

R E S O L U T I O N

WHEREAS, Ray-Sun Inc. is the owner of a 11.40-acre parcel of land known as Lots 1-5, VJ 158@86, being located on Tax Map 100 and Grid A-4, said property being in the 15th Election District of Prince George's County, Maryland, and being zoned R-R; and

WHEREAS, on February 25, 2004, IPDS, LLC, filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 20 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-04030 for Isabelle's Estates was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on June 24, 2004, for its review and action in accordance with Article 28, Section 7-116, Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

WHEREAS, the staff of The Maryland-National Capital Park and Planning Commission recommended APPROVAL of the application with conditions; and

WHEREAS, on June 24, 2004, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED the Type I Tree Conservation Plan (TCPI/157/90-01), and further APPROVED Preliminary Plan of Subdivision 4-04030, for Lots 1-20 with the following conditions:

1. Prior to signature approval of the preliminary plan:
 - a. The Type I tree conservation plan shall be revised to:
 - (1) Correct all calculations in the worksheet.
 - (2) Have the revised plan signed and dated by the qualified professional who prepared the plan.
 - b. The preliminary plan shall be revised to:
 - (1) Show the footprint and location of Historic Site #82A-39 in relation to the proposed houses of the subdivision.
 - (2) Show a 40-foot bufferyard along Woodyard Road, required by the *Landscape Manual*, in order to screen the view of new houses from the historic site.

2. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the Patuxent River Primary Management Area (PMA) as defined in Section 24-110 of the Subdivision Regulations 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.”

3. A Type II tree conservation plan shall be approved in conjunction with the limited detailed site plan.
4. Prior to final plat approval, a limited detailed site plan shall be approved by the Planning Board or its designee to address:
 - a. Woodyard Road traffic-generated noise. A Phase II noise study shall be submitted with any detailed site plan submission.
 - b. Useable rear yard areas on Lots 10 and 19.
5. 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/57/90-01), 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.”

6. Prior to signature approval of the preliminary plan, the applicant shall determine the extent of the land that should be the subject of a Phase I archeological investigation with the concurrence of the Development Review Division (DRD). The applicant shall complete and submit a Phase I investigation (including research into the property history and archaeological literature) for those lands determined to be subject. Prior to approval of the final plats, the applicant shall submit Phase II and Phase III investigations as determined by DRD staff as needed. The plan shall provide for the avoidance and preservation of the resources in place or shall provide for mitigating the adverse effect upon these resources. All investigations must be conducted by a qualified archeologist and must follow *The Standards and Guidelines for Archeological Investigations in Maryland* (Schaffer and Cole: 1994) and must be presented in a report following the same guidelines.
7. Prior to the issuance of permits, the applicant, his heirs, successors and/or assignees shall have the scrap tires hauled by a licensed scrap tire hauler to a licensed scrap tire disposal/recycling facility. A receipt shall be turned in to the Health Department.

8. At the time of final plat, the applicant, his heirs, successors and/or assignees shall pay a fee-in-lieu of mandatory park dedication.
9. Development shall be in conformance with the approved Stormwater Management Concept Plan, Concept # 31417-2001-00, or any approved revisions thereto.
10. Per the concurrence of the State Highway Administration, during the construction of frontage improvements, the applicant, his heirs, successors and/or assignees shall construct a minimum eight-foot-wide, Class II, asphalt trail along the subject property's entire frontage on Woodyard Road. This trail shall connect to the planned trail on the adjoining Equestrian Estates development (DSP-03005) and shall be constructed in accordance with SHA standards.
11. The applicant, his heirs, successors and/or assignees, shall construct a standard sidewalk along one side of all internal roads, per the concurrence of DPW&T.
12. At the time of final plat approval, the applicant shall dedicate a right-of-way along MD 223 of 75 feet from the centerline of the existing pavement.
13. The applicant shall provide for any necessary turn lanes and frontage improvements as required by SHA. These may include turn lanes for deceleration and acceleration of vehicles at the site, as well as a left turn lane and/or bypass lane on northbound MD 223. Additional right-of-way dedication to SHA may be required for these improvements.
14. 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, and (c) have an agreed-upon timetable for construction with SHA:
 - a. Widening of Marlboro Pike along the eastbound approach for 300 feet.
 - b. Restriping of the eastbound approach to provide an exclusive left-turn lane and a shared left-turn/through/right-turn lane.
 - c. Modification of the signal operations to provide split phasing for the east-west approaches.

BE IT FURTHER RESOLVED, that the findings and reasons for the decision of the Prince George's County Planning Board are as follows:

1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.
2. The property is located on the northwest side of Woodyard Road, approximately 2,600 feet north of its intersection with Dower House Road.
3. **Development Data Summary**—The following information relates to the subject preliminary

plan application and the proposed development.

| | EXISTING | PROPOSED |
|-------------------------|-----------------|----------------------------------|
| Zone | R-R | R-R |
| Uses | Vacant | Single-family detached dwellings |
| Acreage | 11.4 | 11.4 |
| Lots | 0 | 20 |
| Parcels | 1 | 0 |
| Detached Dwelling Units | 0 | 20 |

4. **Environmental**—There is no 100-year floodplain on the property. No wetlands are known to occur on the property. There is a stream on the property that drains into Charles Branch in the Patuxent River watershed. The site is completely wooded and is subject to a previously approved tree conservation plan. The *Approved Master Plan and Sectional Map Amendment for Melwood–Westphalia (Planning Areas 77 and 78)* indicates that there is a small area of natural reserve on the site. No designated scenic or historic roads are affected by this proposal. Woodyard Road is the nearest source of traffic-generated noise. The proposed use is not expected to be a noise generator. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program publication entitled “Ecologically Significant Areas in Anne Arundel and Prince George’s Counties,” December 1997, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. According to the *Prince George’s County Soils Survey*, the principal soils on this site are in the Croom and Westphalia soils series. Marlboro Clay does not occur in this area. The site is in the Developing Tier according to the adopted General Plan.

Patuxent River Primary Management Area

This site contains natural features that are required to be protected under Section 24-130 of the Subdivision Regulations. The Melwood-Westphalia master plan indicates that there is a small area of natural reserve on the site. The natural reserve on the master plan represents the Patuxent River Primary Management Area (PMA) as defined in Section 24-110 of the Subdivision Regulations.

A stream buffer is reflected VJ 158/86 for the subject site and a stream is shown on TCP/II/148/91, also previously approved for the site. A stream is shown in the *Prince George’s County Soils Survey*. The stream shown on the FSD, TCP, and preliminary plan submitted with the current application is shorter than that shown on previously approved plans. The new limit of the stream was determined by a qualified professional and surveyed. The PMA as defined in Section 24-110 of the Subdivision Regulations is correctly shown. A letter dated April 8, 2004, indicates that no impacts to the PMA are proposed. A conservation easement should be described by bearings and distances on the final plat.

Noise

Woodyard Road is the nearest source of traffic-generated noise and is designated as an arterial in the Melwood-Westphalia master plan. Section 24-121(a)(4) requires that residential lots adjacent to existing or planned roadways of arterial classification or higher be platted to a minimum depth of 150 feet and that adequate protection and screening from traffic nuisances be provided by earthen berms, plant materials, fencing, and/or the establishment of a building restriction line. The noise model used by the Environmental Planning Section predicts that the unmitigated 65 dBA Ldn noise contour is about 144 feet from the centerline of Woodyard Road.

A Phase I noise study has been submitted. Mitigation measures in the form of a barrier wall (or fence) or berm are proposed. The barrier would have to be six to eight feet in height and as close to Woodyard Road as feasible. The fence may be on private lots. The noise wall will be visible from both Woodyard Road and the homes to be constructed on the site. A limited detailed site plan should be reviewed prior to final plats to ensure that the noise wall will mitigate the expected noise appropriately and to ensure that it is attractive.

Woodland Conservation

The forest stand delineation (FSD) has been reviewed. The FSD, based upon four sample points, indicates a single forest stand of 11.4 acres and no specimen trees. The soils chart fails to note the erodibility (k) factor for the soils; however, the FSD notes and the FSD text do correctly indicate which soils are highly erodible. The FSD meets the requirements of the Woodland Conservation Ordinance.

This site is subject to the provisions of the Woodland Conservation Ordinance because the entire site is more than 40,000 square feet in size, has more than 10,000 square feet of woodland, and has a previously approved tree conservation plan. A Type I Tree Conservation Plan, TCPI/57/90, was approved by PGCPB No. 90-119. A revised Type I Tree Conservation Plan, TCPI/57/90-01, has been submitted with this application. The previous Type I TCP was approved when the property was zoned R-A; the property is now zoned R-R.

The revised TCPI/57/90-01, accepted for processing on May 27, 2004, has been reviewed and was found to require revisions. The worksheet contains numerous computational errors; however, these do not affect the design of the plan. According to the table provided on the preliminary plan, the application contains 11.44 acres; however, the worksheet indicates 11.99 acres. The worksheet indicates 0.78 acre of previously dedicated land; however, no land within the limits of the preliminary plan has been previously dedicated. The worksheet indicates 10.62 acres of existing woodland; however, the FSD indicates 11.4 acres of existing woodland. The woodland conservation threshold is 2.29 acres and not 2.24 acres. The calculations of woodland area over the woodland conservation threshold, clearing above the woodland conservation threshold, and clearing below the woodlands conservation threshold are incorrect. The woodland conservation requirement is 6.62 acres, not 6.31 acres.

The plan proposes to provide on-site woodland conservation within the PMA and the remainder as off-site conservation. Proposed lots 10 and 19 will not have adequate useable rear yards if

developed in accordance with the concept shown on the Type I TCP. A limited detailed site plan for Lots 9 and 10 should be required to ensure that adequate rear yards are available outside the PMA.

Soils

According to the *Prince George's County Soils Survey*, the principal soils on this site are in the Croom and Westphalia soils series. Croom and Westphalia soils are highly erodible. A soils report may be required by the Prince George's County Department of Environmental Resources during the permit process review.

Water and Sewer Categories

The property is in water category W-4 and sewer category S-4; it will be served by public systems. Administrative category changes to W-3 and S-3 are required prior to final plat approval.

5. **Community Planning**—The property is in Planning Area 77/Melwood. It is located in the Developing Tier as designated by the 2002 General Plan. 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. This application is not inconsistent with the 2002 General Plan Developing Tier policies for residential development.

The 1994 Melwood-Westphalia master plan recommends residential land use at the low-suburban density of 1.6 to 2.6 dwelling units per acre. The 1994 Melwood-Westphalia sectional map amendment changed the zoning of the subject property from the R-A Zone to the R-R Zone. The proposed single-family detached preliminary plan of subdivision in the R-R Zone conforms to recommendations of the 1994 Melwood-Westphalia master plan for low-suburban residential land use.

The proposed subdivision should be visually appealing from the perspective of travelers on Woodyard Road that can view the rear elevations of four of the proposed residences. Also important is the view from the historic site (82A-39 Mount Clare) opposite the subject property, to the east of Woodyard Road. Substantial buffering and screening can ameliorate this concern. Such additional screening of these lots is consistent with the transportation recommendation that Woodyard Road should “impart a parkway character, retaining mature trees within the right-of-way wherever the opportunity occurs and provide for landscaping over and beyond the customary state standards” (Plan, p. 126).

6. **Parks and Recreation**—The site is subject to the requirements of Section 24-134 of the Subdivision Regulations for mandatory park dedication. However, the size and location of land available for dedication is unsuitable for park purposes. Therefore, staff recommends a fee-in-lieu of park dedication be required.

7. **Trails**—The adopted and approved Melwood-Westphalia master plan recommends a Class II trail along MD 223. This trail has also been recommended for the adjacent proposed Equestrian Estates development and has been shown on DSP-03005. This trail is recommended along the subject property's frontage of MD 223 in keeping with the adjacent development proposal and in conformance with the master plan. If a closed cross section is used on internal roads, standard sidewalks are recommended along one side of all internal roads, per the concurrence of DPW&T.
8. **Transportation**—The transportation staff determined that a traffic study was not warranted by the size of the proposed development. However, a traffic count was available to staff from the Belmont Crest Subdivision's (Preliminary Plan 4-03060) traffic study. The count for the intersection of MD 223 and Marlboro Pike/Osborne Road was taken in March 2003. This was used to determine adequacy. Therefore, the findings and recommendations outlined below are based upon a review of relevant materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*.

Growth Policy—Service Level Standards

The site is within the Developing Tier, as defined in the General Plan for Prince George's County. As such, the subject property is evaluated according to the following standards:

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

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

Staff Analysis of Traffic Impacts

The application is a plan for a residential development of 20 single-family dwelling units. The proposed development would generate 15 AM (3 in, 12 out) and 18 PM (12 in, 6 out) peak hour vehicle trips as determined using the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*.

The traffic generated by the proposed plan would primarily impact the intersection of MD 223 and Marlboro Pike/Osborne Road, which is signalized. This intersection is the nearest signalized intersection most impacted by the development, and would serve most of the site-generated traffic. The transportation staff has available counts taken in March 2003. These counts indicate that the critical intersection operates at LOS D, with a CLV of 1,307, during the AM peak hour.

During the PM peak hour, the intersection operates at LOS D with a CLV of 1,308.

In terms of background development and growth, staff used the 18 background developments included in the traffic study for the Belmont Crest Subdivision, planned in the southwest quadrant of the intersection of MD 223 and Marlboro Pike. In addition, the traffic to be generated by Belmont Crest was included as approved background development. The Belmont Crest traffic study also included an annual growth rate of 1.5 percent on MD 223 and 1 percent on other roadways up to the year 2006.

Staff notes that there are no fully funded roadway projects programmed for the intersection of MD 223 and Marlboro Pike/Osborne Road. There is a funded capital project in the county's Capital Improvement Program that provides for the widening at the intersections of MD 223 and Dower House Road and MD 223 and Rosaryville Road to the south of this development.

With the background development added from the Belmont Crest traffic study and the Belmont Crest Subdivision itself, the critical intersection would operate as follows: AM peak hour, LOS D, with a CLV of 1,436; and PM peak hour, LOS E, with a CLV of 1,503.

Signalized intersections within the Developing Tier, as defined by the General Plan for Prince George's County, must operate at an LOS D standard and a CLV of 1,450 or better. Under background traffic and without any improvements, the critical intersection fails to meet the level-of-service standard.

With site traffic added, the critical intersection would operate as follows: AM peak hour, LOS D, with a CLV of 1,440; and PM peak hour, LOS E, with a CLV of 1,503. The intersection improvements cited in the Belmont Crest Subdivision traffic study will improve the PM peak hour to LOS C, with a CLV of 1,250. This meets the threshold of signalized intersections within the Developing Tier.

Site Plan Comments

Access to the site is proposed from Kristie Drive, the proposed subdivision street with a right-of-way width of 50 feet. Two cul-de-sacs, proposed Dominic Court and Marco Lane, will connect to Kristie Drive. Lots 1-4 should not have direct access to MD 223, an arterial roadway. Based on the State Highway Administration's comments, the applicant will be responsible for providing frontage improvements that could include a bypass lane on northbound MD 223 to accommodate left-turning vehicles into the site. The entrance at Kristie Drive will also have to be built with bike-compatible acceleration and deceleration lanes. Any additional improvements required by the State Highway Administration at Kristie Drive will be the responsibility of the applicant.

Master Plan Comments

MD 223 (Woodyard Road) is listed in the Melwood-Westphalia Master Plan (1994) as A-53, an arterial roadway with a 150-foot right-of-way and four to six lanes. The applicant will be

required to dedicate 75 feet from the centerline of MD 223. A recent study by the State Highway Administration also shows a right-of-way width of 150 feet and four through lanes of traffic. This was for the section of MD 223 between MD 4 and Rosaryville Road.

Transportation Conclusions

Based on the preceding findings, adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George’s County Code if the application is approved with conditions requiring the noted improvements.

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

Impact on Affected Public School Clusters

| Affected School Clusters # | Elementary School Cluster 5 | Middle School Cluster 3 | High School Cluster 3 |
|----------------------------|-----------------------------|-------------------------|-----------------------|
| Dwelling Units | 20 sfd | 20 sfd | 20 sfd |
| Pupil Yield Factor | 0.24 | 0.06 | 0.12 |
| Subdivision Enrollment | 4.80 | 1.20 | 2.40 |
| Actual Enrollment | 4,096 | 4,689 | 8,654 |
| Completion Enrollment | 180.48 | 86.22 | 158.07 |
| Cumulative Enrollment | 176.16 | 49.44 | 98.88 |
| Total Enrollment | 4,457.44 | 4,825.86 | 8,913.35 |
| State Rated Capacity | 4,214 | 5,114 | 7,752 |
| Percent Capacity | 105.78% | 94.37% | 114.98% |

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

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.

This project meets the adequate public facilities policies for school facilities contained in Section 24-122.02, CB-30-2003, CB-31-2003 and CR-23-2003. 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.

10. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of public fire and rescue facilities.
 - a. The existing fire engine service at Forestville Fire Station, Company 23, located at 8321 Old Marlboro Road, has a service travel time of 6.25 minutes, which is beyond the 5.25-minute travel time guideline.
 - b. The existing ambulance service at Forestville Fire Station, Company 23, has a service travel time of 6.25 minutes, which is within the 6.25-minute travel time guideline.
 - c. The existing paramedic service at Clinton Fire Station, Company 25, located at 9025 Woodyard Road, has a service travel time of 7.17 minutes, which is within the 7.25-minute travel time guideline.

These findings are in conformance with the *Approved Public Safety Master Plan* (1990) and the *Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities*. To alleviate the negative impact on fire and rescue services due to the inadequate service discussed, an automatic fire suppression system should be provided in all new buildings proposed in this subdivision, unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate. Because this is a matter of law for residential structures in Prince George's County, no condition is necessary.

1. **Police Facilities**—The proposed development is within the service area for Police District V-Clinton. The Planning Board's current test for police adequacy is based on a standard for square footage in police stations relative to the number of sworn duty staff assigned. The standard is 115 square feet per officer. As of January 2, 2004, the county had 823 sworn staff and a total of 101,303 square feet of station space. Based on available space, there is capacity for an additional 57 sworn personnel. This police facility will adequately serve the population generated by the proposed subdivision.
12. **Health Department**—The Health Department noted the presence of domestic trash and scrap tires on the property. The trash and debris must be disposed of properly. The tires must be hauled by a licensed scrap tire hauler to a licensed scrap tire disposal/recycling facility. A receipt must be turned in to the Health Department.
13. **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, # 31417-2001-00, has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. The approval is valid through June 30, 2004. A revision or extension may be necessary. Development must be in accordance with this approved plan, or any revisions thereto.

14. **Historic Site and Possible Cemeteries**—Although the preliminary plan does not indicate the location of Historic Site 82A-39 (Mount Clare), it is located directly across Woodyard Road from the proposed subdivision. Proposed lots 1–4, fronting on Woodyard Road, will be visible from the historic house at Mount Clare. Mount Clare is a handsome Victorian house of wood frame construction, distinguished by Italianate decorative detail. It was built in 1859 for Richard Mullikin on an approximately 300 acres of the larger Woodyard plantation that had been operated during the American Revolution by Mullikin’s great-grandfather, Stephen West. Because the developing property was almost certainly part of a larger Woodyard plantation, documentary and archeological investigation should be required to determine whether there exists physical evidence of slave dwellings or burials or other significant archeological resources.

15. **Public Utility Easement**—The preliminary plan includes the required ten-foot-wide public utility easement parallel and contiguous to all public rights-of-way. The easement will be shown on the final plat.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board’s action must be filed with Circuit Court for Prince George’s County, Maryland within thirty (30) days following the adoption of this Resolution.

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Eley, seconded by Commissioner Harley, with Commissioners Eley, Harley, Vaughns, Squire and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, June 24, 2004, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 9th day of September 2004.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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