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Preliminary Plan 4-04076

Application	General Data
Project Name: MIDDLETON'S ADDITION TO DYSON Lots 1-3 (Single-Family Homes) Location: North side of Dyson road at the intersection of Brandywine road. Applicant/Address: Edward D. Middleton P.O. Box 228 Brandywine, MD 20613	Date Accepted: 6/9/05
	Planning Board Action Limit: 11/27/05
	Plan Acreage: 3.84
	Zone: R-R
	Lots: 3
	Parcels: 0
	Planning Area: 85A
	Tier: Developing
	Council District: 09
	Municipality: N/A
	200-Scale Base Map: 218SE07

Purpose of Application	Notice Dates
RESIDENTIAL SUBDIVISION	Adjoining Property Owners Previous Parties of Record Registered Associations: (CB-58-2003)
	Sign(s) Posted on Site and Notice of Hearing Mailed:

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 Plan of Subdivision 4-04076
Middleton's Addition to Dyson

OVERVIEW

The subject property comprises one deed parcel (Parcel 158) located on Tax Map 144 at Grid F-2. It consists of approximately 3.84 acres, which the applicant is proposing to subdivide into three lots for single-family residences.

SETTING

The site is located on the north side of Dyson Road at its intersection with Brandywine Road in the crossroad village of T.B. To the north and northeast is undeveloped land in the R-R Zone. To the southeast, across Dyson Road, is Gwynn Park High School in the R-R Zone. Properties to the south and west are commercially zoned and developed.

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)	Undeveloped	Single Family Residences
Acreage	3.84	3.84
Lots	0	3
Outlots	0	0
Parcels	1	0
Dwelling Units:	0	3

2. **Environmental**—There are no streams, wetlands or 100-floodplain on the property. The site eventually drains into Piscataway Creek in the Potomac River watershed. According to the "Prince George's County Soils Survey" the principal soils on this site are in the Beltsville and Elkton series. Marlboro clay does not occur in this area. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program publication entitled "Ecologically Significant Areas in Anne Arundel and Prince George's Counties," December 1997, rare, threatened, or endangered species do not occur in the vicinity of this property. No designated scenic or historic roads will be affected by the proposed development. There are no nearby sources of traffic-generated noise. The proposal is not expected to be a noise generator.

Natural Resources Inventory

The preliminary plan application has a signed Natural Resources Inventory (NRI) that was included with the application package. The TCPI and the preliminary plan show all the required information correctly.

Soils

According to the Prince George's County Soils Survey the principal soils on this site are in the Beltsville and Elkton series. Beltsville soils are highly erodible, frequently have a high water table and impeded drainage. Elkton soils typically have a high water table and impeded drainage. Because this site is so flat, stormwater drainage may be a problem. The installation of basements is not recommended.

Woodland Conservation

This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the site is more than 40,000 square feet in area and there is more than 10,000 square feet of existing woodland.

A revised Type I Tree Conservation Plan has been reviewed. The plan proposes clearing 0.48 acres of the existing 2.39 acres of woodland. Based upon the proposed clearing and the woodland conservation threshold, the woodland conservation requirement has been correctly calculated as 0.89 acres. The plan proposes retaining 0.89 acres on-site as a designated woodland conservation area and retaining an additional 1.02 acres of woodland on-site that are not part of any requirement.

In general the proposal meets the intent of the Woodland Conservation Ordinance. The retention of woodland on-site will aid in controlling runoff. Not only will there be a smaller total area of impervious surfaces, but the trees will also remove water from the upper soil layers during the growing season. The clearing for the rear yard areas is minimal; however, this can easily be adjusted to have larger outdoor activity areas when the Type II TCP is prepared because there is an excess amount of woodland at this time which will allow additional clearing and still meet woodland conservation requirements on-site.

Water and Sewer Categories

The water and sewer categories are W-3 and S-3 according to water and sewer maps obtained from the Department of Environmental Resources dated December 2001. The development will therefore be served by public systems. The Washington Suburban Sanitary Commission must approve the sewer extensions before the recordation of the final plat.

3. **Community Planning**—The site is located in Planning Area 85A/Brandywine and Vicinity. The 1993 Subregion V Master Plan and Sectional Map Amendment recommends a Neighborhood Activity Center in this general location with 2 to 6 acres of commercial development and 8 to 12 dwelling units per acre. The 2002 approved General Plan places the site within the Developing Tier in the Branch Avenue Corridor. The goals in the Developing Tier are to develop compact, higher-intensity, mixed-uses in centers and corridors, reinforce planned commercial centers as community focal points, develop compact, planned employment areas, increase utilization of transit, and encourage contiguous expansion of development where public facilities and services can be more efficiently provided. The General Plan promotes higher intensity residential and nonresidential mixed uses at appropriate nodes along key growth corridors. This development

should occur at local centers and other appropriate nodes within one-quarter mile of major intersections or major transit stops along the corridor. The mix of uses along the Branch Avenue Corridor at this location should be community rather than regional in scope.

4. **Parks and Recreation**—In accordance with Section 24-134 of the Subdivision Regulations, the Park Planning and Development Review Division recommends that the applicant pay a fee-in-lieu of the mandatory dedication of parkland requirements because the land available for dedication is unsuitable due to its size and location.
5. **Trails**—The Adopted and Approved Subregion V Master Plan designates Dyson Road as a planned trail corridor. Several previously approved subdivisions along Dyson Road have required the construction of this master plan trail. These include the approved preliminary plans for 4-99048, 4-03130, and 4-4093. Upon its completion, this trail will provide safe bicycle and pedestrian access to the nearby Gwynn Park Middle School and a portion of the Piscataway Creek Stream Valley Park.

Sidewalk Connectivity

The properties along Dyson Road immediately to the north of subject site are open section with no sidewalks.

6. **Transportation**—The applicant has not prepared a traffic impact study nor was one requested by the transportation staff. The findings and recommendations outlined below are based upon a review of all 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, and in consideration of findings made in connection with past applications.

Growth Policy—Service Level Standards

The subject property is located within the Developing Tier, as defined in the 2002 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 traffic controls) if deemed warranted by the appropriate operating agency.

Staff Analysis of Traffic Impacts

This applicant proposes three single family detached lots. Based upon rates in the Guidelines, three residences would generate 2 AM and 3 PM peak-hour vehicle trips. The traffic generated by the proposed plan would primarily impact the intersection of MD 5/Brandywine Road. Staff has recent counts and analyses that show that both intersections operate poorly. Those analyses indicate that the critical intersection would operate at level-of-service (LOS) F, with a critical lane volume (CLV) of 3,742 during the AM peak hour when considering all approved

development in the area (i.e., background development). Similarly, this intersection would operate at LOS F with a CLV of 4,168 during the PM peak hour under background development. There are no funded improvements to this intersection in either the County Capital Improvement Program (CIP) or the State Consolidated Transportation Program (CTP), although one developer is required to provide some improvements that mitigate the impacts of that single development (Lakeview at Brandywine, 4-04072).

Due to the limited trip generation of the site, the Prince George's County Planning Board could deem the site's impact at this location to be de minimus. This would be based upon the definition of de minimus in the Guidelines, which is "a development which generates 5 or fewer peak hour trips." However, there also exists a means, the Brandywine Road Club, by which developments in the area have been conditioned to contribute a pro rata share toward ultimate transportation improvements at the critical intersection.

The Brandywine Road Club has posed several issues for the Planning Board in the past, and these issues are briefly summarized below:

- a. The use of the Brandywine Road Club in approving a development poses an issue of concurrency. In other words, Section 24-124 of the Subdivision Ordinance, the section that governs findings of adequate transportation facilities is intended to ensure that needed transportation facilities occur concurrently with development or within a reasonable time thereafter. However, transportation inadequacies in the area have been documented since 1989. Many properties have been approved with a condition to pay funds toward a Brandywine Road Club, beginning in 1990. But since those initial approvals, no improvements have been constructed. Furthermore, there is nothing in either the current county Capital Improvement Program or the state Consolidated Transportation Program that suggests that needed improvements are funded for construction.
- b. Council Resolution CR-60-1993 approved the master plan and the sectional map amendment for the Subregion V Master Plan. As a part of that resolution, A-9878 for Brandywine Village was approved with conditions that allow that particular property to participate in the Brandywine Road Club as a means of determining transportation adequacy. The same condition allows such Road Club participation by "any properties along US 301/MD 5 between T.B. (the intersection of US 301 and MD 5 in Prince George's County) and Mattawoman Creek." This has been carefully considered, and it has been determined by staff that the subject property is not technically along the identified section of US 301/MD 5. It is recognized that the subject property is just east of the roadway, approximately 0.3 miles, and for that reason it is truly a judgment call that the Planning Board can make. Furthermore, even if the site were not deemed to meet the geographic criteria noted above, the same condition in CR-60-1993 allows Brandywine Road Club participation for properties "for which participation is deemed necessary by the Planning Board." This language clearly suggests that the Planning Board can and should determine circumstances where Brandywine Road Club participation is appropriate.
- c. As noted earlier, the improvements needed to address the adequacy issues noted above would include an interchange at the MD 5/Brandywine Road intersection (the master plan does in fact propose an interchange at that location). There is recognition that the scope and cost of improvements needed would far exceed the ability of an applicant of this size to fund them.

It is noted that the Hampton development (Preliminary Plan 4-99048), which is slightly north and east of the subject property, was approved with a condition to pay \$1,377 per residence (to be inflated) toward the Brandywine Road Club improvements. While the Planning Board can determine that the subject development has a de minimus impact, it is also fair that homes to be constructed within the subject property pay toward the Brandywine Road Club just as other developments have been required to do.

All three residential lots are proposed to receive access via Dyson Road, which is a planned collector facility. In consideration of current operating speeds and volumes, driveways onto the three proposed lots should utilize a turnaround capability in order to minimize the need for vehicles accessing these lots to back onto Dyson Road.

As noted, Dyson Road is a master plan collector, and the submitted plan indicated an adequate right-of-way of 40 feet from centerline.

Transportation Staff Conclusions

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 Prince George's County Code if the application is approved with the conditions consistent with these findings.

7. **School Facilities**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for 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.

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 5	Middle School Cluster 3	High School Cluster 3
Dwelling Units	3 sfd	3 sfd	3 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	0.72	0.18	0.36
Actual Enrollment	4,206	4,688	8,866
Completion Enrollment	112.80	69.06	136.68
Cumulative Enrollment	99.36	41.40	82.80
Total Enrollment	4,418.80	4,798.64	9,085.84
State Rated Capacity	4,215	5,114	7,752
Percent Capacity	104.84%	93.83%	117.21%

Source: Prince George's County Planning Department, M-NCPPC, December 2004

These figures are correct on the day this 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 of approval will be the ones that apply to this project.

County Council bill CB-31-2003 establishes a school facilities surcharge in the amounts of: \$7,161 per dwelling if a building is located between I- 495 and the District of Columbia; \$7,161 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 \$12,276 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 & Public Facilities Planning Section has reviewed this subdivision plan for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(B)(E) of the Zoning Ordinance.

The preliminary plan was accepted for processing by the Planning Department on 06/09/05.

The Prince George’s County Planning Department has determined that this preliminary plan is within the required 7-minute response time for the first due fire station Brandywine, Company 40, using the 7 Minute Travel Times and Fire Station Locations Map provided by the Prince George’s County Fire Department.

The Fire Chief has reported that the current staff complement of the Fire Department is 98.99 percent, which is within the staff standard of 657 or 95 percent of 692 as stated in CB-56-2005. The Fire Chief has reported by letter, dated August 1, 2005, that the department has adequate equipment to meet the standards stated in CB-56-2005.

9. **Police Facilities**—The Prince George’s County Planning Department has determined that this preliminary plan is located in Police District V. The standard for emergency calls response is 10 minutes and 25 minutes for non-emergency calls. The times are based on a rolling average for the proceeding 12 months.

Reporting Cycle	Date	Emergency Calls	Non-emergency
Acceptance Date	01/05/05-05/05/05	13.00	23.00
Cycle 1	01/05/05-06/05/05	13.00	23.00
Cycle 2	01/05/05-07/05/05	13.00	23.00
Cycle 3	01/05/05-08/05/05	13.00	23.00

In accordance with County Council approved “Guidelines for the Mitigation of Adequate Public Facilities for Public Safety Infrastructure,” Preliminary Plan 4-04076 is not eligible for mitigation because the police emergency response times exceed the applicable standard by more than 20 percent. Therefore, staff is compelled to recommend disapproval.

10. **Health Department**—The Environmental Engineering Program has reviewed the preliminary plan of subdivision and has no comments to offer.
11. **Stormwater Management**—A Stormwater Management Concept Plan, CSD #40912-2004-00 has been approved by the Prince George’s County Department of Environmental Resources 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. **Historic Preservation**—Across the intersection of Brandywine Road to the south and separated by an undeveloped triangular green, is the Marlow-Huntt Store (Historic Site 85A-033-14). The historic site faces the intersection of Dyson Road, Brandywine Road and Accokeek Road and is at the center of the crossroad village known as T.B. The building is the only surviving remnant of the once-thriving 19th century agricultural settlement. The historic site, a one-and-one-half story frame, gable-front store general store built c. 1867, has been rehabilitated recently for use as an ice cream parlor.

The historic village of T.B. has been largely developed with 20th century buildings with a mix of sizes and uses. The area is dominated by the nearby Gwynn Park High School. On either side of the developing property, lots have been developed with single-family residences. As a result, the subject application, which proposes three single-family lots north of the Marlow-Huntt Store on the north side of Dyson Road, will have no affect on the character of the historic site.

Phase I archeological survey is not recommended by the Historic Preservation Section on the above-referenced property. However, Section 106 review by state or federal agencies may require archeological survey work.

RECOMMENDATION

DISAPPROVAL DUE TO INADEQUATE POLICE SERVICES PURSUANT TO 24-122.01(e)(2) OF THE SUBDIVISION REGULATIONS.