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Preliminary Plan 4-05146

Application	General Data
Project Name: ELLIS'S ADDITION TO MATTHEW'S LANDING Location: Southwest side of Clendinnen Drive, approximately 470 feet northwest of the intersection with Woodyard Road. Applicant/Address: Perlco Builders, Inc. 811 Russell Avenue, Suite #300 Gaithersburg, MD 20879	Date Accepted: 01/23/06
	Planning Board Action Limit: 04/3/06
	Plan Acreage: 0.9670
	Zone: R-R
	Lots: 2
	Parcels: 0
	Planning Area: 81A
	Tier: Developing
	Council District: 09
	Municipality: N/A
	200-Scale Base Map: 2140SE08

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

Staff Recommendation		Staff Reviewer: 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 4-05146
Matthew's Landing Lots 1 and 2

OVERVIEW

The subject property is located on Tax Map 108, Grid C-4, and is known as Parcel 55, which has never been the subject of a preliminary plan of subdivision. The property is approximately .9670 acre and zoned R-R, and is within the limits of the approved and adopted Subregion V master plan and located in the Developing Tier.

The applicant is proposing to subdivide the property into two lots for single-family detached dwellings in accordance with the conventional standards for the R-R Zone. A single-family dwelling currently exists on Lot 2. The existing dwelling will be razed and a new single-family dwelling will be constructed on this lot. Approval of the subject preliminary plan of subdivision will result in one additional building lot that is proposed on the undeveloped portion of property northwest of the existing dwelling. The minimum lot size in the R-R Zone is 20,000 square feet. Both of the proposed lots exceed the minimum of 20,000 square feet.

SETTING

The property is located on the southwest side of Clendinnen Drive, approximately 470 feet northwest of its intersection with Woodyard Road. To the southwest is a single-family dwelling that is situated on 2.1 acres (NLP 139@40) and zoned R-R. To the northwest and southeast of the subject property are parcels developed with single-family dwellings and zoned R-R. To the northeast and across Clendinnen Drive from the subject property is the Matthew's Landing Subdivision, which was platted in 2004 (REP 201@19) and consists of eight single-family dwelling lots in the R-R Zone. Direct lot access to the subject property is provided via Clendinnen Drive, which is classified as an urban secondary residential street with a 50-foot right-of-way width.

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)	Single-Family Dwelling	Single-Family Dwelling
Acreage	0.9670	0.9670
Lots	1	2
Outlots	0	0
Parcels	0	0

Dwelling Units:

Detached

1

2

Public Safety Mitigation Fee

Yes

2. **Environmental**—The Environmental Planning Section has reviewed the preliminary plan of subdivision for Ellis' Addition to Matthew's Landing, 4-05146, and the Type I Tree Conservation Plan, TCPI/7/06, stamped as received on February 17, 2006. The Environmental Planning Section recommends approval of Preliminary Plan 4-05146 and TCPI/7/06 subject to conditions.

The Environmental Planning Section has developed no previous records for this site. The proposal is for two lots in the R-R Zone.

There are no streams, wetlands or 100-year floodplain on the property. The site eventually drains into Piscataway Creek in the Potomac River watershed. According to the "Prince George's County Soils Survey," the principal soils on this site are in the Sassafras series. Marlboro clay does not occur in this area. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program publication entitled "Ecologically Significant Areas in Anne Arundel and Prince George's Counties," December 1997, rare, threatened or endangered species do not occur in the vicinity of this property. No designated scenic or historic roads will be affected by the proposed development. There are no nearby sources of traffic-generated noise. This property is located in the Developing Tier as reflected in the 2002 General Plan.

Based on the most recent Air Installation Compatible Use Zone Study released to the public in August 1998 by Andrews Air Force Base, aircraft generated noise is significant. The study indicates that the site is within the 65-70 dBA (Ldn) noise contour. This noise level is above the state noise standard for residential land uses. It will not be possible to mitigate noise in the outdoor activity areas; however, proper construction materials must be used to ensure that the noise inside of the residential structures does not exceed 45 dBA. A condition should be placed on the final plat requiring that structures have been designed to reduce interior noise levels to 45 dBA or less.

A staff signed Natural Resources Inventory, NRI/144/05, was submitted with the application. There are no streams, wetlands or 100-year floodplain on the property. The forest stand delineation indicates one forest stand totaling 0.82 acre.

According to the Countywide Green Infrastructure Plan, the property contains a network gap. The subject property is on the southwest side of Clendinnen Road, which is southwest of Piscataway Creek. Based upon this analysis and the isolated nature of the site, woodland preservation on this site is not a priority. No further action regarding sensitive environmental features is required.

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

The Type I Tree Conservation Plan, TCPI/7/06, has been reviewed. The plan proposes clearing 0.44 acre of the existing 0.82 acre of woodland. The woodland conservation requirement has been correctly calculated as 0.30 acre. The plan proposes to meet the requirement by providing 0.24 acre of on-site woodland conservation and 0.06 acre of off-site mitigation using fee-in-lieu. This is an appropriate use of fee-in-lieu because the amount of off-site mitigation is less than one acre total.

The Environmental Planning Section recommends approval of the Type I Tree Conservation Plan, TCPI/7/06.

According to the Prince George's County Soils Survey, the principal soils on this site are in the Sassafras series. Sassafras soils pose no special problems for development. This information is provided for the applicant's benefit. A soils report may be required by the Prince George's County Department of Environmental Resources during the permit process review.

An approved stormwater management concept plan and approval letter was submitted with this application. The plan is consistent with the TCPI. No further action regarding stormwater management is required.

Water and Sewer Categories

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

3. **Community Planning**—The subject property is located within the limits of the 1993 master plan for Subregion V, Planning Area 81A, in the Clinton Community. The proposed development of two detached single-family dwellings conforms to the recommendations of the 1993 master plan for Subregion V for low-density, suburban residential land use in this area.

The 2002 General Plan locates the property 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 preliminary plan is consistent with the recommendations of the 2002 General Plan, as set forth in this report.

This application is located south of Andrews Air Force Base in an area subject to significant noise impacts from flight operations exceeding state standards for residential land use (DNL 65db). Approval of this subdivision should include a condition requiring construction techniques that are designed to reduce the adverse impact of such exposure.

The 1997 Air Installation Compatible Use Zone Study (AICUZ) prepared for AAFB by the U.S. Air Force indicates that this property is located in a DNL 70-75 dB noise exposure area. This is somewhat higher than the noise levels indicated on page 75 of the master plan text, which were based on an earlier 1989 AICUZ study. Regardless, areas exposed to noise levels exceeding state standards (DNL 65dB for residential land use) should include construction techniques that are designed to reduce the adverse impact of such exposure (plan text pp.135–140). In addition, the final plat of subdivision should contain a note that discloses that the property is subject to overflights from Andrews Air Force Base and the attendant risks associated with proximity to base operations.

4. **Parks and Recreation**—In accordance with Section 24-134(a) of the Prince George's County Subdivision Regulations, Lot 2 of the subject subdivision is exempt from mandatory dedication of parkland requirements because a house legally exists on the lot at the time of subdivision.

The Park Planning and Development Division recommends that the Prince George's County Planning Board require a payment of a fee-in-lieu of dedication as applicable from Lot 1 of the subject subdivision because the land available for dedication is unsuitable due to its size and location.

5. **Trails**—There are no master plan trails issues identified in the adopted and approved Subregion V master plan that impact the subject site.

Roads are open section with no sidewalks in the vicinity of the subject site. There are no master plan trails issues.

6. **Transportation**—The subject application involves two proposed lots, of which one is already improved with a residential unit that will be razed. The proposed subdivision will net the equivalent of one new residential lot, which would have a minimal impact on adjacent roadways.

Site Access Evaluation: Direct lot accesses would be provided from the Clendennin Drive, a 50-foot right-of way residential street. This is acceptable, as the plan shows this road has been improved to the county standards.

Master Plan Rights-of-Way to be dedicated or recommended to be placed in reservation: No impact on Master Plan rights-of-way. Appropriate rights-of-way are shown for Clendennin Drive.

Site Location: The subject property is located within the Developing Tier, as defined in the General Plan for Prince George's County.

TRANSPORTATION STAFF FINDINGS

The application is a proposal for a residential subdivision of two lots, of which one is already improved with a residential unit that will be razed. Therefore, the proposed development would generate only 1 AM and 1 PM additional peak-hour vehicle trip as determined using *Guidelines for the Analysis of the Traffic Impact of Development Proposals*.

The guidelines states that the Planning Board may find that the traffic impact of a very small development, defined as a development, which generates five or fewer peak hour trips, is a de-minimus or insignificant impact.

TRANSPORTATION STAFF CONCLUSIONS

Based on the preceding findings, the Transportation Planning Section concludes that adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code if the application is approved.

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

Finding

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 5	Middle School Cluster 3	High School Cluster 3
Dwelling Units	1 sfd	1 sfd	1 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	0.24	0.06	0.12
Actual Enrollment	4,145	5,489	9,164
Completion Enrollment	97	64	127
Cumulative Enrollment	377.28	96.12	192.24
Total Enrollment	4,619.52	5,649.18	9,483.36
State Rated Capacity	3,771	6,114	7,792
Percent Capacity	122.50%	92.40%	121.71%

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

These figures are correct on the day this 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 on 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 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/EMS**—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 *7 Minute Travel Times and Fire Station Locations Map* provided by the Prince George's County Fire Department.

The Fire Chief has reported that the current staff complement of the Fire/EMS Department is 704 (101.73 percent), which is above the staff standard of 692, or 100 percent, of the authorized strength of 692 as stated in CD-56-2005.

The Fire Chief has reported by letter dated December 1, 2005, that the department has adequate equipment to meet the standards stated in CB-56-2005.

9. **Police Facilities**—The Prince George’s County Planning Department has determined that this preliminary plan is located in Police District V. The standard for emergency calls response time is 10 minutes and 25 minutes for nonemergency calls. The times are based on a rolling average for the preceding 12 months, beginning with January 2005. The preliminary plan was accepted for processing by the Planning Department on January 23, 2006.

Reporting Cycle	Date	Emergency Calls	Non-emergency
Acceptance Date	01/05/05-12/05/05	12.00	22.00
Cycle 1	01/05/05-01/05/06	12.00	21.00
Cycle 2	01/05/05-02/05/06	12.00	21.00
Cycle 3			

The most recent report from the police chief notes that the current staff complement of the Police Department is 1,317 (92.75 percent) sworn officers, which is below the standard of 1,349 officers, or 95 percent of the authorized strength of 1,420 as stated in CB-56-2005.

Section 24.122.01(2) states that if any of the required statements in the subsection are not provided that meet the criteria specified in the section, on the date the application is accepted by the Planning Board or within the following monthly cycles, then the Planning Board may not approve the preliminary plat. This application fails to meet the criteria regarding the current staff complement of the Police Department personal. The Historic Preservation and Public Facilities Planning Section recommends denial of the preliminary plan at this time.

10. **Health Department**—The abandoned shallow well found adjacent to the existing house at 7901 Clendinnen Drive must be backfilled and sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative of the Health Department as part of the raze permit.

A raze permit is required prior to the removal of any of the structures on site. A raze permit can be obtained through the Department of Environmental Resources, Office of Licenses and Permits. Any hazardous materials located in any structures on-site must be removed and properly stored or discarded prior to the structure being razed. A note needs to be affixed to the preliminary plan that requires that the structure is to be razed and the well properly abandoned and sealed before the release of the grading permit.

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, #44487-2005, 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. **Historic**—A Phase I archeological survey is not recommended by the Planning Department on the above-referenced property because of its small size (less than one acre). However the

applicant should be aware that the property was once part of “His Lordship’s Kindness,” also known as “Poplar Hill,” a large estate managed and owned by the Darnall family. The estate was once 7,000 acres in size and was originally a grant from Lord Baltimore (Charles Calvert) to Colonel Henry Darnall. The original structure, His Lordship’s Kindness (PG 81A-001), located at 7606 Woodyard Road, is a National Historic Landmark.

Section 106 review may require an archeological survey for state or federal agencies, however. Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effects of their undertakings on historic properties, to include archeological sites. This review is required when federal monies, federal properties, or federal permits are required for a project.

RECOMMENDATION

DISAPPROVAL, based on inadequate police facilities.