



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

Preliminary Plan 4-05078

Application	General Data
Project Name: BRAZELTON PROPERTY Location: West side of Rosaryville Road, approximately 300 feet north of its intersection with Williamsburg Drive. Applicant/Address: Brazelton, Tony R. & Cynthia A. 5840 Kirby Road Clinton, MD. 20735	Date Accepted: 12/19/05
	Planning Board Action Limit: 5/23/06
	Plan Acreage: 23.96
	Zone: R-R
	Lots: 17
	Parcels: 1
	Planning Area: 82A
	Tier: Developing
	Council District: 09
	Municipality: N/A
	200-Scale Base Map: 211SE09

Purpose of Application	Notice Dates
RESIDENTIAL SUBDIVISION	Adjoining Property Owners Previous Parties of Record Registered Associations: (CB-58-2003) 11/18/05
	Sign(s) Posted on Site and Notice of Hearing Mailed: 4/11/06

Staff Recommendation		Staff Reviewer: John Ferrante	
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 4-05078
Brazelton Property, Lots 1-17, Parcels A and B

OVERVIEW

The subject property is located on Tax Map 108, Grid F-4, and is known as Parcel 123. The property consists of approximately 23.96 acres, is zoned R-R, and is currently improved with a single-family dwelling, a garage, and three sheds. The original plans submitted by the applicant utilized a cluster approach that proposed 24 lots for detached single-family dwellings. However, the applicant's justification statement for utilizing the cluster approach on this property could not be supported by staff. Revised plans were submitted that have replaced the 24-lot cluster approach with a 17-lot proposal. Eight of the proposed 17 lots are utilizing lot size averaging as provided in Section 24-121 of the Subdivision Regulations, which require a minimum net lot area of 15,000 square feet. The remaining nine lots are proposed to be subdivided using the conventional standards for the R-R Zone, which require a minimum net lot area of 20,000 square feet. All of the lots proposed meet the minimum net lot area for the R-R Zone based on their perspective lot size averaging and conventional approaches.

On October 20, 1993, the previous owner of the subject property, Alex P. Lee, granted Prince George's County a perpetual conservation easement over a portion of the subject property, thereby restricting and limiting the use of the land and contiguous water areas of the property. The Declaration of Conservation Easement and Covenants for Woodland Preservation Area, recorded in Liber 9099, Folio 190, sets aside 640,570.48 square feet, or 14.7055 acres of woodland conservation easement area. The purpose of this conservation easement is to preserve and protect the environment of the property and to maintain permanently the natural and open space values of the property, particularly the mature forest and the dominant scenic, historic, cultural, rural, agricultural, woodland and wetland character of the property, with special emphasis on habitat preservation for forest interior birds.

The preliminary and tree conservation plans submitted for this application currently propose to encroach into the existing conservation easement for the purposes of retaining two building lots located along the edge of the cul-de-sac of the proposed internal road. The applicant has submitted a request to the county's Office of Law to revise the limits of the existing conservation easement, which upon approval, would allow the two proposed building lots to remain. The applicant's proposal that was submitted to the county's Office of Law requests a partial release of the conservation easement that consists of 15,074 square feet, or 0.3690 acre, that is within the limits of the proposed lotting pattern. In exchange for the partial release of the conservation easement within the proposed limits of the subdivision, the applicant is proposing to convey 30,588 square feet or 0.7022 acre of unencumbered land to Prince George's County for the purposes of including the acreage as additional conservation easement area at another location on the property. At the time of the writing of this report, the county has not authorized the land exchange within the conservation easement. However, various communications between the county's Office of Law and staff have taken place, and continue to be ongoing.

The Transportation Section has conditioned its approval to require that there be no direct access to Rosaryville Road as proposed by the applicant. Staff have required that all access to the proposed subdivision be provided from the existing James Street stub, which feeds onto Williamsburg Drive within the Williamsburg Estates Subdivision. However, access through the James Street stub would affect the existing environmental features on the property, including impacts to the existing stream, wetlands, and expanded stream buffer that would require variation requests to be approved by the Planning Board. This would also effect the proposed revision to the perpetual conservation easement, as it also proposes direct access to Rosaryville Road.

In order to provide access via the James Street stub, the subdivision would have to be revised to essentially reverse the lotting and internal roadway pattern as proposed. At this time, staff is unable to determine if the applicant could obtain the necessary county, state, and possibly federal approvals required to access through the existing James Street stub and its associated environmental impacts to wetland and floodplain areas. With access to Rosaryville Road being denied by the Transportation Section, and access through James Street requiring impacts to sensitive environmental features that were not proposed or reviewed under this application, staff has no option but to recommend disapproval at this time. The Planning Board's action limit on this case is May 23, 2006, therefore, the applicant will have to apply for a new preliminary plan that demonstrates access from the James Street stub road along with the required variation requests and justification statements for any proposed impacts to environmental features.

SETTING

The property is located on the west side of Rosaryville Road approximately 300 feet north of its intersection with Williamsburg Drive. To the north is a church in the R-A Zone. To the south and to the east of the subject property is the Williamsburg Estates Subdivision, which consists of detached single-family dwellings in the R-R Zone. To the west is a large parcel within the R-A Zone that appears to be undeveloped. Future development to the northeast and directly across Rosaryville Road from the subject property will include the Mill Creek Subdivision (Preliminary Plan 4-05025), which was approved with conditions by the Planning Board on November 3, 2005 (PGCPB No. 05-232, adopted December 22, 2005), but not yet recorded. That subdivision consists of 185 lots and 2 parcels. The approved access point for the Mill Creek Subdivision will be on Rosaryville Road, directly across from Williamsburg Drive, forming a four-way intersection.

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)	1 Single-Family Dwelling	17 Single-Family Dwellings
Acreage	23.96	23.96
Lots	0	17
Parcels	1	2
Dwelling Units:		
Detached	1	17
Public Safety Mitigation Fee		Yes

2. **Environmental**—The Environmental Planning Section has reviewed the revised preliminary plan of subdivision for the Brazelton property, 4-05078, and the revised Type I tree conservation plan, TCPI/1/06, stamped as received by the Environmental Planning Section on April 20, 2006. The

Environmental Planning Section supports the variation requests for impacts to sensitive environmental features for the reasons stated in this memorandum and recommends approval of Preliminary Plan 4-05078 and TCPI/1/06 subject to the conditions noted at the end of this report. These environmental impacts are at locations different from that mentioned in the overview section of this report.

The Environmental Planning Section previously approved a Type II Tree Conservation Plan, TCPII/143/91, to satisfy a violation of the Woodland Conservation Ordinance for the subject property. As part of the settlement of that violation, 14.70 acres of the property were placed within a conservation easement controlled by Prince George's County. The proposal is for 17 lots and two parcels in the R-R Zone.

According to the Green Infrastructure Plan, the eastern upland portion of the site is an evaluation area that abuts the regulated area associated with the stream valley. According to the "Prince George's County Soils Survey," the principal soils on this site are in the Bibb and Westphalia series. Marlboro clay does not occur in the 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 sources of traffic-generated noise. The proposal is not expected to be a noise generator. This property is located in the Developing Tier as reflected in the adopted General Plan.

A signed natural resources inventory, NRI/96/05, was submitted with the application. There are two streams, wetlands, and 100-year floodplain on the property associated with Piscataway Creek in the Potomac River watershed. A forest stand delineation (FSD) and wetland report were submitted with the NRI. The FSD indicates three forest stands totaling 15.18 acres with 29 specimen trees.

Forest Stand 1 occupies approximately 3.82 acres in the southeastern portion of the site and is associated with the stream valley. This is a mid-successional woodland dominated by American beech and sweetgum of 20 to 30 inches diameter at breast height with 13 specimen trees. The understory contains flowering dogwood and few invasive plants.

Forest Stand 2 occupies approximately 11.04 acres in the western portion of the site and is associated with the stream valley. This is a mid-successional woodland dominated by red maple and sweetgum of 20 to 30 inches diameter at breast height with 13 specimen trees. The understory contains spicebush, lizard's tail, jack-in-the-pulpit, cinnamon fern, skunk cabbage, and few invasive plants.

Forest Stand 3 occupies approximately 0.50 acre the central portion of the site. This is young woodland dominated by tulip poplar of 12 to 20 inches diameter at breast height with no specimen trees. The understory contains spicebush and some invasive plants.

A portion of the property has an existing conservation easement of 14.70 acres dedicated to Prince George's County and recorded in the Land Records at L.9099 F.190. This easement was created to mitigate a violation of the Woodland Conservation Ordinance by a previous owner of the property. It is our understanding that the applicant for this subdivision has negotiated changes to the conservation easement with Prince George's County. The proposed changes would remove 0.37 acre from the existing easement and add 0.70 acre to the existing easement as shown on the Type I tree conservation plan. The area removed from the conservation easement contains no

sensitive environmental features and the area to be added will assist in preserving the stream valley. No portion of any existing conservation easement may be used to meet the requirement of the Woodland Conservation Ordinance for the proposed development. Because the subdivision utilizes the provisions for lot size averaging, no portion of any conservation easement should be on any lot.

Prior to signature approval of the preliminary plan, the preliminary plan and Type I tree conservation plan should be revised to ensure that no portion of any conservation easement is on any lot, and a conservation easement should be established that contains the expanded stream buffers and the easement dedicated to Prince George's County, except for areas where variation requests for stormwater management outfalls and sanitary sewer connections have been granted.

Additionally, prior to the approval of the final plat, any required changes to the conservation easement, currently recorded in the Land Records at L.9099 F.190, should be recorded in Land Records with copies submitted to the Development Review Division and Environmental Planning Section. TCPII/143/91 will also need to be revised to show the required changes to the conservation easement, currently recorded in the Land Records at L.9099 F.190

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 impacts to streams, wetlands, or their associated buffers unless the impacts are essential for the development as a whole. Staff generally will 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), road 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. A variation request for six impacts, dated April 13, 2006, in accordance with Section 24-113 of the Subdivision Regulations was submitted.

Proposed impacts "A" through "E" are for stormdrain outfalls. Proposed impact "F" is for the installation of a sanitary sewer to serve the development. No request for the proposed impact grading on Lot 7 was requested. This impact must be eliminated.

Section 24-113 of the Subdivision Regulations contains four required findings (text in **bold**) to be made before a variation can be granted.

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:

- (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 the stormdrain outfalls and installation of a sanitary sewer line are required by other regulations to provide for public safety, health and welfare. All designs of these types of facilities are reviewed by the appropriate agency to ensure compliance with the 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;**

Stormwater must be conveyed off of this property because the soils are unsuitable for the amount of infiltration that would be otherwise required. Because the property is essentially trisected by two streams and the only existing sanitary sewer is wholly within an expanded stream buffer, the sanitary sewer must cross portions of the expanded stream buffer.

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

The installation of the stormwater outfall and installation of sanitary sewer are required by other regulations. Because permits from other local, state and federal agencies are 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.**

Design of stormwater management outfalls requires that they be placed where they will provide the proper drainage; the specific topography of the site dictates the location. Because the property is essentially trisected by two streams and the only existing sanitary sewer is wholly within an expanded stream buffer, the sanitary sewer must cross portions of the expanded stream buffer.

The Environmental Planning Section supports the variation requests for the reasons stated above. Prior to the issuance of any permits that impact jurisdictional wetlands, wetland buffers, streams or waters of the U.S., the applicant would need to submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.

This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the property has a previously approved Type II Tree Conservation Plan, TCPII/143/91.

Type I Tree Conservation Plan TCPI/1/06 has been reviewed and was found to require technical revisions. The plan proposes clearing 0.66 acre of the existing 3.76 acres of upland woodland, clearing 0.08 acre of the 10.60 acres of woodland in the 100-year floodplain, and no off-site clearing. The woodland conservation threshold is 2.66 acres. Based upon the proposed clearing, the woodland conservation requirement is 2.91 acres. The plan proposes to meet the requirement by providing 0.35 acre of on-site preservation, 0.31 acre of on-site planting, and 2.25 acres of off-site conservation. An additional 2.75 acres of upland woodland will be preserved on the property; however, none of this acreage may be used to satisfy any requirement of the Woodland

Conservation Ordinance because it is currently within the conservation easement dedicated to Prince George's County and subject to the requirements of TCPH/143/91.

According to the Green Infrastructure Plan, the eastern upland area is an evaluation area that abuts the regulated area associated with the stream valley. The priority preservation areas are those associated with the stream valley and the upland woodland contiguous with the stream valley. Because the subdivision utilizes the provisions for lot size averaging, no woodland conservation areas or conservation easements should be on any lots. A portion of the property has an existing conservation easement dedicated to Prince George's County. No portion of any of the existing conservation easement may be used to meet any the requirement of the Woodland Conservation Ordinance for the proposed development.

With the recommended changes, the plan will meet the policies established by the Woodland Conservation Ordinance and Green Infrastructure Plan by preserving a large contiguous woodland stream valley, which will provide each lot with a sufficient large useable outdoor recreation area.

Prior to signature of the Preliminary Plan, the Type I TCP needs to be revised to:

- a. Remove grading into the expanded stream buffer on Lot 7.
- b. Remove woodland conservation areas from all lots.
- c. Remove woodland conservation from all conservation easements.
- d. Revise the worksheet as needed.
- e. Have the revised plan signed and dated by the qualified professional who prepared the plan

According to the Prince George's County Soils Survey, the principal soils on this site are in the Bibb and Westphalia series. Bibb soils are associated with floodplains. Westphalia soils are in hydrologic class B and are highly erodible, but have few other development limitations.

This information is provided for the applicant's benefit. The Prince George's County Department of Environmental Resources will require a soils report in conformance with CB-94-2004 during the permit process review.

A Stormwater Management Concept Plan, CSD 35566-2005-00, was approved by the Prince George's County Department of Environmental Resources. The Type I tree conservation Plan shows a stormwater management pond near Rosaryville Road and five outfalls.

The Environmental Planning Section is aware that the Transportation Section is recommending an alternative access to the development. Specifically, the main access is proposed to be located from the stub of James Street and not from the location shown on the preliminary plan (access from Rosaryville Road). A variation request for impacts to sensitive environmental features for the construction of the alternative access to James Street was not submitted. This alternative has not been analyzed with regard to the environmental impacts to the stream, wetlands, and expanded stream buffer that would be required. It is the understanding of the Environmental Planning Section that the Maryland Department of the Environment will not generally approve an impact for an access road to a development if there is an alternative that does not require any

impacts unless mandated for public health and safety. The Rosaryville Road access, and the entire subdivision, can be constructed without any significant impacts to sensitive environmental features. If the alternative access to James Street is required, the design of the tree conservation plan will need to be altered.

It should be noted that a change to the proposed roadway access from Rosaryville Road to James Street will require a review of variation requests by the Planning Board for the proposed impacts and appropriate alternatives.

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 and the site will, therefore, be served by public systems.

3. **Community Planning**—The property is located in Planning Area 82-A within the Rosaryville community, and is located in the Developing Tier. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial centers, and employment areas that are increasingly transit serviceable. The proposed development is consistent with the 2002 General Plan development pattern policies for the Developing Tier.

The subject property is within the limits of the 1993 Subregion VI Study Area Master Plan. This application, as described in this report, conforms to the low suburban residential land use recommended in the 1993 Subregion VI Study Area Master Plan.

4. The staff of the Department of Parks and Recreation (DPR) has reviewed the above-referenced preliminary plan application for conformance with the requirements and recommendations of the *Approved Master Plan and Sectional Map Amendment for Subregion VI*, Planning Area 82B, the Land Preservation and Recreation Program for Prince George's County, and current zoning and subdivision regulations as they pertain to public parks and recreation.

The subject property is approximately 23.96 acres in size and includes 10.66 acres of the floodplain along the Piscataway Creek Stream Valley. The applicant proposes developing the site with 17 single-family residential lots, which will result in population of approximately 49 new residents.

The Subregion VI, Planning Area 8A, master plan recommends dedication of the Piscataway Creek Stream Valley and hiker/biker trail construction along the Piscataway Creek and construction of a trail connector from Rosaryville Road to the stream valley trail through the subject property.

DPR staff reviewed the plan and finds that dedication along the Piscataway Stream Valley is important to preserve the creek and fulfill the master plan's recommendations. DPR staff has also determined that the master planned stream valley hiker/biker and equestrian trail will not be constructed on the section of the Piscataway Creek Stream Valley that is adjacent to the Brazelton property. However, a connector trail is recommended for construction on subject property.

Section 24-134(a)(4) states, when the land is shown for preservation as part of a stream valley park on an official master plan, such land may be dedicated or preserved in lieu of

active recreation, provided that the Planning Board finds that there is a reasonable amount of active recreation in the general area and that any trails shown on the master plan are provided. This community is in high need for active recreational facilities and the master-planned trail is not being provided.

Since the applicant cannot develop the floodplain, the applicant proposes dedication of the 100-year floodplain to the homeowners association (HOA). DPR staff recommends that the applicant instead dedicate a portion of the floodplain along Piscataway Creek, as shown on DPR Exhibit "A", to M-NCPPC and the remainder to the HOA. The applicant should also provide access to the dedicated parkland from the cul-de-sac of the proposed internal road (a minimum 30-foot-wide strip of land). The proposed dedication will preserve the stream valleys as public open space available to all Prince George's County residents and will provide the opportunity for trail linkages to existing and future recreational facilities in the public park system.

DPR staff believes that construction of the master planned hiker/biker and equestrian trail connector is inappropriate at this time, because the master planned trail has not been constructed in this section of the Piscataway Creek Stream Valley. However, an easement on the HOA land should be established for a future connector trail.

Because the area is in a high need category for active recreational facilities, DPR staff recommends that the applicant be required to provide a fee-in-lieu of the mandatory dedication of parkland.

5. **Trails**—The approved Subregion VI Master Plan includes three master plan trail recommendations that impact the subject site. The master plan designates an equestrian trail corridor extending from Piscataway Creek to Rosaryville Road through Parcel B of the site. The subject property is near Rosaryville State Park, which includes an extensive trail network for hikers and equestrians. In addition, the community surrounding the subject property includes an active equestrian community, including members of the Rosaryville Conservancy. Equestrian easements have been acquired that link to the state park and connect to the subject property. Staff recommends the provision of a 40-foot-wide public use hiker/equestrian easement within Parcel B. This easement should connect from the land being dedicated to M-NCPPC along Piscataway Creek to Rosaryville Road, as shown on the master plan.

A master plan park trail is designated along Piscataway Creek. The land along this stream valley should be dedicated to the Department of Parks and Recreation. The timing and location of this master plan trail should be determined by DPR. However, the land dedicated along Piscataway Creek would accommodate the master plan trail, if it is determined by DPR that the trail should be along the east side of Piscataway Creek in the vicinity of the subject site. The decision regarding the necessity for trail construction on the subject site at this time will be made by DPR.

A trail corridor is also designated along Rosaryville Road. This is intended along the east side of the road to accommodate equestrians riding to Rosaryville State Park. Where road frontage improvements have been made along Rosaryville Road, standard sidewalks have been provided. These sidewalks are separated from the road with a grass strip, which should also assist in accommodating equestrians to the park. Staff supports the proposed sidewalks along both sides of the internal road.

6. **Transportation**—The subject property is located within the developing tier as defined in the General Plan for Prince George’s County. As such, the subject property is evaluated according to the following standards:

Links and signalized intersections: Level-of-service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better.

Unsignalized intersections: *The Highway Capacity Manual* procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

The subject application proposes the construction of 17 single-family dwelling units. Since this application is projected to generate fewer than 50 peak-hour trips, staff did not require a traffic study. Instead, a peak hour turning movement count was required for each of the following unsignalized intersections:

- Rosaryville Road-Williamsburg Drive intersection.
- Rosaryville Road-Gambier Drive intersection..

Traffic Analyses:

The analysis of the turning movement data revealed the following results:

EXISTING CONDITIONS		
Intersection	AM (LOS/CLV)	PM (LOS/CLV)
Rosaryville Road/ Williamsburg Drive	E/43.9	E/45.6
Rosaryville Road/ Gambier Drive	E/42.4 secs	E/36.0 secs
**Unsignalized intersections are analyzed using the highway capacity software. The results show the level-of-service and the intersection delay measured in seconds/vehicle. A level-of-service “E,” which is deemed acceptable, corresponds to a maximum delay of 50 seconds/car. For signalized intersections, a CLV of 1450 or less is deemed acceptable as per the guidelines.		

Using the *Guidelines For The Analysis Of The Traffic Impact Of Development Proposals*, the proposed development of 17 single-family dwelling units will be adding 13 (3 in; 10 out) AM peak-hour trips and 15 (10 in; 5 out) PM peak-hour trips at the time of full build-out. With the inclusion of background developments already approved, combined with a growth rate of 2 percent along Rosaryville Road, the following results were determined:

TOTAL CONDITIONS		
Intersection	AM (LOS/CLV)	PM (LOS/CLV)
Rosaryville Road/ Williamsburg Drive	F/590.2	F/595.7
Rosaryville Road/ Site Access	E/44.5	F/87.5
Rosaryville Road/ Gambier Drive	F/68.3 secs	F/129.4secs

Based on the results indicated above, all three unsignalized intersections in the vicinity of the subject development will operate inadequately, pursuant to our guidelines. As mentioned previously, 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. Staff will therefore require signal warrants be done for the following intersections:

- Rosaryville Road-Williamsburg Drive intersection.
- Rosaryville Road-Gambier Drive intersection.

Rather than conducting a signal warrant study at the site access with Rosaryville Road, staff is recommending that the direct access to Rosaryville Road proposed by the applicant not be permitted. Staff recommends that the sole access to the site should come from a connection into the existing stub street (James Street) along the southern border of the property. Since the two unsignalized intersections along Rosaryville Road are all projected to operate inadequately, there is no utility in creating a third (failing) intersection along an already congested corridor. By connecting into the James Street stub, which feeds into Williamsburg Drive, the likelihood for signalization at the Williamsburg Drive-Rosaryville intersection is greatly enhanced. Conversely, if the Planning Board approves an access to Rosaryville Road, given the small number of houses (and daily traffic) that fronts the access road, the intersection of the access road with Rosaryville Drive will never meet the technical warrants for signalization. In the view of the transportation planning staff, it is unacceptable to create a situation for the future residents that will result in undue access delays and potential unsafe access and egress.

TRANSPORTATION STAFF CONCLUSIONS

The Transportation Planning Section concludes that adequate access roads will exist as required by Section 24-124 of the Prince George's County Code if the application is approved with the following conditions:

- a. Access to the property shall be limited to the existing James Street on the south side of the subject property
- b. Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency.

Conduct a traffic signal warrant study and install said signals if studies are deemed to be warranted and approved by the Department of Public Works and Transportation.

At the following intersections:

- Rosaryville Road-Williamsburg Drive intersection
- Rosaryville Road-Gambier Drive intersection

7. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this preliminary 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.

Finding

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 4	Middle School Cluster 2	High School Cluster 2
Dwelling Units	24 sfd	24 sfd	24 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	5.76	1.44	2.88
Actual Enrollment	3,965	7,218	10,839
Completion Enrollment	176	112	223
Cumulative Enrollment	0	0	0
Total Enrollment	4,146.76	7,332.88	11,064.88
State-Rated Capacity	4,140	6,569	8,920
Percent Capacity	100.16	111.63	124.05

Source: Prince George's County Planning Department, M-NCPPC, December 2005

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 of approval 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. Council bill CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts are \$7,412 and 12,706 to be a paid at the time of issuance of each building permit.

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 public 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 services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(B)-(E) of the Subdivision Ordinance.

The Prince George's County Planning Department has determined that this preliminary plan is within the required seven-minute response time for the first due fire station Clinton, Company 25, using the *Seven-Minute Travel Times and Fire Station Locations Map* provided by the Prince George's County Fire Department.

The Fire Chief reported that the current staff complement of the Fire Department was above the staff standard of 657 or 95 percent of authorized strength of 692 as stated in CB-56-2005 for a preliminary plan accepted in 2005.

The Fire Chief has reported by letter, dated 12/01/05 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 response standard is 10 minutes for emergency calls and 25 minutes for nonemergency calls. The times are based on a rolling average for the proceeding 12 months, beginning with January 2005. The preliminary plan was accepted for processing by the Planning Department on December 19, 2005.

Reporting Cycle	Date	Emergency Calls	Nonemergency
Acceptance Date	01/05/05-11/05/05	12.00	23.00
Cycle 1	01/05/05-12/05/05	12.00	22.00
Cycle 2	01/05/05-01/05/06	12.00	21.00
Cycle 3	01/05/05-02/05/05	12.00	21.00

The Police Chief reported that the current staff complement of the Police Department was 1,302 sworn officers, which is within the standard of 1,278 officers or 90 percent of the authorized strength of 1,420 as stated in CB-56-2005.

The response time standard of ten minutes for police emergency calls were not met on the date of acceptance or within the following three monthly cycles. In accordance with Section 24-122.01 of the Subdivision Regulations, Preliminary Plan 4-05078 fails to meet the standards for police emergency response calls. The Planning Board may not approve a preliminary plan until a mitigation plan between the applicant and the county is entered into and filed with the Planning Board in accordance with the County Council adopted *Guidelines for the Mitigation of Adequate Public Facilities for Public Safety Infrastructure*.

10. **Health Department**—The abandoned shallow well adjacent to the existing house at 8119 Rosaryville Road must be backfilled and sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative from the Health Department as part of the raze permit. The location of the well should be located on the preliminary plan.

Several unlabeled plastic drums (two at approximately 10 gallons each and two at 55 gallons each) were found at the garage located on the property. A portion of the drums contained some type of liquid. The liquid must be evaluated and disposed of in an appropriate manner by a licensed hazardous waste company. A copy of the manifest must be submitted to this office prior

to preliminary plan approval. If the drums are not removed as part of preliminary plan approval, this office will contact the Hazardous Materials Section of the Prince George's County Fire Department for proper disposal.

A raze permit is required prior to the removal of any of the structures (house, garage, three sheds) on site. A raze permit can be obtained through the Department of Environmental Resources, Office of Licenses and Permits. Any hazardous material located in any structure on site must be removed and properly stored or discarded prior to the structures being razed. The location of the two additional sheds should be located on the preliminary plan. A note needs to be affixed to the preliminary plan that requires that the structures are to be razed and the well properly abandoned at the appropriate stage of the development process.

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, 35566-2005-00 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 for a portion of this property.

Section 27-423 of the Prince George's County Zoning Ordinance establishes the zoning requirements for lot size averaging.

- 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 applicant proposes 17 lots; 9 of the proposed lots meet or exceed 20,000 square feet. Therefore, the proposed subdivision meets the minimum zoning ordinance standards for lot size averaging.

Furthermore, 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 property consists of 23.96 acres; however, only 9.21 acres of the property is currently available for development as the remaining 14.71 acres are encumbered with a woodland conservation easement that was conveyed to Prince George's County. The utilization of lot size averaging on the eastern portion of this property will eliminate the need for any additional impacts to sensitive environmental features that are on the west side of the property. If the road dedication is changed pursuant to the recommendations of the Transportation Planning Section, better access will be accomplished.

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 eight lots between 15,000 and 20,000 square feet. The lots are located east of the proposed internal road. This location provides for a better environment than that which could be achieved by the exclusive use of standard lots, as the abutting adjoining lots within the Williamsburg Estates Subdivision primarily consist of 10,000-square-foot lots. The maximum lot size within abutting Block A in the Williamsburg Estates Subdivision is 14,833 square feet.

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: Utilizing lot size averaging on the east side of the internal road will allow a natural transition between the subject property and the abutting lots within Williamsburg Estates. This will also allow all of the lots on the western side of the proposed internal road to be developed under conventional standards with minimal impacts to sensitive environmental features. The first two building lots at the entrance of the subdivision will also be developed under conventional standards on both sides of the proposed internal road. This will provide a more natural transition as you access the subdivision and will provide the appearance of conventional development as viewed from Rosaryville Road.

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

13. Historic—The property shares a boundary with the National Historic Landmark site, His Lordship's Kindness, which is located within one mile of the property, to the west.

The residence was originally called Poplar Hill, which was a 7,000-acre land grant from Lord Baltimore. Robert Darnall built the structure between 1784 and 1787. The plantation was next owned by members of the Sewall and Daingerfield branches of the same family. Records indicate that Robert Sewall, Robert Darnall's nephew, inherited the property in 1803. His son, Robert Darnall Sewall, inherited the property in 1821; his nieces, Susan and Ellen Daingerfield inherited it upon his death, in 1853. The families were large landholders in the county and owned slaves throughout this period.

Piscataway Creek runs north/south through the western portion of the property. Prehistoric archeological sites have been located in similar settings.

In accordance with Subtitle 24-104, 121(a)(18), and 24-135.01, the subject property should be the subject of a Phase I archeological investigation to identify any archeological sites that may be significant to the understanding of the history of human settlement in Prince George's County, including the possible existence of slave quarters and slave graves, as well as archeological evidence of the presence of Native American peoples.

Phase I archeological investigations should be conducted according to Maryland Historical Trust (MHT) guidelines, *Standards and Guidelines for Archeological Investigations in Maryland* (Shaffer and Cole 1994), and the Prince George's County Planning Board *Guidelines for Archeological Review* (May 2005), and report preparation should follow MHT guidelines and the

American Antiquity or *Society of Historical Archaeology* style guide. Archeological excavations shall be spaced along a regular 15-meter or 50-foot grid and excavations should be clearly identified on a map to be submitted as part of the report. The archeological investigation should address the possibility that graves may be located on this property. The archeological consultant should be made aware that files regarding His Lordship's Kindness are available at the Planning Department.

In accordance with the approved Planning Board *Guidelines for Archeological Review* (May 2005), a qualified archeologist must conduct all investigations and follow *The Standards and Guidelines for Archeological Investigations in Maryland* (Shaffer and Cole, 1994) and the Prince George's County Planning Board *Guidelines for Archeological Review* (May 2005). These investigations must be presented in a draft report following the same guidelines. Following approval of the draft report, four copies of the final report must be submitted to M-NCPPC Historic Preservation staff. Evidence of M-NCPPC concurrence with the final Phase I report and recommendations is required prior to signature approval of the preliminary plan.

The design of a Phase I archeological methodology should be appropriate to identify slave dwellings and burials. Documentary research should include an examination of known slave burials and dwellings in the surrounding area and their physical locations as related to known structures, as well as their cultural interrelationships. The field investigations should include a pedestrian survey to locate attributes such as surface depressions, fieldstones, and vegetation common in burial/cemetery environs.

Upon receipt of the report by the Planning Department, if it is determined that potentially significant archeological resources exist in the project area, prior to Planning Board approval of the final plat of subdivision, the applicant shall provide a plan for:

- a. Evaluating the resource at the Phase II level, or
- b. Avoiding and preserving the resource in place.

STAFF RECOMMENDS DISAPPROVAL OF PRELIMINARY PLAN 4-05078, TYPE I TREE CONSERVATION PLAN TCPI/1/06, AND VARIATIONS TO SECTION 24-130 BASED ON INADEQUATE TRANSPORTATION FACILITIES.