

R E S O L U T I O N

WHEREAS, Sandy Springs Estates is the owner of a 12.71-acre parcel of land known as Parcel 21, located on Tax Map 5 and Grid D-1, said property being in the 10th Election District of Prince George's County, Maryland, and being zoned R-R; and

WHEREAS, on November 19, 2003, Sandy Springs Estates, LLC, filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 18 lots and 1 parcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-03114 for Sandy Springs 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 March 18, 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 March 18, 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/10/00-01), and further APPROVED Preliminary Plan of Subdivision 4-03114, for Lots 1-18, Parcel A with the following conditions:

1. Prior to signature approval of the preliminary plan, the TCPI shall be revised as follows:
 - a. Show all existing specimen trees, including the method of location (field located or surveyed) and provide a specimen trees table with columns to address: tree number, size, species, condition, proposed disposition, comments and/or special preservation treatments recommended.
 - b. Provide the standard TCPI notes on the plan and list notes 1 through 5 and optional note 6. Refer to the stormwater concept approval from the DER in optional note 6.
 - c. Show the proposed clearing and grading necessary for the installation of the noise barrier and revise the woodland conservation worksheet accordingly.
 - d. Have the revised plan signed and dated by the qualified professional who prepared the plan.

- e. Remove all tree preservation from land to be dedicated to M-NCPPC.
2. Development of this subdivision shall be in conformance with an approved Type I Tree Conservation Plan (TCPI/10/00-01). 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/10/00-01), 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.”
3. A Type II Tree Conservation Plan shall be approved prior to the issuance of permits, or at the time of detailed site plan approval for Lots 15 through 18, whichever comes first.
4. At the time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain all of the Patuxent River Primary Management Areas except for areas of approved impacts and shall be reviewed by the Environmental Planning Section prior to certificate approval. 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 permitted.”
5. Prior to approval of building permits for proposed Lots 15-18, the applicant shall construct a noise barrier to mitigate noise impacts from I-95. The following note shall be placed on the final plat: “Building permits for lots shall not be approved until the noise barrier adjacent to Lots 15-18 is constructed.”
6. Prior to approval of the final plat that includes Lots 15-18, a limited detailed site plan shall be approved by the Planning Board to ensure that the proposed noise barrier will attenuate the adverse noise impacts associated with I-95 and to provide a safe and attractive neighborhood for future residents. The site plan shall include the proposed fine grading, house locations and house types for Lots 15-18. The site plan shall also reflect the location and design of the proposed barrier along with proposed screening through the use of trees, shrubs and other plant materials. Finally, the plan shall be submitted to PEPCO or BGE to evaluate the location of the proposed noise barrier with respect to the location of the existing overhead electrical transmission lines. If determined necessary by PEPCO or BGE, the overhead electrical lines may need to be relocated or elevated by the applicant. The materials used for the construction of the wall as a sound barrier shall be limited to concrete and/or masonry materials or other materials found to be acceptable by the Environmental Planning Section due to the longevity of the materials and the need for little or no maintenance.

7. At the time of final plat, the applicant, his heirs, successors and/or assignees shall dedicate to the M-NCPPC 0.78± acre of parkland as shown on the Department of Parks and Recreation (DPR) Exhibit "A." Land to be dedicated shall be subject to the following:
 - a. An original, special warranty deed for the property to be conveyed (signed by the WSSC Assessment Supervisor) shall be submitted to the Subdivision Section of the Development Review Division, The Maryland-National Capital Park and Planning Commission (M-NCPPC), along with the final plat.
 - b. M-NCPPC shall be held harmless for the cost of public improvements associated with land to be conveyed, including but not limited to, sewer extensions, adjacent road improvements, drains, sidewalks, curbs and gutters, and front-foot benefit charges prior to and subsequent to final plat.
 - c. The boundaries and acreage of land to be conveyed to M-NCPPC shall be indicated on all development plans and permits, which include such property.
 - d. The land to be conveyed shall not be disturbed or filled in any way without the prior written consent of the Department of Parks and Recreation (DPR). If the land is to be disturbed, DPR shall require that a performance bond be posted to warrant restoration, repair or improvements made necessary or required by the M-NCPPC development approval process. The bond or other suitable financial guarantee (suitability to be judged by the General Counsel's Office, M-NCPPC) shall be submitted to DPR within two weeks prior to applying for grading permits.
 - e. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to or owned by M-NCPPC. If the outfalls require drainage improvements on adjacent land to be conveyed to or owned by M-NCPPC, DPR shall review and approve the location and design of these facilities. DPR may require a performance bond and easement agreement prior to issuance of grading permits.
 - f. All waste matter of any kind shall be removed from the property to be conveyed. All wells shall be filled and underground structures shall be removed. DPR shall inspect the site and verify that land is in acceptable condition for conveyance, prior to dedication.
 - g. All existing structures shall be removed from the property to be conveyed, unless the applicant obtains the written consent of DPR.
 - h. The applicant shall terminate any leasehold interests on property to be conveyed to the Commission.
 - i. No stormwater management facilities, or tree conservation or utility easements, shall be proposed on land owned by or to be conveyed to M-NCPPC without the prior written consent of DPR. DPR shall review and approve the location and/or design of these features. If such proposals are approved by DPR, a performance bond and an easement

agreement may be required prior to the issuance of grading permits.

8. Development shall be in conformance with the approved stormwater management concept plan, Concept 8003380-1999-01, or any approved revisions thereto.

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 north side of Old Sandy Spring Road, just west of I-95. The ramp from I-95 to westbound MD 198 is just to the southeast of this property.
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 homes and parkland
Acreage	12.71	12.71
Lots	0	18
Parcels	1	1
Detached Dwelling Units	0	18

4. **Environmental**—Based on 2000 air photos, the site is mostly wooded; there are streams, areas of 100-year floodplain, 25 percent or more slope areas, wetlands, and a total of two soil types. These include Beltsville silt loam and Galestown-Evesboro loamy sands. These are moderately well-drained soils (Beltsville) and somewhat excessively drained soils in sandy materials (Galestown-Evesboro). The site does not contain Marlboro clays and is located in the Walker Branch watershed of the Patuxent River basin. There is a significant traffic noise generator that will adversely impact the site: I-95 is within 200 feet from the southeast corner of proposed lot 18. No scenic or historic roads are adjacent to this property. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program publication entitled “Ecologically Significant Areas in Anne Arundel and Prince George’s Counties,” December 1997, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. The site is in the Developing Tier of the 2002 adopted General Plan.

Woodland Conservation

Initially, a Forest Stand Delineation (FSD) text was submitted without a corresponding plan. A Detailed FSD plan and revised text was submitted on March 1, 2004. Staff review of these materials found that the FSD meets the requirements of the Woodland Conservation Ordinance.

The site is subject to the Woodland Conservation Ordinance because it is greater than 40,000 square feet in size, has more than 10,000 square feet of existing woodland, and more than 5,000 square feet of woodland will be cleared. The 12.71-acre site has a net tract area of 11.34 acres and a Woodland Conservation Threshold (WCT) of 20 percent, or 2.27 acres. Woodland conservation required for this site totals 4.24 acres, of which 2.55 acres will be conserved on site and 1.69 acres will be provided in the form of off-site mitigation. Some minor revisions are needed to the TCP I prior to approval.

Patuxent River Primary Management Area

The Subdivision Ordinance, Section 24-130(b)(5), requires the protection of streams, 50-foot stream buffers, wetlands, 25-foot wetland buffers, 100-year floodplain, adjacent areas of slopes in excess of 25 percent, and adjacent areas of slopes between 15 and 25 percent with highly erodible soils and areas of rare or sensitive habitat. When a property is located within the Patuxent River watershed, these features constitute the Patuxent River Primary Management Area (PMA), which is required to be protected to the fullest extent possible.

The TCPI shows impacts to the PMA in two areas. In order for an evaluation to be conducted as to these proposed impacts, a letter of justification dated December 18, 2003, prepared by American Land Concepts, has been submitted. Impact area 1 is located in the northwest portion of the site, behind proposed Lots 5 and 6. The impact totals 133 square feet of the PMA for a water main connection to an existing line at an adjacent site. Impact area 2 is located in the northeast portion of the site between proposed Lots 9 and 10. This impact totals 2,013 square feet for installation of a stormwater management outfall and a connection to an existing WSSC sanitary sewer line.

The impacts proposed are necessary for the construction of infrastructure and utility connections and are supported. Both of these impacts are unavoidable for the installation of necessary infrastructure in the overall development of the site. Staff recommends that the Planning Board find that these impacts result in the preservation of the PMA to the "fullest extent possible." A conservation easement should be placed on the final plat on all areas of the PMA other than those with approved impacts.

Noise

Noise impacts are anticipated from I-95 traffic. The southwest corner of the site is within 200 feet of an off-ramp to the interstate. The revised TCPI and preliminary plan show the unmitigated 65dBA Ldn noise contour line and a proposed noise barrier in relation to proposed lots 15–18 for noise mitigation. Clearing and grading, possibly in off-site locations, necessary for the installation of the proposed noise barrier are not shown on the TCPI as required. While rough grading may proceed prior to final plat approval (provided all necessary approvals are obtained), fine grading for these lots shall be examined through a limited detailed site plan.

On February 27, 2004, a site visit was conducted to determine whether the proposed unmitigated

65 dBA Ldn noise contour was accurately located on the plans. Site conditions were considered, including the existing elevation of I-95 in relation to the elevation of the subject property. The finding was made that the unmitigated 65 dBA Ldn noise contour lines have been accurately located on the revised TCPI and preliminary plan. However, staff recommends the unmitigated and a mitigated 65 dBA Ldn noise contour line in relation to I-95 be shown on all plans associated with this site.

The Planning Board's amended Resolution No. 00-160(A) contains a condition of approval for Preliminary Plan 4-00017 that addressed noise impacts. This condition should be applied to the subject application as well. It has been modified slightly for clarity from the version previously approved.

Water and Sewer Categories

The property is in water category W-3 and sewer category S-3; it will be served by public systems.

5. **Community Planning**—The 2002 General Plan places the property in the Developing Tier. The vision for the Development Pattern in 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 Development Pattern policies for the Developing Tier.

The property is in Planning Area 60/Northwestern Area. The 1990 master plan for Subregion I recommends residential land use at the low suburban density. The 1990 sectional map amendment for Subregion I retained the R-R Zone for this property. The application conforms to the land use recommendations in the 1990 master plan for Subregion I.

6. **Parks and Recreation**—In accordance with Section 24-134 (a) of the Prince George's County Subdivision Regulations, the Park Planning and Development Division (DPR) finds that the mandatory dedication requirement is $0.68 \pm$ acre. The applicant proposes dedication of 0.78 acre (this includes a minimum 30-foot-wide access from the internal court), but it contains tree conservation. This is typically precluded on park parcels. The DPR finds that this parcel would fulfill the mandatory dedication requirement if the tree conservation is removed.

The tree conservation would not be acceptable on the proposed dedication because the land is to be used to provide future trail access from the community to the south and west to existing adjacent West Laurel 2 Community Park. DPR also recommends adding a note clearly labeling and denoting Parcel "A" as proposed parkland dedication.

7. **Trails**—There are no master plan trails issues identified in the adopted and approved Subregion I master plan. An existing M-NCPPC park site is adjacent to the subject site.

8. **Transportation**—Due to the size of the subdivision, staff has not required that a traffic study be done. The staff did request traffic counts of the applicant, and turning movement counts at the critical intersection dated January 2004 were provided. Therefore, the findings and recommendations outlined below are based upon a review of these 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 subject property is in 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 is required in the developing tier.

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 intersection of MD 198 and Sweitzer Lane is determined to be the critical intersection for the subject property. This intersection is the nearest signalized intersection to the site and would serve virtually all of the site-generated traffic. The transportation staff has available counts taken by the applicant in 2004. These counts indicate that the critical intersection operates at LOS C, with a CLV of 1,271, during the AM peak hour. During the PM peak hour, the intersection operates at LOS C with a CLV of 1,229.

There are no funded capital projects at this intersection in either the county’s Capital Improvement Program or the state’s Consolidated Transportation Program that would affect the critical intersection. There are several approved but unbuilt developments that would affect the intersection. With background growth added, the critical intersection would operate as follows: AM peak hour—LOS D with a CLV of 1,347; PM peak hour—LOS D with a CLV of 1,330.

With the development of 18 residences, the site would generate 14 AM (3 in and 11 out) and 16 PM (11 in and 5 out) peak-hour vehicle trips. The site was analyzed with the following trip distribution: 5 percent—south along Sweitzer Lane, 25 percent—west along MD 198, and 70 percent—east along MD 198. Given this trip generation and distribution, staff has analyzed the impact of the proposal. With the site added, the critical intersection would operate as follows:

AM peak hour—LOS D with a CLV of 1,358; PM peak hour—LOS D with a CLV of 1,335.

There are no further issues concerning the development of the subject property. It was determined that a substandard radius along Sandy Road has been reviewed and approved by the county Department of Public Works and Transportation (DPW&T). Also, the issue of an end treatment at the point where Walker Branch Drive stubs into the subject property can be enforced by DPW&T under Subtitle 23; therefore, this issue must be resolved with DPW&T by the applicant at the time of final plat, but no preliminary plan condition is needed to enable this action.

Transportation 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.

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 1	Middle School Cluster 1	High School Cluster 1
Dwelling Units	18 sfd	18 sfd	18 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	4.32	1.08	2.16
Actual Enrollment	5,668	1,804	4,471
Completion Enrollment	103.92	25.98	47.63
Cumulative Enrollment	7.68	6.30	12.60
Total Enrollment	5,783.92	1,837.36	4,533.39
State Rated Capacity	5,299	1,759	4,123
Percent Capacity	109.15%	104.45%	109.95%

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 on 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 and 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 Laurel Fire Station, Company 10, located at 7411 Cherry Lane, has a service travel time of 4.17 minutes, which is within the 5.25-minute travel time guideline.
 - b. The existing ambulance service at Laurel Rescue Squad, Company 49, located at 14910 Bowie Road, has a service travel time of 5.78 minutes, which is within the 6.25-minute travel time guideline.
 - c. The existing paramedic service at Laurel Rescue Squad, Company 49, has a service travel time of 5.78 minutes, which is within the 7.25-minute travel time guideline.

These findings are in conformance with the standards and guidelines contained in the *Approved Public Safety Master Plan* (1990) and the “Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities.” The proposed subdivision will be within the adequate coverage area of the nearest existing fire/rescue facilities for fire engine, ambulance and paramedic service.

11. **Police Facilities**—The proposed development is within the service area for Police District VI-Beltsville. 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 June 30, 2002, the county had 874 sworn staff and a total of 101,303 square feet of station space. Based on available space, there is capacity for an additional 69 sworn personnel. Therefore, in accordance with Section 24-122.01 (c) of the Subdivision Regulations of Prince George’s County, existing county police facilities will be adequate to serve the proposed Sandy Spring Estates development.
12. **Health Department**—The Health Department observed abandoned vehicles, along with scrap tires. The vehicles 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, 8003380-1999-01, 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. Development must be in accordance with this approved plan, or any revisions thereto.

14. **Cemeteries**—There are no known cemeteries on or adjoining the subject property. However, the applicant should be aware that if burials are found during any phase of the development process, development activity must cease in accordance with state law.
15. **Public Utility Easement**—The preliminary plan shows the required ten-foot-wide public utility easement. This easement will be included 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.

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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 Harley, seconded by Commissioner Eley, with Commissioners Harley, Eley, Squire, Vaughns and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, March 18, 2004, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 1st day of April 2004.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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