



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

Preliminary Plan 4-04147

Application	General Data
Project Name: MARINER'S OVERLOOK Location: Western terminus of Mariner's Drive Applicant/Address: Mariner Overlook, Development, LLC. 1350 Connecticut Avenue, Suite #1200 Washington, D.C. 20036	Date Accepted: 08/23/04
	Planning Board Action Limit: 02/02/05
	Plan Acreage: 1.86
	Zone: R-R
	Lots: 2
	Parcels: N/A
	Planning Area: 80
	Tier: Developing
	Council District: 08
	Municipality: N/A
	200-Scale Base Map: 214SW01

Purpose of Application	Notice Dates
Residential Subdivision	Adjoining Property Owners Previous Parties of Record Registered Associations: (CB-58-2003) 07/14/04
	Sign(s) Posted on Site and Notice of Hearing Mailed: 12/21/04

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 Plan of Subdivision 4-04147
Mariner's Overlook Lots 1 and 2

OVERVIEW

The property is located on Tax Map 122, Grid C-3, and is known as Parcel 73. The property is approximately 1.86 acres and zoned R-R. The property fronts on the Potomac River (Broad Creek) to the northwest and is partially located within the Chesapeake Bay Critical Area (CBCA) Limited Development Overlay Zone (L-D-O). Because the property is within the CBCA, a critical area plan (CP) is required. Section 27-548.11(b) of the Zoning Ordinance requires that the CBCA plan be approved concurrent with or prior to the approval of the preliminary plan of subdivision. The applicant has filed a conservation plan (CP-04018) that is pending and scheduled to be heard by the Planning Board prior to the preliminary plan on the same agenda date.

The applicant is proposing to subdivide this property into two lots to support single-family dwelling units. Mariner's Drive terminates midway along the southwest property line of the existing parcel. The Department of Public Works and Transportation (DPW&T) has approved the applicant's proposal to terminate the extension of Mariner's Drive in a "T" turnaround within the limits of the property. The proposed dedicated right-of-way, for Mariner's Drive extends into the property only to the limit that provides 134 feet of street frontage for both lots (Lot 1—75 feet and Lot 2—59 feet). The applicant should extend the right-of-way into the property to allow for a minimum of 140 feet of street frontage to be split between the two lots, providing 70 feet of street frontage for each lot, which is the minimum required in the R-R Zone for the development of single-family dwelling units.

An existing dwelling unit is to remain on proposed Lot 1 and is located to the south of the proposed extension of Mariner's Drive. The new dwelling unit, to be located on proposed Lot 2, is situated to the northwest of the extension and fronts the Potomac River. To benefit Lot 1, the preliminary plan proposes a 15-foot-wide access easement crossing Lot 2 to provide water access. The applicant has indicated that the easement, which crosses into the L-D-O Overlay Zone, is to serve pedestrian access only. The preliminary plan should be revised to reflect that the easement is for private pedestrian access and not vehicular access, which would be cause for disturbance within the L-D-O not anticipated by this plan or CP-04018.

SETTING

The property is located at the western terminus of Mariner's Drive within the Riverview Estates Subdivision. The property fronts the Potomac River (Broad Creek) to the northeast. To the northeast and south are acreage parcels developed with single-family dwelling units. To the southwest is the Riverview Estates Subdivision, developed with single-family dwelling units. The vacant Potomac River Waterfront Park (M-NCPPC) abuts the property to the southwest.

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/L-D-O	R-R/L-D-O
Use(s)	Single-family Residential	Single-family Residential
Acreage	1.86	1.86
Lots	0	2
Parcels	1	0
Dwelling Units:		
Detached	1	2 (1 existing)

2. **Environmental**—The 1.86-property in the R-R/L-D-O Zones is located at the north end of Mariner Drive. The property is currently developed with a single-family detached residential structure, lawn areas, landscaping, and a gazebo. There is no woodland on the property. The western property line is the Potomac River. The 100-foot Chesapeake Bay Critical Area buffer and an area of 100-year floodplain occur in the northern portion of the site.

The property that is the subject of this application does not include streams, wetlands, or the associated buffers to these features. A significant area of steep slopes occurs on the property. There are no nearby sources of traffic-generated noise. The proposed development is not a noise generator.

According to the Prince George's County Soil Survey, the principal soils on the site are in the Sassafras series. Marlboro clay is not found to occur in the vicinity of this property.

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, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. There are no designated scenic or historic roads in the vicinity of the property. The site is in the Developing Tier according to the adopted General Plan.

The entire 1.86-acre property is exempt from the requirements of the Prince George's County Woodland Conservation and Tree Preservation Ordinance because it is located in the Chesapeake Bay Critical Area (CBCA), which has more stringent requirements than the Woodland Conservation Ordinance. No additional information with regard to the Woodland Conservation Ordinance is required at this time. During the review of the CBCA Conservation Plan, afforestation requirements will be addressed.

A Chesapeake Bay Critical Area plan must be approved by the Planning Board prior to the approval of any subdivision in the Chesapeake Bay Critical Area. The Chesapeake Bay Critical Area Plan, CP-04018, is scheduled to be heard by the Planning Board prior to this application.

The preliminary plan shows a proposed 15-foot access easement from Lot 1 and across Lot 2 to the Potomac River shoreline. The applicant stated that the purpose of this easement is for pedestrian access only. No construction of any kind is shown on the Chesapeake Bay Critical Area plan within the easement. A pedestrian use of this easement would be in keeping with the Chesapeake Bay Critical Area Program because it provides access to the shoreline. The easement will not be considered sufficient by federal or state review authorities for the construction of a dock to serve Lot

2, and cannot be used for vehicular access to the shoreline.

Water and Sewer Categories

The water and sewer service categories are W-3 and S-3 according to water and sewer maps obtained from the Department of Environmental Resources dated June 2003 and will therefore be served by public systems.

3. **Community Planning**—The property is located within the limits of the 1981 master plan for Subregion VII, Planning Area 80, in the Broad Creek Community. The master plan land use recommendation is for low suburban residential. The 2002 General Plan locates the property in the Developing Tier. One of the visions for the Developing Tier is to maintain low to moderate land use densities. The proposed preliminary plan is consistent with the recommendations of the master plan and the General Plan.
4. **Parks and Recreation**—Section 24-134 of the Subdivision Regulations exempts from the requirement of mandatory dedication of parkland, lots being created that are improved with a legally existing dwelling at the time of subdivision. Proposed Lot 1 has an existing dwelling that is to remain. Proposed Lot 2 will be created for the development of a new single-family dwelling unit. Therefore, Lot 1 is exempt from the requirements of mandatory dedication of parkland and Lot 2 is subject to the requirements. Because of the location and limited land available for dedication, the Department of Parks and Recreation is recommending that a payment of a fee-in-lieu of mandatory dedication be made.
5. **Trails**—The 1985 Equestrian Addendum to the Adopted and Approved Countywide Trails Plan shows the proposed Potomac River Trail running along the shorelines through the subject site. However, due to existing development in this vicinity and other constraints, this trail will be located along the existing road network off the subject site. There are no recommendations regarding this planned facility. In the vicinity of the subject site, roads are open section with no sidewalks. There are no master plan trails issues.
6. **Transportation**—The application is a preliminary plan of subdivision for a residential development consisting of two lots, one of which is already developed with an existing residence. The proposed net development of two residences would generate 1 AM and 1 PM peak-hour vehicle trips as determined using *Guidelines for the Analysis of the Traffic Impact of Development Proposals*.

The site is 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 traffic generated by the proposed preliminary plan would impact the intersection of Fort Washington Road and Livingston Road.

Staff has reviewed a recent traffic study at the critical intersection of Fort Washington Road and Livingston Road. Under background traffic, it was determined that the intersection would operate at Level-of-Service (LOS) A, with a critical lane volume (CLV) of 945 in the AM peak hour, and at LOS B with a CLV of 1,094 in the PM peak hour. Furthermore, 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. Staff would therefore recommend that the Planning Board find that 1 AM and 1 PM peak-hour trips will have a de minimus impact upon delay in the critical movements at the Fort Washington Road/Livingston Road intersection, which is currently operating at an acceptable level of service.

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.

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 6	Middle School Cluster 3	High School Cluster 3
Dwelling Units	2 sfd	2 sfd	2 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	0.48	0.12	0.24
Actual Enrollment	4,433	4,689	8,654
Completion Enrollment	156.96	86.22	158.07
Cumulative Enrollment	30	79.32	158.64
Total Enrollment	4,620.44	4,854.66	8,970.95
State-Rated Capacity	4,512	5,114	7,752
Percent Capacity	102.40	94.93	115.72

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 fire and rescue facilities and concluded the following:
 - a. The existing fire engine service at Allentown Road Fire Station, Company 47, located at 10900 Fort Washington Road, has a service travel time of 4.92 minutes, which is within the 5.25-minute travel time guideline.
 - b. The existing ambulance service at Allentown Road Fire Station, Company 47, located at 10900 Fort Washington Road, has a service travel time of 4.92 minutes, which is within the 6.25-minute travel time guideline.
 - c. The existing paramedic service at Allentown Road Fire Station, Company 47, located at 10900 Fort Washington Road, has a service travel time of 4.92 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 services. The above findings are in conformance with the standards and guidelines contained in the *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 IV-Oxon Hill. 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 January 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 had no comments.
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 (29111-2004-00) has been submitted but not yet approved. Prior to signature approval of the preliminary plan the applicant should submit a copy of the concept approval letter and indicate the approval date on the preliminary plan. Development must be in accordance with that approved plan to ensure that development of this site does not result in on-site or downstream flooding. .
13. **Historic**—The Planning Board has determined that the possible existence of slave quarters and slave graves on certain properties must be considered in the review of development applications, and that

potential means for preservation of these resources should be considered. Review of Historic Preservation office files indicates that there may be archeological resources of the antebellum period in the area of the subject site. The subject property may be part of the antebellum Edelen property and prehistoric archeological sites are located in similar settings in the immediate vicinity.

It is possible the site was actively farmed and it is also possible that there were slave dwellings, and slave burials, on this property. Documentary and archeological investigation should be required to determine whether there exists physical evidence of slave dwellings or burials.

Prior to approval of the final plat and/or any disturbance occurring on this property, the applicant should submit a Phase I archeological investigation to the Planning Department staff for review and concurrence, and if determined to be needed, a Phase II and Phase III investigation. If necessary, the final plat should provide for the avoidance and preservation of the resources in place and should provide appropriate plat notes ensuring the mitigation of any adverse effect upon these resources. All investigations must be conducted by a qualified archaeologist and must follow *The Standards and Guidelines for Archeological Investigations in Maryland (Schaffer and Cole: 1994)* and must be presented in a report following the same guidelines.

RECOMMENDATION

APPROVAL, subject to the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision the plan shall be revised as follows:
 - a. Label the 15-foot access easement benefiting Lot 1 as “pedestrian only,” unless modified by an approved CBCA plan.
 - b. Remove the vehicular access easement intended to serve Lot 2 across Lot 1.
 - c. Indicate the stormwater management plan number and approval date.
 - d. Include a note indicating the CBCA plan number.
 - e. Increase the amount of dedication by 6 feet to provide each lot with a minimum of 70 feet of frontage on the public street. Make lot adjustments accordingly.
 - f. Clearly label the limit of the L-D-O Overlay Zone and the amount of acreage within the overlay.
2. Prior to the issuance of permits, a Type II Tree Conservation Plan shall be approved.
3. Development of this site shall be in conformance with the approved Stormwater Management Concept Plan #29111-2004-00 and any subsequent revisions.
4. Prior to approval of the final plat of subdivision the applicant, his heirs, successors and/or assignees shall pay a fee-in-lieu of parkland dedication for Lot 2.
5. Development of this property shall be in conformance with the approved Chesapeake Bay Critical Area Plan, CP-04018.

6. Prior to approval of the final plat of subdivision and/or any disturbance occurring on this property, the applicant shall submit a Phase I archeological investigation and, if determined to be needed by Planning Department staff, a Phase II and Phase III investigation. If necessary the final plat shall provide for the avoidance and preservation of the resources in place or shall include plat notes to provide for mitigating the adverse effect upon these resources. All investigations must be conducted by a qualified archaeologist and must follow *The Standards and Guidelines for Archeological Investigations in Maryland* (Schaffer and Cole: 1994) and must be presented in a report following the same guidelines.
7. The following note shall be placed on the final plat:

“Development of this site is subject to Chesapeake Bay Critical Area Plan CP-04018 and any subsequent revisions.”
8. The final plat shall contain the following note:

“The 15-foot-wide access easement across Lot 2 is for pedestrian access to the Potomac River shoreline benefiting Lot 1.”

STAFF RECOMMENDS APPROVAL.