



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

Preliminary Plan 4-04180

Application	General Data
Project Name: GALLAHAN PROPERTY Location: Fronting the west side of Gallahan Road and fronting the east side of Old Fort Road. Applicant/Address: Cherrywood Development, LLC. 11815 Federal Square, Suite #204 Waldorf, MD. 20604	Date Accepted: 11/16/04
	Planning Board Action Limit: 02/08/05
	Plan Acreage: 61.0
	Zone: R-R
	Lots/Parcels: 61/7
	Election District: 05
	Planning Area: 80
	Tier: Developing
	Council District: 09
	Municipality: N/A
	200-Scale Base Map: 215/216SE02

Purpose of Application	Notice Dates
RESIDENTIAL SINGLE-FAMILY SUBDIVISION	Adjoining Property Owners Previous Parties of Record Registered Associations: 10/12/04 (CB-58-2003)
	Sign(s) Posted on Site: 01/04/05

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 4-04044
Gallahan Property Lots 1-61 and Parcels A-G

OVERVIEW

The property is located on Tax Map132 in Grid D-2 and is known as Parcels 51, 60, 168 and 225. The property is approximately 61 acres and zoned R-R. The current land use is a farm with orchards and strawberry fields. A 99-foot-tall monopole exists on the property that is to remain on Parcels A and B and be retained by the applicant. The monopole is permitted pursuant to Section 27-445.04(a)(3) of the Zoning Ordinance. The area of Parcels A and B contain the necessary “fall zone” for the protection of abutting lots, which is the height of the structure when measured from its base, or 99 feet in this case. If the monopole is removed, Parcels A and B may be converted to building lots for the construction of single-family dwelling units. The possible conversion of these parcels into building lots has been taken into consideration when evaluating the adequacy of public facilities for this development. Parcels A and B have been designed to conform to the standards for conventional development in the R-R Zone. If Parcels A and B are platted as parcels the applicant should be required to file a new final plat, in accordance with Section 24-111(a) of the Subdivision Regulations to convert these parcels to lots.

The property has frontage on Gallahan Road to the east and Old Fort Road to the west. The applicant is proposing to dedicate and construct a 60-foot-wide right-of-way extending east from Old Fort Road to serve the development of this property. The internal public street will convert to a 50-foot-wide public street internal to the subdivision. No access is proposed to Gallahan Road. Three of the lots proposed will be served by a private access easement that will extend from the end of the internal cul-de-sac. The easement is proposed pursuant to Section 24-128(b)(1) of the Subdivision Regulations and will provide access to Lots 18, 19 and 20. These lots will be highly visible from Gallahan Road, as discussed further in Finding 14 of this report.

The applicant is proposing to subdivide the property into 61 lots and seven parcels for the construction of single-family dwelling units, utilizing the varying lot size provisions of Section 24-121 of the Subdivision Regulations. Staff has evaluated the applicant proposal and recommends the approval of the use of lot size averaging, as discussed further in Finding 12 of this report. Parcels A and B are to be retained by the applicant. Parcels C (10.22 acres) and Parcel D (9.20 acres) are to be conveyed to the homeowners association (HOA). Parcel C generally frames the west side of the property and Parcel D frames the east side, abutting Gallahan Road, containing significant environmental features to be preservation as open space. Parcel E (40,290 square feet) and Parcel F (31,014 square feet) are to be conveyed to the HOA and will be developed with passive and active recreational facilities. Parcel G is 2,000 square feet and is proposed to be conveyed to the owner of Parcel 304 to the southwest. The driveway serving the dwelling on Parcel 304 crosses the subject property, and the applicant has proposed to convey that area (Parcel G) to the owner of Parcel 304. The final plat should note that any lot line adjustments involving Parcels 304 and Parcel G would not result in an additional buildable lot without a new preliminary plan of subdivision.

This site was previously reviewed by the Environmental Planning Section as Preliminary Plan 4-04044. That preliminary plan was withdrawn by the applicant prior to the Public Hearing to provide additional time to work out environmental issues on the site. Those issues have been addressed with this application.

SETTING

The property is located on the west side of Gallahan Road and the east side of Old South Fort Road. The property was part of a larger farm with orchards and strawberry fields. The property is generally rural in character. Abutting to the north and west is generally undeveloped R-E zoned land. To the west is the Jomar Acres Subdivision, developed with single-family dwelling units in the R-R Zone. To the south is part of the existing orchard and farm store currently owned by the original owner of this property.

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)	Monopole/Orchard Single-family dwelling	Single-family dwellings Monopole to remain
Acreage	61.0	61.0
Lots	0	62
Parcels	4	7
Dwelling Units:		
Detached	1 (to be razed)	62

2. **Environmental**—The Environmental Planning Section has reviewed the revised Preliminary Plan of Subdivision for the Gallahan Property II, 4-04180, and the revised Type I Tree Conservation Plan, TCPI/44/04, stamped as accepted for processing on January 5, 2005.

This site is subject to the Woodland Conservation Ordinance because it is more than 40,000 square feet in total area and contains more than 10,000 square feet of woodland. According to the *Prince George's County Soils Survey* the principal soils on this site are in the Aura and Beltsville series. Marlboro clay occurs on the site. Streams, 100-year floodplain and expanded stream buffers associated with Piscataway Creek occur on the property. There are no nearby traffic-generated noise sources. The proposal is not expected to be a noise generator. Gallahan Road is a designated scenic road.

The plan shows a 1.5 safety factor line associated with Marlboro clay based upon the geotechnical report submitted with this application. Section 24-131 of the Subdivision Regulations controls the development of unsafe land. As a matter of policy, no lot with an area of less than 40,000 square feet may have any portion impacted by a 1.5 safety factor line; however, the Department of Environmental Resources has consented in this particular case to allowing the 1.5 safety factor line on a lot if there is a minimum 40-foot separation from the rear of the house. The 40-foot building restriction lines are shown on the preliminary plan along the 1.5 safety factor lines.

This site contains natural features that are required to be protected under Section 24-130 of the Subdivision Regulations. The Subregion VII master plan indicates that there are substantial areas designated as Natural Reserve on the site. As noted on page 42 of the Subregion VII Master Plan:

“The Natural Reserve Area is composed of areas having physical features which exhibit severe constraints to development or which are important to sensitive ecological systems. Natural Reserve Areas must be preserved in their natural state.”

For the purposes of this review, these areas include all of the expanded stream buffers and any isolated sensitive environmental features.

The FSD shows all streams, all severe slopes, all steep slopes containing highly erodible soils, minimum 50-foot stream buffers, wetlands, minimum 25-foot wetland buffers and the 100-year floodplain. These same features are shown on the Type I Tree Conservation Plan, and the delineation of the expanded stream buffer required by Section 24-130 of the Subdivision Regulations is correct.

At time of final plat, bearings and distances should delineate a conservation easement. The conservation easement should contain the expanded stream buffer, excluding those areas where variation requests have been approved, and be reviewed by the Environmental Planning Section prior to certification.

Impacts to significant environmental features that are required to be protected by Section 24-130 of the Subdivision Regulations are proposed. The design of any subdivision should avoid any impacts to streams, wetlands or their associated buffers unless the impacts are essential for the development as a whole. Staff generally does not support impacts to sensitive environmental features that are not associated with essential development activities. Essential development includes such features as public utility lines (including sewer and stormwater outfalls), street crossings, 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 sensitive environmental features require variations to the Subdivision Regulations.

Two variation requests were submitted. Impact 1 is for the connection of the proposed development to an existing sanitary sewer line. Staff notes that the property may be served by public sewer only if a connection is made to the existing sewer main that is wholly within expanded stream buffers. Impact 2 is for the retrofitting of an existing farm pond, including inflow structures, grading of the pond to provide safety benches, and bringing the dam and outfall structure to design standards required by County Code. Stormwater management is required by County Code, and the Prince George's County Department of Environmental Resources requires the retrofitting of the existing farm pond. Additionally, the property has several streams and extensive areas of severe slopes and highly erodible soils that create a disproportionately high area of expanded stream buffers.

Section 24-130 of the Subdivision Regulations restricts impacts to these buffers unless the Planning Board grants a variation to the Subdivision Regulations in accordance with Section 24-113. Even if approved by the Planning Board, the applicant will need to obtain federal and state permits prior to the issuance of any grading permit. Each variation is described above. However, for purposes of discussion relating to Section 24-113(a) of the Subdivision Regulations the impacts were discussed collectively.

Section 24-113(a) of the Subdivision Regulations sets forth the required findings for approval of

variation requests. Section 24-113(a) reads:

Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon evidence presented to it in each specific case that:

The approval of the applicant's request does not have the effect of nullifying the intent and purpose of the Subdivision Regulations. In fact, strict compliance with the requirements of Section 24-130 could result in practical difficulties to the applicant that could result in the applicant not being able to develop this property.

(1) The granting of the variation request would not be detrimental to public safety, health or welfare and does not injure other property;

The installation of sanitary sewer as described by Impact 1 and stormwater management facilities described by Impact 2 are required to provide for public safety, health and welfare by County Code. All designs of these types of facilities are reviewed by the appropriate agency to ensure compliance with other regulations. These regulations require that the designs are not injurious to other property.

(2) The conditions on which the variations are based are unique to the property for which the variation is sought and are not applicable generally to other properties;

The only available sanitary sewer main to serve development of this property is wholly within expanded stream buffers. Many other properties can connect to existing sanitary sewer lines without requiring a variation; however, that option is not available for this particular site. The Washington Suburban Sanitary Commission determines the number and placement of sanitary sewer connections. Because of Marlboro clay, the retrofitting of the existing farm pond has been determined by the Prince George's County Department of Environmental Resources to be the best solution for providing stormwater management. Most properties within Prince George's County are not impacted by the presence of Marlboro clay. Thus, both of the requested variations are not generally applicable to other properties.

(3) The variation does not constitute a violation of any other applicable law, ordinance or regulation; and

The installation of sanitary sewer connections and stormwater management are required by other regulations. Because the applicant will have to obtain permits from other local, state and federal agencies as required by their regulations, the approval of this variation request would not constitute a violation of other applicable laws.

(4) Because of the peculiar physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulation is carried out.

The property has several streams and extensive areas of severe slopes and highly erodible soils that

create a disproportionately high area of expanded stream buffers. The existing sewer mains in the area are already within expanded stream buffers and any connection to them would require impacts. The denial of Impact 1 would result in the loss of all but 1 of the 61 lots. The denial of Impact 2 would result in the loss of all of the 61 lots proposed.

The Environmental Planning Section supports the variation requests for the reasons stated above.

The Forest Stand Delineation (FSD) has been reviewed. The FSD shows all streams, all severe slopes, all steep slopes containing highly erodible soils, wetlands and the 100-year floodplain. The FSD is based upon 11 sample points and describes a single forest of mixed hardwoods totaling 18.14 acres and identifies 21 specimen trees. The existing woodland is mixed native species with some invasive plants in the understory. Almost all of the woodlands are on severe and steep slopes and rate a high priority for preservation. The FSD meets the requirements of the Woodland Conservation Ordinance.

The property is subject to the requirements of the Prince George's County Woodland Conservation and Tree Preservation Ordinance because the property is larger than 40,000 square feet in area and contains more than 10,000 square feet of woodland. A Type I Tree Conservation Plan is required.

The Type I Tree Conservation Plan, TCPI/44/04, has been reviewed. The TCP shows all streams, severe slopes, steep slopes containing highly erodible soils, the minimum 50-foot stream buffers, wetlands, minimum 25-foot wetland buffers and the 100-year floodplain. The delineation of the expanded stream buffer required by Section 24-130 of the Subdivision Regulations is correct.

The woodland conservation threshold for this site has been correctly calculated as 11.95 acres. The plan proposes clearing 3.98 acres of the existing 17.54 acres of upland woodland and no clearing of any of the 0.60 acres of woodland within the 100-year floodplain. The woodland conservation requirement has been correctly calculated as 12.95 acres. The plan proposes to meet the requirement by providing 13.29 acres of on-site preservation and 0.49 acres of on-site planting for a total of 13.78 acres.

Afforestation is proposed in order to fulfill woodland conservation requirements on this site. In order to protect the afforestation areas after planting, so that they may mature into perpetual woodlands, the afforestation must be completed prior to the issuance of building permits for the sites; and all afforestation should be placed in conservation easements. .

The total area of proposed woodland conservation exceeds the minimum required by the Woodland Conservation Ordinance. No woodland preservation is proposed on any lot. The woodland conservation areas will protect stream valleys, preserve woodland on severe slopes, and avoid forest fragmentation.

All afforestation and associated fencing should be installed prior to the issuance of building permits on each lot where afforestation and fencing are located. A certification prepared by a qualified professional may be used to provide verification that the afforestation has been completed. It should include, at a minimum, photos of the afforestation areas and the associated fencing for each lot, with labels on the photos identifying the locations and a plan showing the locations where the photos were taken.

Gallahan Road is a designated scenic road. The *Design Guidelines and Standards for Scenic and Historic Roads* provides guidance for the review of applications that could result in the need for roadway improvements. The plans provide 40-foot-wide landscape buffers adjacent to the 10-foot public utility easement parallel to the land to be dedicated for Gallahan Road. Because this site has proposed on-site recreational facilities that require a limited detailed site plan, the landscaping should be approved with the limited detailed site plan.

According to the *Prince George's County Soils Survey* the principal soils on this site are in the Aura and Beltsville series. Both of these soils are highly erodible. This information is provided for the applicant's benefit. No further action is needed as it relates to this Preliminary Plan of Subdivision review. The Prince George's County Department of Environmental Resources may require a soils report during the permit process review.

Copies of the Stormwater Management Concept approval letter and plan, CSD 34118-2003-00, were submitted with this application. The approval requires the retrofitting of the existing farm pond to the construction standards required for a stormwater management facility and requires special attention to Marlboro clay. The Type I Tree Conservation Plan shows the limits of disturbance for all the required work.

Water and Sewer Categories

The water and sewer service categories are W-4 and S-4 according to water and sewer maps obtained from the Department of Environmental Resources dated June 2003.

3. **Community Planning**—The subject property is located within the limits of the 1981 master plan for Subregion VII, Planning Area 80 in the Friendly Community. The master plan land use recommendation is for suburban residential land use. The 2002 General Plan locates this property in the Developing Tier. One of the visions of the Developing Tier is to maintain a pattern of low-to moderate-density suburban residential communities. The preliminary plan, proposing large open space vistas along Gallahan Road, with large areas of conservation of environmental areas is consistent with the recommendations of the General Plan.
4. **Parks and Recreation**—In accordance with Section 24-135 of the Subdivision Regulations, staff recommends that the applicant provide private on-site recreational facilities to serve the residents in the subdivision. The applicant has proposed two developed recreational areas for the residents of the community. Parcel E is approximately .92 acres and is located at the entrance to the subdivision at Old Fort Drive. The linear nature of Parcel E restricts the active use of the parcel. Parcel E is primarily to be utilized as an entrance feature and developed with a passive recreational area (gazebo) with a minor trail system. The location of this parcel is removed and not centrally located within the subdivision but does provide a visual benefit to all of the residence of the community as they enter the subdivision.

Parcel F, approximately .61 acres, has been located at the southern portion of the property. The location of Parcel F provides a visual benefit to a large number of dwellings and is appropriately sited. Parcel F has adequate land area to be developed with the active recreational facilities necessary to serve the development and provide appropriate buffering from the abutting lots.

The private recreational facilities should be provided in accordance with the *Park and Recreational Facility Guidelines*. Subtitle 27 requires the review and approval of a limited detailed site plan for

the construction of private recreational facilities.

The preliminary plan provides two large open space parcels (Parcels C and D) to be conveyed to a homeowners association. These areas are a valuable asset to the community but not appropriate for planned active recreation improvements due to slopes and environmental encumbrances.

5. **Trails**—There are no master plan trails issues identified in the adopted and approved Subregion VII master plan. A trail is proposed along Tinkers Creek, which is located to the south and east of the subject application. Gallahan Road, while not currently designated as a bikeway in the master plan, is used by on-road cyclists in the area and is part of the Potomac Heritage Trail On-Road Bicycle Route. Wide, asphalt shoulders are recommended if road frontage improvements are required, per the concurrence of DPW&T.

SIDEWALK CONNECTIVITY:

Gallahan Road is currently an open-section roadway with no sidewalks. Old Fort Road includes sidewalks where road frontage improvements have been made but is without sidewalks elsewhere. The adjacent Jomar Acres subdivision includes sidewalks along both sides of all internal roads and along its frontage of Old Fort Road. Sidewalks are recommended along both sides of all internal roads for the subject site, and along the site's short road frontage of Old Fort Road, unless modified by DPW&T.

6. **Transportation**—The property is located between Gallahan Road and Old Fort Road South, and east of Jomar Drive. The applicant proposes a residential subdivision of 63 single-family dwelling units.

The applicant submitted an updated traffic study dated December 28, 2004. The findings and recommendations outlined below are based upon a review of these materials and analyses conducted by 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 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. Mitigation, as defined by Section 24-124(a)(6) of the Subdivision Ordinance, may be considered at signalized intersections 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 study and install the signal (or other less costly traffic controls) if deemed warranted by the appropriate operating agency.

Staff Analysis of Traffic Impacts

The applicant has prepared a traffic impact study in support of the application using counts taken during the first part of 2004. With the development of the subject property, the traffic consultant concluded that the intersections included in the traffic study would operate at acceptable levels of service. The traffic impact study that was prepared and submitted on behalf of the applicant analyzed the following intersections during weekday peak hours:

Old Fort Road South/Livingston Road (unsignalized)
Old Fort Road South/Gallahan Road (unsignalized)

The following conditions exist at the critical intersections:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
Old Fort Road South/Livingston Road	8.8*	10.6*	--	--
Old Fort Road South/Gallahan Road	11.4*	10.4*	--	--
*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 <i>Guidelines</i> , 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.				

Under existing conditions, staff notes that both critical intersections operate acceptably during the AM and PM peak hours.

Background developments included 7,000 square feet of retail space, 7,000 square feet of office space, 896 single-family dwellings, 226 townhouses, and 48 apartment units. The expected year of full buildout is the year 2006. There are no funded capital improvements in the area, so the resulting transportation network is the same as was assumed under existing traffic. Given these assumptions, background conditions are summarized below:

BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
Old Fort Road South/Livingston Road	13.6*	21.4*	--	--
Old Fort Road South/Gallahan Road	11.9*	10.6*	--	--

*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.

Based on background traffic conditions, staff notes that both critical intersections continue to operate acceptably during the AM and PM peak hours.

The site is proposed for development as a residential subdivision, with 63 single-family dwelling units that would be located on the east side of Old Fort Road South and approximately 3,000 feet north of Livingston Road. With site traffic, the following operating conditions were determined:

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
Old Fort Road South/Livingston Road	14.0*	22.8*	--	--
Old Fort Road South/Gallahan Road	13.2*	11.9*	--	--
Old Fort Road South/Site Entrance	10.2*	11.2*	--	--
<p>*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 <i>Guidelines</i>, 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.</p>				

Based on total traffic conditions, all of the intersections continue to operate at acceptable levels of service and below the threshold of 50.0 seconds of vehicle delay for unsignalized intersections, meeting the adequacy test for unsignalized intersections as defined in the *Guidelines*.

Site Plan Comments

The proposed single-family dwelling units lots would have access to Old Fort Road South, a county maintained street. The entrance way (Courtland Drive) is shown with 60 feet of right-of-way up to Empire Lane. The rest of Courtland Drive, Empire Lane, and Macintosh Court are shown with 50 feet of right-of-way. This is acceptable. The applicant will be required to provide any necessary frontage improvements along Old Fort Road South as required by DPW&T.

Master Plan Comments

The Subregion VII master plan (1981) lists Old Fort Road South as a four-lane collector roadway

with 80 feet of right-of-way. The dedication of 40 feet of right-of-way from the master plan centerline of Old Fort Road South will be required. Gallahan Road is also a master plan road with dedication required of 40 feet from the centerline of the roadway as reflected on the preliminary plan.

Based on the preceding findings, the Transportation Planning Section concludes that the proposed subdivision would meet the requirements of Section 24-124 of the Prince George's County Code if the application is approved with conditions.

7. **Schools**—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 6	Middle School Cluster 3	High School Cluster 3
Dwelling Units	61 sfd	61 sfd	61 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	18.24	4.56	9.12
Actual Enrollment	4,433	4,689	8,654
Completion Enrollment	156.96	86.22	158.07
Cumulative Enrollment	42.00	96.36	192.72
Total Enrollment	4,646.60	4,875.24	9,012.11
State Rated Capacity	4,512	5,114	7,752
Percent Capacity	102.98%	95.33%	116.26%

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

These figures are correct 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 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 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:

Fire and Rescue

- 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 5.22 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 5.22 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 5.22 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 *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 IV-Oxon Hill. The Planning Board’s current test for police adequacy applicable to this application 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 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, 34118-2003-00, 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. **Lot Size Averaging**—The applicant has proposed to utilize the lot size averaging (LSA) provision provided for in Section 24-121(a)(12) of the Subdivision Regulations.

The property is approximately 61 acres and zoned R-R. Section 27-423 of the Prince George’s County Zoning Ordinance establishes 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).

- 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 gross tract area is 61 acres, therefore 129 lots would be permitted. The applicant proposes 61 lots, and two parcels (Parcel A and B) to be developed with single-family dwellings if the existing monopole is removed, for a total of 63 lots. Both Parcels A and B exceed the minimum conventional lot size in the R-R Zone of 20,000 square feet. Of the total 63 lots proposed, 41 lots meet or exceed 20,000 square feet. Therefore, the proposed subdivision meets the minimum zoning ordinance standards for lot size averaging with or without including Parcels A and B.

Further, 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.**

Comment: The applicant has utilized lot size averaging to cluster the dwelling units in the center of the property. The property slopes significantly to Gallahan Road from the top of the plateau where the applicant is proposing the majority of the development. Because of the elevation of the property, expansive views of the surrounding landscape are available from the developing area. By locating the majority of the development in the center the subdivision design enhances the natural amenities of the site and provides these views to a greater number of the residents.

- 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.**

Comment: The applicant has proposed to preserve over 22 acres of this property to be conveyed to a homeowners association. These open space elements are around the perimeters of the site generally and provide an appropriate transition to abutting properties. The open space areas also abut Gallahan Road and will preserve the existing woodland. The applicant is also proposing a 40-foot scenic easement that will help to preserve the rural character and provide appropriate transition to future development along Gallahan Road.

- 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.**

Comment: The applicant has proposed an appropriate subdivision design that is uniquely suited to this particular property. Generally staff does not support the use of lot size averaging to cluster development within the interior of the site unless unique circumstances exist. In this case the property falls sharply to Gallahan Road, a 120-foot change in elevation results in expansive views of surrounding properties. By locating the lot size averaging lots interior to the site, the greatest number of dwelling units will benefit from these views without adversely impacting surrounding properties.

Staff supports the applicant's proposal to utilize the LSA provision for the development of this property.

13. **Cemeteries**—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 that 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 property includes part of the Hunter, Schaaf and possibly Hatton antebellum plantations. This area became known as Chapel Hill, a community of freed slaves after the Civil War, consequently there is a real probability that there may have been slave dwellings and or burials on the property. Documentary and archeological investigation should be required to determine whether there exists physical evidence of slave dwellings or burials. Also noted is that an existing graveyard exists on the abutting property to the north and the applicant should be alert to possible additional burials in the area.

Prior to approval of the final plat, the applicant should submit a Phase I archeological investigation, and a Phase II and Phase III investigation if determined appropriate by Planning Department staff. 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.

14. **Limited Detailed Site Plan**—The applicant has proposed private on-site recreational facilities that require the review and approval of a limited detailed site plan, for appropriate siting, buffering, as well as establishing triggers for construction and bonding amounts. In addition, staff recommends that the following be included in the review:
- a. The subject property raises over 120 feet from Gallahan Road (elevation 60) to the top of the slopes where the property is generally flat (elevation 180). Sixty of the 63 lots proposed (including Parcels A and B) are located at the top of the slope. However, three of the lots are proposed generally halfway up the slope (elevation 120) from Gallahan Road. These three lots are served by a private access easement (Section 24-128(b)(1)) that extends off of the cul-de-sac at the southern end of the property. The easement will provide adequate access to these three lots, which each exceed two acres. Because the slope is cleared and was previously part of the orchard, these dwellings will be highly visible from Gallahan Road. The house siting, architectural appearance and buffering of these dwellings should be reviewed with the limited detailed site plan.
 - b. The Phase I archeological investigation, and if determined appropriate by Planning Department staff, a Phase II and Phase III investigation as described in Finding 13 above.
 - c. The landscaping in the 40-foot-wide scenic easement adjacent to the 10-foot public utility easement parallel to the land to be dedicated for Gallahan Road. The landscaping shall be sufficient to preserve the scenic character of Gallahan Road and shall be comprised of native plant species.

RECOMMENDATION APPROVAL OF TREE CONSERVATION PLAN TCPI/44/04 AND A VARIATION FROM SECTION 24-130 OF THE SUBDIVISION REGULATIONS.

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. Provide an existing structures note.
 - b. Revise the General Notes to indicate the disposition of each parcel proposed
 - c. Revise the General Notes to indicate the total floodplain (1.23 acres) on-site.
 - d. Provide an alternative lot size averaging chart demonstrating that if Parcels A and B are developed with single-family dwellings that the lot size averaging requirements continue to be met.
 - e. Relabel the landscape and conceptual plan as the preliminary plan showing just the lotting pattern, streets and easements. This would consolidate the preliminary plan from four sheets to one. Transfer the preliminary plan notes to the new preliminary plan sheet.
2. Prior to the issuance of permits, a Type II Tree Conservation Plan shall be approved.
3. The applicant shall provide the following pedestrian connections, with the concurrence of DPW&T:
 - a. Standard sidewalks along both sides of all internal roads.
 - b. A standard sidewalk along Old Fort Road.
 - c. Wide asphalt shoulders along Gallahan Road to safely accommodate on-road bicyclists.
4. Development of this property shall be in conformance with the approved Stormwater Management Concept Plan 34118-2003-00, and any subsequent revisions.
5. Prior to approval of building permits the applicant, his heirs, successors and/or assignees shall demonstrate that a homeowners association (HOA) has been established and that the common areas have been conveyed to the HOA.
6. The applicant, his heirs, successors and/or assignees shall submit three original Recreational Facilities Agreements (RFA) to DRD for approval prior to the submission of final plats, for construction of recreational facilities on homeowners land. Upon approval by the DRD, the RFA shall be recorded among the County Land Records.
7. The applicant, his heirs, successors and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for the construction of recreational facilities on homeowners land prior to approval of building permits.
8. At the time of final plat, the applicant, his heirs, successors and/or assignees shall convey to the HOA 20.79 ± acres of open space land (Parcels C, D and E). Land to be conveyed shall be subject to

the following:

- a. Conveyance shall take place prior to the issuance of building permits.
 - b. A copy of unrecorded, special warranty deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division (DRD), Upper Marlboro, along with the final plat.
 - c. All waste matter of any kind shall be removed from the property, prior to conveyance, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section or the entire project.
 - d. The conveyed land shall not suffer the disposition of construction materials, soil filling, discarded plant materials, refuse or similar waste matter.
 - e. Any disturbance of land to be conveyed to a HOA shall be in accordance with an approved detailed site plan or shall require the written consent of DRD. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, 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.
 - f. Storm drain outfalls shall be designed to avoid adverse impacts on land to be conveyed to a HOA. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by DRD prior to the issuance of grading or building permits.
 - g. Temporary or permanent use of land to be conveyed to a HOA for stormwater management shall be approved by DRD.
9. Prior to approval of the limited detailed site plan, the applicant shall submit a Phase I archeological investigation to the DRD staff and, if necessary, 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.
10. The Final Plat shall show all 40-foot building restriction lines established along the 1.5 Safety Factor lines. These building restriction lines shall be labeled 1.5 Safety Factor building restriction line. The location of the building restriction lines shall be reviewed and approved by M-NCPPC, Environmental Planning Section and the Prince George's County Department of Environmental Resources. The Final Plat shall contain the following note:
- “No part of a principal structure may be permitted to encroach beyond the 1.5 Safety Factor building restriction line. Accessory structures may be positioned beyond the building restriction line, subject to prior written approval of the M-NCPPC and DER.”
11. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the expanded stream buffer, excluding those areas where

variation requests have been approved, and be reviewed by the Environmental Planning Section prior to certification. The following note shall be placed on the plat:

“Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.”

12. Prior to the issuance of any permits that impact jurisdictional wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
13. The TCPII shall be approved with the review of the limited detailed site plan. All approved afforestation areas shall be placed in conservation easements at time of final plat.
14. For each lot for which afforestation is proposed, the afforestation and associated fencing shall be installed prior to the issuance of the building permit for that lot. A certification prepared by a qualified professional may be used to provide verification that the afforestation has been completed. It must include, at a minimum, photos of the afforestation areas and the associated fencing for each lot, with labels on the photos identifying the locations and a plan showing the locations where the photos were taken.
15. 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/44/04), 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.”
16. A minimum 40-foot-wide landscape buffer, adjacent to the 10-foot public utility easements parallel to the land to be dedicated for Gallahan Road, shall be shown on the final plats as a scenic easement and the following note shall be placed on the plats:

“Scenic easements described on this plat are areas where the installation of structures and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is permitted.”
17. Prior to approval of the final plat of subdivision a limited detailed site plan shall be approved by the Planning Board or its designee to:
 - a. Review the on-site private recreational facilities on Parcels E and F. Review shall include conformance to the *Parks and Recreational Facility Guidelines*, establishing a bonding amount and triggers for construction of the recreational facilities.
 - b. Approve the landscaping in the 40-foot-wide scenic easement adjacent to the 10-foot public utility easement parallel to the land to be dedicated for Gallahan Road. The landscaping

shall be sufficient to preserve the scenic character of Gallahan Road and shall be comprised of native plant species.

- c. Review house siting, landscaping and architectural elevations on Lots 18, 19 and 20 for views from Gallahan Road and views from Lots 21-26.
- 18. Prior to the approval of building permits for the construction of single-family dwelling units on Parcels A and B, once the monopole has been removed, the applicant shall file a final plat of subdivision in accordance with the Subdivision Regulations for which no preliminary plan is required to convert the parcels into lots.
- 19. The final plat shall carry a note that any lot line adjustments involving Parcels 304 and Parcel G shall not result in an additional buildable lot without a new preliminary plan of subdivision.
- 20. At the time of final plat approval, the applicant shall dedicate right-of-way along Old Fort Road South of 40 feet from the master plan right-of-way centerline.
- 21. The applicant will be responsible for any frontage or roadway improvements along Old Fort Road South as required by DPW&T.

STAFF RECOMMENDS APPROVAL OF TYPE I TREE CONSERVATION PLAN TCPI/44/04 AND A VARIATION TO SECTION 24-130.