to MD 223 at Dower House Road.

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 Clusters #	Elementary School Cluster 4	Middle School Cluster 2	High School Cluster 2
Dwelling Units	18 sfd	18 sfd	18 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	4.32	1.08	2.16
Actual Enrollment	5,416	4,896	9,660
Completion Enrollment	281	197	393
Wait Enrollment	604	225	451
Cumulative Enrollment	30.96	33.42	66.84
Total Enrollment	6,336.28	5,352.50	10,573
State Rated Capacity	5,364	4,638	8,770
Percent Capacity	118.13%	115.41%	120.56%
Funded School	N/A	N/A	N/A

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

These figures are correct on the day the referral memorandum was written. Other projects that are approved prior to the public hearing on this project will cause changes to these figures. The numbers that will appear in the resolution are the ones that will apply to this project.

County Council bill CB-31-2003 establishes a school facilities surcharge in the amounts 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 on 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.

The project meets the adequate public facilities policies of Section 24-122.02, CB-30-2003 and CB-31-2003. The school surcharge may be used for the construction of additional school facilities, which are expected to accommodate the new students that will be generated by this development proposal.

8. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of fire and rescue facilities.
- The existing fire engine service at Clinton Fire Station, Company 25, located at 9025 Woodyard Road, has a service travel time of 7.20 minutes, which is beyond the 5.25-minute travel time guideline.

- b. The existing ambulance service at Clinton Fire Station, Company 25, has a service travel time of 7.20 minutes, which is beyond the 6.25-minute travel time guideline.
- c. The existing paramedic service at Clinton Fire Station, Company 25, has a service travel time of 7.20 minutes, which is within the 7.25-minute travel time guideline.

These 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*.

To alleviate the negative impact on fire and rescue services due to the inadequate service discussed, the Fire Department recommends 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.

The planned Mellwood-Westphalia Emergency Services Facility will be the first due station that will provide ambulance and paramedic service to this development. The cost of the emergency services facility is \$1,405,000. In order to mitigate the ambulance response time deficiencies the staff recommends that the applicant participate in providing a fair share contribution toward the construction of the Mellwood-Westphalia Emergency Services Facility. The fee amount is based on the construction cost of the facility (\$1,275,000), ambulance (\$130,000) divided by the total amount of residential and employment population within the entire service area in 2006 (16,270). The service area includes those areas that will be served by the planned facility. The fair share fee is \$259 per dwelling unit for this development.

- 2006 service area population/workers 16,270
- Station Cost 1,405,000/16,270= \$86.36 per person x 3.13 (household size)= \$259 per dwelling unit
- \$259 x 18 dwelling units = \$4,662

9. **Police Facilities**—The proposed development is within the service area for Police District V-Clinton. In accordance with Section 24-122.01(c) of the Subdivision Regulations, existing county police facilities will be adequate to serve the proposed Woodyard Estates, Phase 3 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 June 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 noted that the preliminary plan shows two structures on the property that have been razed. The applicant includes these on the plan as "To Be Removed." Prior to signature approval, the plan shall be revised to include the correct disposition of the structures.
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 not yet been approved. To ensure that development of this site does not result in on-site or downstream flooding, a Stormwater Management Concept

Plan must be approved prior to signature approval of the preliminary plan. Development must be in accordance with this approved plan, or any revisions thereto.

12. **Public Utility Easement**—The preliminary plan includes the required ten-foot-wide public utility easement, adjacent and contiguous to all public streets; this easement will be shown on the final plat.
13. **Lot Size Averaging**—Section 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.** The design of this subdivision provides a superior environment to that which could be achieved conventionally. It provides lots that are typical in shape and compatible with surrounding lots. A conventional subdivision on this oddly shaped property would yield lots that were wide and shallow. The use of Lot Size Averaging allows the lots to be similar in width, while smaller in size.
  - 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 is in the midst of Woodyard Estates. Proposed lots sizes are consistent with those in Woodyard Estates. Woodyard Estates was developed using the cluster development technique. Many adjacent lots are smaller than those proposed in this subdivision.
  - 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 surrounding property is mostly developed. With the exception of the M-NCPPC Melwood Hills Neighborhood Park to the northeast, the property is surrounded by lots in Woodyard Estates. The proposed lots fit easily into the existing subdivision.

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 9.48 acres and a minimum lot size of 20,000 square feet, the maximum number of lots allowed is 20. The applicant proposes 18 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).** The proposal meets this requirement. Nine of the proposed 18 lots are at least 20,000 square feet in size.

## RECOMMENDATION

APPROVAL, subject to the following conditions:

1. Prior to signature approval of the preliminary plan:



- a. The Type I Tree Conservation Plan shall be revised to:
    - (1) Add the following note to the worksheet:
 

“The revised Type II Tree Conservation Plan, TCPII/99/02, may substitute fee-in-lieu or off-site conservation for on-site afforestation.”
    - (2) Add the following note to the TCP notes:
 

“On-site afforestation shall use 1-inch or larger caliper stock.”
    - (3) Be signed and dated by the qualified professional who prepared the plan.
  - b. The preliminary plan shall be revised to show the correct disposition of the structures shown on the plan.
  - c. A stormwater management concept plan shall be approved, the plan shall show the approval number and date, and the applicant shall submit the approval letter for inclusion in the file.
2. The following note shall be placed on the Final Plat of Subdivision:
 

“Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/50/03), 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.”
  3. Prior to the issuance of permits, a revision to the Type II Tree Conservation Plan, TCPII/99/02, shall be approved.
  4. Prior to the approval of building permits, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building permits stating that building shells of structures have been designed to reduce interior noise levels to 45 dBA (Ldn) or less.
  5. The following note shall be placed on the Final Plat:
 

“Properties within this subdivision have been identified as possibly having noise levels that exceed 65 dBA (Ldn) due to military aircraft overflights. This level of noise is above the Maryland designated acceptable noise levels for residential uses.”
  6. Prior to the issuance of each building permit, the applicant, his heirs, successors and/or assignees shall provide a fee to Prince George’s County, which shall serve as a fair share contribution toward the construction of the Mellwood-Westphalia Station and acquisition of an ambulance unit. The fair share fee is \$259 per dwelling, which equates to a total of \$4,662 for the 18-lot development.
  7. **MD 223 at Dower House Road:** Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency’s access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency:

- a. Signalization, if warranted.
  - b. Provision of an exclusive right-turn lane along the eastbound Dower House Road approach to MD 223.
8. At the time of final plat, the applicant, his heirs, successors and/or assignees shall dedicate to M-NCPPC, 5,175± square feet of parkland for access to the adjacent Mellwood Hills Community Park as shown on the Department of Parks and Recreation (DPR) Exhibit "A." This dedication shall be subject to the following
  - a. An original, special warranty deed for the property to be conveyed, (signed by the WSSC Assessment Supervisor) shall be submitted to the Subdivision Section of the Development Review Division, The Maryland-National Capital Park and Planning Commission (M-NCPPC), along with the Final Plat.
  - b. M-NCPPC shall be held harmless for the cost of public improvements associated with land to be conveyed, including but not limited to, sewer extensions, adjacent road improvements, drains, sidewalks, curbs and gutters, and front-foot benefit charges prior to and subsequent to Final Plat.
  - c. The boundaries and acreage of land to be conveyed to M-NCPPC shall be indicated on all development plans and permits, which include such property.
  - d. The land to be conveyed shall not be disturbed or filled in any way without the prior written consent of the Department of Parks and Recreation (DPR). If the land is to be disturbed, DPR shall require that a performance bond be posted to warrant restoration, repair or improvements made necessary or required by M-NCPPC development approval process. The bond or other suitable financial guarantee (suitability to be judged by the General Counsel's Office, M-NCPPC) shall be submitted to DPR within two weeks prior to applying for grading permits.
  - e. Storm drain outfalls shall be designed to avoid adverse impacts on land to be conveyed to or owned by M-NCPPC. If the outfalls require drainage improvements on adjacent land to be conveyed to or owned by M-NCPPC, DPR shall review and approve the location and design of these facilities. DPR may require a performance bond and easement agreement prior to issuance of grading permits.
  - f. All waste matter of any kind shall be removed from the property to be conveyed. DPR shall inspect the site and verify that it is in acceptable condition for conveyance, prior to Final Plat approval.
  - g. No stormwater management facilities, or tree conservation or utility easements shall be proposed on lands owned by or to be conveyed to M-NCPPC without the prior written consent of DPR. DPR shall review and approve the location and/or design of these features. If such proposals are approved by DPR, a performance bond and an easement agreement may be required prior to the issuance of grading permits.
9. The applicant, his heirs, successors and/or assignees shall construct an eight-foot wide asphalt trail connecting the subject subdivision with existing recreation facilities on the adjacent parkland.

10. The park access between Lots 15 and 16 shall be graded and landscaped and a split rail fence shall be installed along the property line to define the park access.
11. Detailed construction drawings for recreational facilities on park property, including a grading plan, landscaping plan, trail sections and landscaping schedules, shall be submitted to DPR for review and approval prior to signature approval of the Preliminary Plan.
12. The recreational facilities shall be constructed in accordance with the applicable standards in the *Parks and Recreation Facilities Guidelines*.
13. The trail shall be constructed to assure dry passage. If wet areas must be traversed, suitable structures shall be constructed. Designs for any needed structures shall be reviewed by DPR.
14. The applicant, his heirs, successors and/or assignees shall submit three original, executed Recreational Facilities Agreements (RFA) to DPR for approval, three weeks prior to a submission of a final plat. Upon approval by DPR, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.
15. The applicant, his heirs, successors and/or assignees shall submit to DPR a performance bond, letter of credit or other suitable financial guarantee to secure construction of the recreational facilities on park property, in an amount to be determined by DPR, within at least two weeks prior to applying for building permits.
16. The section of the trail between Lots 15 and 16, on Parcel "A" shall be under construction prior to issuance of the building permit for Lots 15 and 16.
17. The construction of the recreational facilities on parkland shall be completed prior to issuance of the 10<sup>th</sup> building permit.

STAFF RECOMMENDS APPROVAL OF THE TYPE I TREE CONSERVATION PLAN, TCPI/50/03.