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Preliminary Plan 4-04055

Application	General Data
Project Name: OLD BRANCH AVENUE, SMITH ESTATE Location: Southwest side of Old Branch Avenue, 170± feet northwest of Marlin Lane Applicant/Address: Tiburon Group P.O. Box 1841 Upper Marlboro, MD. 20772	Date Accepted: 04/2/04
	Planning Board Action Limit: 06/3/04
	Plan Acreage: 4.34
	Zone: R-80
	Lots: 8
	Election District: 06
	Planning Area: 76B
	Tier: Developing
	Council District: 08
	Municipality: N/A
	200-Scale Base Map: 208SE05

Purpose of Application	Notice Dates
RESIDENTIAL SUBDIVISION	Adjoining Property Owners Previous Parties of Record Registered Associations: 02/18/04 (CB-58-2003)
	Sign(s) Posted on Site: See Report

Staff Recommendation		Staff Reviewer: Tom Lockard	
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 4-04055
Old Branch Avenue, Smith Estate Lot 1-8

OVERVIEW

The site contains approximately 4.34 acres of R-80 zoned land. It is a combination of two long, narrow lots (T.B. Middleton, Lots 52 & 53). The applicant is proposing to resubdivide the site into eight lots. There is an existing dwelling unit on the property that is intended to remain (Lot 2). Access to the proposed lots would be from a new road off Old Branch Avenue, Allen Branch Court.

SETTING

The site is located on the southwest side of Old Branch Avenue, 170± feet northwest of its intersection with Marlin Lane. The front of the site is developed with a single-family residence and several small outbuildings, while the rear of the site is wooded. The surrounding properties are zoned R-80 and are developed with single-family residences. Across Old Branch Avenue to the northeast is a church in the C-S-C Zone.

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-80	R-80
Uses	Single-Family Residence	Single-Family Residences
Acreage	4.34	4.34
Lots	2	8
Parcels	0	0
Single-Family Residences	1	8 (7 new)

2. **Environmental**— The property contains wetlands associated with Piscataway Creek in the Potomac Watershed. There are no streams or 100-year floodplain on the property. Current air photos indicate that most of the site is forested. 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 the site are Beltsville, Leonardtown, and Sassafras series. The site is in the Developing Tier according to the *General Plan*.

Wetlands

The site contains significant environmental features that are required to be protected by Section 24-130 of the Subdivision Regulations. The Preliminary Plan and Type I Tree Conservation Plan show wetlands and the minimum 25-foot buffer. A copy of the Jurisdictional Determination from the US Army Corps of Engineers was submitted.

Impacts to significant environmental features that are required to be protected by Section 24-130 of the Subdivision Regulations are proposed. The design should avoid any impacts to streams, wetlands or their associated buffers unless the impacts are essential for the development as a whole. Staff will not support impacts to environmentally sensitive features that are not associated with essential development activities. Essential development includes such features as public utility lines (including sewer and stormwater outfalls), streets, and so forth, which are mandated for public health and safety; nonessential activities are those, such as grading for lots, stormwater management ponds, parking areas, and so forth, which do not relate directly to public health, safety or welfare. Impacts to environmentally sensitive features require variations to the Subdivision Regulations. None of the proposed impacts are essential for the development as a whole.

Variation Request from Section 24-130

A variation request, dated May 6, 2003, for three individual impacts to the minimum 25-foot wetland buffers has been reviewed and was found to require revisions. The exhibits do not label the proposed limit of disturbance. The request does not contain sufficient justification statements regarding the required findings of Section 24-113 of the Subdivision Regulations. Finally, it appears that an additional impact is proposed for grading on Lot 6.

Comment: Until these revisions are made, staff is unable to review the variation request and must therefore find it to be unsupportable.

Tree Conservation

The Forest Stand Delineation text (FSD) indicates a single forest stand of 2.90 acres and one specimen tree. The plan shows all environmentally sensitive features and soils boundaries and meets the requirements of the Woodland Conservation Ordinance. 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.

The revised Type I Tree Conservation Plan, TCPI/47/04, has been reviewed and was found to require additional revisions. Woodland conservation areas cannot be on any lot less than 20,000 square feet in area. A symbol for the limit of disturbance is shown on the legend; however, the limit of disturbance is not shown on the plan. There is no 100-year floodplain on the property; however, the plan incorrectly shows wetlands as floodplain. The worksheet improperly deducts the area of wetlands from the gross tract, therefore the area of the net tract and all associated calculations are in error. Symbols are used on the plan to show the areas of wetlands and location of minimum 25-foot wetland buffers; however, the symbols are not shown in the legend. Lot 8 has insufficient clearing in the rear yard to permit construction of the house as shown. The specimen tree is not shown on the plan and there is no indication if it is proposed to be saved or removed.

Comment: Until these revisions are made, it is impossible to review the Tree Conservation Plan for compliance and therefore it must be recommended for disapproval.

Soils

According to the Prince George's County Soils Survey the predominant soil types on site are Beltsville, Leonardtown, and Sassafras series. There are no significant areas of steep or severe slopes on the site. Beltsville soils are highly erodible, may have a perched water table, and are in the C-hydric group. Leonardtown soils are highly erodible, may have a perched water table, and are in the D-hydric group. Sassafras soils pose no special problems for development. The presence of wetlands on the site suggests that special care will be needed to avoid wet basements.

Summary

The Environmental Planning Section is unable to recommend approval of either the Type I TCP or the variation request for disturbance of wetland buffers due to the need for revised plans and additional information as noted.

Water and Sewer Categories:

The property is in water category W-3 and sewer category S-3 according to water and sewer maps obtained from the Department of Environmental Resources dated June 2003.

3. **Community Planning**—The property is in Planning Area 76B/Camp Springs. The 2002 General Plan places the property in the Developed Tier. The vision for the Developed Tier is a network of sustainable, transit-supporting, mixed-use, pedestrian-oriented, medium- to high-density neighborhoods. This application is not inconsistent with the 2002 General Plan Development Pattern policies for the Developed Tier. The 1981 master plan for Subregion VII recommends suburban residential land use at a density up to 3.5 dwelling units per acre. This application conforms to the master plan recommendation. However, the impact of the proposed subdivision on environmentally sensitive features on this property should be considered. Conditional Reserve Area is shown to occupy at least half of the property, reflecting characteristics shown on the master plan Environmental Features map: flooding, erosive stream action, unstable soil condition, or manmade unsafe conditions (unstable fills or slopes), restricted from development by the subdivision regulations.
4. **Parks and Recreation**—In accordance with Section 24-134 of the Subdivision Regulations, the Park Planning and Development Division recommends that the applicant pay a fee-in-lieu of parkland dedication because the land available for dedication is unsuitable due to its size and location. The proposed preliminary plan is consistent with the land use recommendations of the master plan and General Plan.
5. **Trails**—There are no master plan trails issues identified in the Subregion VII master plan or the Countywide Trails Plan. A standard sidewalk is recommended along one side of the internal road, per the concurrence of Department of Public Works & Transportation.
6. **Transportation**—The applicant proposes the creation of eight lots, including the existing house. Since the existing house is already generating traffic, and will continue to do so, the finding of adequacy will be based on the creation of seven new lots.

The proposed development would generate 5 AM and 6 PM peak- hour vehicle trips as determined using the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*. The subject property is located within the Developed 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) E, 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.

The subject property would impact the critical intersection of Linda Lane and Old Branch Avenue. A recent traffic count revealed that at least on movement within the intersection currently operates with a delay of 10 seconds during the AM peak hour and 40.3 seconds during the PM peak hour. With the inclusion of the site-generated traffic, the delay increases to 10.02 seconds in the AM peak hour and 40.95 seconds during the PM peak hour. Both peak hours would continue to operate within acceptable thresholds.

7. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and CB-30-2003 and CR-23-2003 and concluded the following:

Finding

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 7	Middle School Cluster 4	High School Cluster 4
Dwelling Units	8 sfd	8 sfd	8 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	1.72	0.48	0.96
Actual Enrollment	36,236	11,113	16,710
Completion Enrollment	209.04	52.26	95.81
Cumulative Enrollment	201.12	50.26	100.56
Total Enrollment	36,648.32	11,216.08	16,907.45
State-Rated Capacity	38,817	10,375	14,191
Percent Capacity	94.41%	108.11%	119.14%

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

These figures are correct on the day the referral memo was written. They are subject to change under the provisions of CB-30-2003 and CR-23-2003. Other projects that are approved prior to the public hearing on this project will cause changes to these figures. The numbers shown in the resolution will be the ones that apply to this project.

County Council bill CB-31-2003 establishes a school facilities surcharge in the amount of: \$7,000 per dwelling if a building is located between I- 495 and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$12,000 per dwelling for all other buildings.

The school surcharge may be used for the construction of additional or expanded school facilities and renovations to existing school buildings or other systemic changes.

The Historic Preservation and Public Facilities Planning Section staff finds that this project meets the adequate public facilities policies for school facilities contained in Section 24-122.02, CB-30-2003 and CB-31-2003 and CR-23-2003.

8. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of public facilities and concluded the following.

The existing fire engine service at Morningside Fire Station, Company 27, located at 6200 Suitland Road has a service travel time of 4.84 minutes, which is within the 5.25-minute travel time guideline.

The existing ambulance service at Clinton Fire Station, Company 25, located at 9025 Woodyard Road has a service travel time of 5.59 minutes, which is within the 6.25-minute travel time guideline.

The existing paramedic service at Clinton Fire Station, Company 25, located at 9025 Woodyard Road has a service travel time of 5.59 minutes, which is within the 7.25-minute travel time guideline.

The proposed subdivision will be within the adequate coverage area of the nearest existing fire/rescue facilities for fire engine, ambulance and paramedic service.

The above findings are in conformance with the standards and guidelines contained in the *Adopted and Approved Public Safety Master Plan 1990* and the *Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities*.

9. **Police Facilities**—The proposed development is within the service area for Police District V-Clinton. 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 1/2/2004, the county had 823 sworn staff and a total of 101,303 square feet of station space. Based on available space, there is capacity for an additional 57 sworn personnel. This police facility will adequately serve the population generated by the proposed subdivision.

10. **Health Department**—The Health Department reviewed the application and had the following comment to offer.

“A raze permit must be obtained through the Department of Environmental Resources prior to the removal of any existing buildings. Any hazardous materials located in any structures on site must be removed and properly stored or discarded prior to the structures being razed.”

11. **Stormwater Management**—The applicant has not yet received stormwater concept approval from the Department of Environmental Resources. A copy of the concept approval letter is necessary prior to signature approval of the preliminary plan.

12. **Cemeteries**—There are no known cemeteries on the subject property.

13. **Public Utility Easement**—The preliminary plan shows a ten-foot-wide public utility easement adjacent to both Old Branch Avenue and Allen Branch Court.
14. **Lotting Concerns**—Due to the presence of wetlands in the center of the subject property, proposed Allen Branch Court must be pushed to the southern boundary of the subject property. This would result in the creation of four double-frontage lots (Lots 121-124 of the T.B. Middleton Farm Subdivision) to the south. These lots are developed with single-family residences fronting on Marlin Lane. Although double-frontage lots are not prohibited, they are discouraged.
15. **Sign Posting**—The applicant received public notice signs for this case on August 10, 2004. The signs were posted that same day to meet the 30-day posting requirement. On August 27, 2004, a neighboring property owner informed staff that the signs had been posted on an adjacent property, rather than the subject site. Staff contacted the applicant and relayed this information. The applicant retrieved the signs and posted them on the subject property on August 27, 2004. Therefore, although the signs were proximate to the site for the entire 30-day posting period, they were only on the subject property for 14 of those 30 days.

RECOMMENDATION

DISAPPROVAL, due to unresolved environmental concerns.

STAFF RECOMMENDS DISAPPROVAL OF THE TYPE I TREE CONSERVATION PLAN,
TCPI/47/04

STAFF RECOMMENDS DISAPPROVAL OF THE VARIATION REQUEST FROM
SECTION 24-130