PGCPB No. 04-93(C) File No. 4-03138

C O R R E C T E D R E S O L U T I O N

WHEREAS, Fort Washington Acres Partners is the owner of a 79.86-acre parcel of land known as Parcel 138, being located on Tax Map 132 and Grid A-1 said property being in the 5th Election District of Prince George's County, Maryland, and being zoned R-R; and

WHEREAS, on December 30, 2003, Danner Development, Inc., filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 72 lots and 4 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-03138 for Fort Washington Acres 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 April 29, 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 April 29, 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/8/04), and further APPROVED Preliminary Plan of Subdivision 4-03138, for *Lots 1-7[9]2 and Parcels A-D with the following conditions:

1. Prior to signature approval of the Preliminary Plan:

   a. The Preliminary Plan and Type I Tree Conservation Plan shall be revised to:

      (1) Avoid all impacts to the wetland and wetland buffer at the end of Red Hill Court.

      (2) Show a maximum of 0.005 acre (217.8 square feet) of disturbance to the steep slopes.

   b. The Type I Tree Conservation Plan shall be revised to:

      (1) To avoid all impact to the wetland and wetland buffer at the end of Red Hill Court.

*Denotes correction
[Brackets] denotes deletion
Underlining denotes addition

      (2) Show the new limit of disturbance.

(3) Remove all woodland conservation from lots.

(4) Revise and label "stream buffer" to read "expanded buffer."

(5) Revise the worksheet as required.

(6) Have the revised plan signed and dated by the qualified professional who prepared the plan.

2. Prior to the issuance of any permits which impact jurisdictional wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.

3. 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/8/04), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation/Tree Preservation Policy."

4. A detailed site plan shall be approved prior to the approval of the final plats.

5. A Type II Tree Conservation Plan shall be approved in conjunction with the Detailed Site Plan.

6. In addition to normal review, the Detailed Site Plan review shall include:

a. A further evaluation of the methods of woodland conservation proposed and the species of plant material to ensure long-term survival. All tree planting will be required to be installed during the first planting season after the start of construction.

b. Landscaping and buffering for the gazebo, taking into account the views of commercial properties across Livingston Road.

c. Half of all lots shall have a minimum width of 80 feet and 25 percent of lots shall have a minimum width of 100 feet at the building line.

d. The use of flag lots and the new lotting pattern shown on the proposed conceptual site plan presented at the public hearing may only be permitted if the Planning Board can find at the time of detailed site plan that these layout changes are in conformance with all applicable requirements of Section 24-138.01 and Section 24-137(d) of the Subdivision Regulations.

7. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the expanded stream buffer, excluding those areas where

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

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

8. The applicant, his heirs, successors, and/or assignees shall provide adequate, private recreational facilities in accordance with the standards outlined in the *Parks and Recreation Facilities Guidelines* and subject to the following:

    a. The applicant, his heirs, successors, and/or assignees shall allocate appropriate and developable areas for the private recreational facilities on homeowners association (HOA) open space land. The private recreational facilities shall be reviewed by the Urban Design Review Section of DRD for adequacy and property siting prior to approval of the preliminary plan by the Planning Board.

    b. A site plan shall be submitted to the Development Review Division (DRD) of the Prince George's County Planning Department, which complies with the standards outlined in the Parks and Recreation Facilities Guidelines.

    c. Submission of three original, executed Recreational Facilities Agreements (RFA) to DRD for their approval, three weeks prior to a submission of a final plat. Upon approval by DRD, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.

    d. Submission to the DRD of a performance bond, letter of credit or other suitable financial guarantee, in an amount to be determined by DRD, within at least two weeks prior to applying for building permits.

    e. The developer, his successor and/or assigns shall satisfy the Planning Board that there are adequate provisions to assure retention and a future maintenance of the proposed recreational facilities.

9. The land to be conveyed to a homeowners association shall be subject to the following:

    a. Conveyance shall take place prior to the issuance of building permits.

    b. A copy of unrecorded, special warranty deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division (DRD), Upper Marlboro, along with the final plat.

    c. All waste matter of any kind shall be removed from the property prior to conveyance, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section or the entire project.

d. The conveyed land shall not suffer the disposition of construction materials, soil filling, discarded plant materials, refuse or similar waste matter.

e. Any disturbance of land to be conveyed to a homeowners association shall be in accordance with an approved Detailed Site Plan or shall require the written consent of DRD. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement and storm drain outfalls. If such proposals are approved, a written agreement and financial guarantee shall be required to warrant restoration, repair or improvements, required by the approval process.

f. Storm drain outfalls shall be designed to avoid adverse impacts on land to be conveyed to a homeowners association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by DRD prior to the issuance of grading or building permits.

g. Temporary or permanent use of land to be conveyed to a homeowners association for stormwater management shall be approved by DRD.

h. Storm drain outfalls shall be designed to avoid adverse impacts on adjacent land owned by or to be conveyed to The Maryland-National Capital Park and Planning Commission (M-NCPPC). If the outfalls require drainage improvements on land to be conveyed to or owned M-NCPPC, the Department of Parks and Recreation (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.

i. There shall be no disturbance of any adjacent land that is owned by, or to be conveyed to, M-NCPPC without the review and approval of DPR.

j. The Planning Board or its designee shall be satisfied that there are adequate provisions to assure retention and future maintenance of the property to be conveyed.

10. The applicant, his heirs, successors and/or assignees shall construct internal trails as shown on the preliminary plan. The exact location of these trails shall be determined at the detailed site plan stage. These trails shall be asphalt and a minimum of six feet wide.

11. Development of this site shall be in conformance with the approved stormwater concept plan, Concept #37008-2003-00, or any approved revisions thereto.

12. At the time of final plat approval, the applicant shall dedicate a right-of-way along Livingston Road of 40 feet from the centerline of the existing pavement, as shown on the submitted plan. Improvements within the right-of-way shall be determined by DPW&T

13. 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 the SHA/DPW&T:

- **MD 210 at Fort Washington Road**: Restripe the westbound approach for Fort Washington Road to indicate a shared left-turn/through/right-turn land and an exclusive right-turn lane. This improvement shall include any signal, signage, and pavement marking modifications that are determined to be necessary by the controlling jurisdiction.

- **Livinston Road at Fort Washington Road**: Provision of a shared left-turn/through lane and an exclusive right-turn lane on both approaches of Livingston Road. This may be done by restriping only if deemed acceptable by the Department of Public Works and Transportation. Any necessary modification to existing signal, signage, and pavement marking shall be the responsibility of the applicant, his heirs, successors and/or assignees.

14. Prior to the issuance of any building permit, the applicant, his heirs, successors and/or assignees shall provide a continuous four-foot-wide, standard sidewalk along the west side of Livingston Road from the northern edge of the subject property to the main entrance of the existing shopping center.

15. Prior to issuance of any building permit, the applicant, his heirs, successors and/or assignees shall work with WMATA and/or DPW&T for establishing a bus stop along Livingston Road within close proximity of the subject property. If the provision of a bus stop along this portion of Livingston Road is deemed acceptable by WMATA and/or DPW&T, the applicant, his heirs, successors and/or assignees shall be responsible for provision of a maximum of two bus shelters for the selected bus station.

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 west side of Livingston Road, north of Swan Creek Road and east of Asbury Drive in Planning Area 80/Broad Creek.

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 homes, private recreational facilities, stormwater management and woodland preservation
Acreage	79.86	79.86
Lots	0	72
Parcels	1	4
Detached Dwelling Units	0	72

4. **Cluster Development Data as Proposed by the Applicant**

Zone	R-R
Gross Tract Area	79.86 acres

Area with Slopes Greater than 25%	0.02 acres
Area within Preliminary 100-year Floodplain	37.46 acres
Cluster Net Tract Area	42.38 acres
Minimum Lot Size Permitted	10,000 sq.ft.
Minimum Lot Size Proposed	10,000 sq.ft.
Number of Lots Permitted	84
Approximate Conventional Lots Achievable	59
Number of Lots Proposed	72
Flag lots proposed	1
Cluster Open Space Required	14.03 acres
2/3 of Required Open Space to be Located Outside of the 100-Year Floodplain and Stormwater Management Facilities	9.36 acres
Cluster Open Space Proposed Outside of the 100-Year Floodplain and Stormwater Management Facilities	27.02 acres
Cluster Open Space Provided	50.78 acres
Mandatory Dedication Required	3.99 acres
Mandatory Dedication Proposed	Private Recreational Facilities
Total Open Space Required (Cluster plus Mandatory Dedication)	14.03 acres
Total Open Space Provided	50.78 acres
Open Space to be Conveyed to Homeowners Association	50.78 acres
Open Space to be Conveyed to M-NCPPC	0 acres
Open Space to be Conveyed to Prince George's County	0 acres
Slopes Exceeding 25% in grade	0.02 acres
25% of Steep Slopes	0.005 acres
Area of Steep Slopes to be Disturbed	0.01 acres
Area of Nontidal Wetlands and Waters of the U.S.	25.87 acres

Modification in Dimensional Standards Permitted in Cluster		Standard in Zone	Modification Allowed	Modification Proposed
27-442(c)	Net Lot Coverage	25%	30%	30%
27-442(d)	Lot Width at Bldg. Line	80'	75'	75'
	Lot Frontage Along Street Line	70'	50'	50'
	Lot Frontage Along Cul-de-sac	60'	50'	50'

5. **Cluster Findings**— The Urban Design Section commented on the proposed preliminary plan application; their comments are attached. The design comments were based on the original plan. Several changes have been made to the plan based on the comments. These comments are incorporated, where appropriate, in the findings below. The design for the proposed cluster subdivision, with modification, meets the purposes and criteria for approval of cluster developments in the R-R Zone found in Subtitles 27—Zoning and 24—Subdivision of the Prince George's County Code. The following findings are required in accordance with Section 24-137 of the subdivision regulations:

   a. Individual lots, streets, buildings and parking areas will be designed and situated in conformance with the provisions for woodland conservation and tree preservation set forth in Subtitle 25 of the Prince George's County Code, and in order to minimize alteration of the historic resources or natural site features to be preserved.

   Comment: The lots have been designed in conformance with the woodland conservation provisions of the County Code. In fact, the applicant proposes to save more wooded area on site than required and afforest the large wetland area on the site.

   b. Cluster open space intended for a recreational or public use, conservation purposes, or as a buffer for a historic resource is appropriate, given its size, shape, topography and location, and is suitable for the particular purposes it is to serve on the site.

   Comment: The cluster open space intended for recreational purposes includes a gazebo, an open play field, a tot lot and single tennis court, and a significant trail system. The common space has been redesigned to allow greater separation between the lots and the recreational facilities. The gazebo will not only provide a central seating area, but will serve as a signature entrance feature for the community. Further examination of the design of the cluster open space, including facility location, landscaping and buffering shall take place at the time of detailed site plan review.

   c. Cluster open space will include irreplaceable natural features located on the tract (such as, but not limited to, stream beds, significant stands of trees, steep slopes, individual trees of significant size, and rock outcroppings).

   Comment: This is the most significant feature of this cluster subdivision proposal. As outlined in the environmental issues section of this report, the applicant will be planting trees in the wetlands. This irreplaceable feature will not only be preserved (as would be required by law anyway) but will be significantly enhanced.

   d. Cluster open space intended for recreational or public use will be easily accessible to pedestrians; and the means of access will meet the needs of the physically handicapped and elderly.

   Comment: The applicant proposes a series of trails that connect various parts of the neighborhood with the open play and recreation areas. These trails will be asphalt and, therefore, easily accessible for all persons.

e. Cluster open space intended for scenic value will achieve this purpose through the retention of irreplaceable natural features described above; or where such natural features do not exist, such techniques as berms planted with trees and the use of landscaping material may be required to eliminate visual monotony of the landscape.

Comment: The open space is more for preservation purposes than scenic. However, as described above, the environmentally sensitive areas of the property will be preserved. Neon Road, a proposed street in the subdivision, will skirt the environmentally sensitive area providing a wide open view for residents in the community. The trail system also includes a path near the top of the slope leading down to the wetlands, providing an even more spectacular view.

f. Diversity and originality of lot layout and individual building design, orientation, and location will achieve the best possible relationship between development and the land.

Comment: Nearly 50 percent of the lots in the community are less than 12,000 square feet in size. About 26.5 percent are between 12,000 and 14,000 square feet. The applicant has agreed to prepare a detailed site plan to show that at least half of the lots shall have lot widths at the front building line of 80 feet; this will give a variety of lot types, allowing for a greater variety of homes. One fourth of the lots shall have lot widths of at least 100 feet at the front building line. All of this shall be achieved with no intrusion into the common open space.

g. Individual lots, buildings, parking areas, and streets will be arranged, designed, situated, and oriented so as to harmoniously relate to surrounding properties, to improve the view from dwellings, and to lessen the area devoted to motor vehicle access and circulation.

Comment: The proposed subdivision is fairly compact; areas devoted to motor vehicle circulation are limited. The developable portion of the property is generally surrounded by floodplain, except across Livingston Road where there are commercial uses. Larger lots along Livingston Road and adequate buffering will reduce the views of the commercially zoned land.

h. Individual lots, buildings, parking areas, and streets will be so situated and oriented as to avoid the adverse effects of shadows, noise, and traffic on, and afford privacy to, the residents of this site.

Comment: The lotting pattern presented is typical of a conventional subdivision in the R-80 Zone. There will be no adverse impacts regarding noise, traffic, shadows or privacy.

i. Not more than one-forth (1/4) of any of the land having slopes greater than twenty five percent (25%) will be removed or altered, and then only when the slopes are isolated, small, or otherwise occur as insignificant knolls, so that the design of the development or cluster open space will not be adversely affected.

Comment: With only 0.02 acre (871.2 square feet) of steep slopes, the applicant may disturb up to 0.005 acre (217.18 square feet) of steep slopes. Applicant's revised plan which eliminates seven lots suggested by the Environmental Planning Section, reduces the amount of disturbance to the steep slopes to within acceptable limits.

j. Appropriate landscape screening techniques will be employed at each entrance to the subdivision and along adjoining existing streets, so as to assure the compatibility of the appearance of the cluster subdivision with that of surrounding existing and planned residential development not approved for cluster development, and to provide an attractive appearance from streets. Individual lots shall also be appropriately landscaped in such a manner as to provide an attractive appearance.

Comment: This issue will be addressed at the time of detailed site plan review.

The revised plan proposed at the April 29, 2004 hearing the reduced number of lots from 79 to 72, with 7 lots having a width of 75 feet at the front building restriction line (BRL) and 65 lots having a width of at least 80 feet at the front BRL. Four flag lots are now shown on the plan as well. (These will need to pass further tests at the Detailed Site Plan stage, or they may be lost.) Although half of the lots are less than 12,000 square feet, more than a quarter of the lots are between 12,000 and 15,000 square feet. Nearly a quarter of the lots also exceed 15,000 square feet. This addresses staff's earlier concerns that the lots were too small and that the subdivision was too dense.

6. **Environmental**—There are streams, wetlands and 100-year floodplain associated with Broad Creek in the Potomac River watershed. No significant areas of steep slopes with highly erodible soils or areas of severe slopes occur on the property. There are no nearby sources of traffic-generated noise. The proposed development is not a noise generator. According to the *Prince George's County Soil Survey*, the principal soils on the site are in the Beltsville, Bibb, Iuka, Keyport, Othello and Sassafras series. Marlboro clay is not found to occur in the vicinity of 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. There are no designated scenic or historic roads in the vicinity of the property. The site is in the Developing Tier according to the adopted General Plan.

Floodplain, Wetlands, Streams and Buffers

This site contains natural features that are required to be protected under Section 24-130 of the Subdivision Regulations. The *Adopted and Approved Master Plan for Subregion VII, Henson Creek (Planning Areas 76A and 76B) and South Potomac (Planning Area 80)* indicates that there are substantial areas designated as natural reserve on the site. As noted on page 42 of the Subregion VII master plan:

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

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

The wetlands, minimum 25-foot wetland buffers, streams, minimum 50-foot stream buffers, the 100-year floodplain, all areas with severe slopes, and all areas with steep slopes containing highly erodible soils are now correctly shown on the revised Preliminary Plan and the revised Type I Tree Conservation Plan. The expanded stream buffer, as defined in Section 24-130 of the Subdivision Regulations, is correctly shown but not properly labeled. A condition requiring the recordation of conservation easement for these areas is appropriate.

The plan proposes impacts to the expanded stream buffers and wetlands buffers. Impacts to these buffers are prohibited by Section 24-130 of the Subdivision Regulations unless the Planning Board grants a variation to the Subdivision Regulations in accordance with Section 24-113. Even if approved by the Planning Board, the applicant will need to obtain federal and state permits prior to the issuance of any grading permit. The additional permit review will assure that the impacts are minimized and that there will be no detrimental effects to public safety, health, or welfare, or be injurious to other property. Staff notes that the existing sanitary sewer main is entirely within the expanded stream buffer and that the topography of the site controls stormwater drainage patterns. Three variation requests, dated March 5, 2004, in conformance with Section 24-113 of the Subdivision Regulations, have been submitted.

Impact #1 is to the expanded stream buffer for the construction of a stormwater management facility to serve the proposed development. This will permanently disturb a total of 6,127 square feet of the expanded stream buffer. Because of the topography of the site, the outfall must be placed within the expanded stream buffer. The details of construction will be reevaluated by the Prince George's County Department of Environmental Resources during the review of the stormwater design plan to determine if impacts can be further reduced.

Impact #2 is for the construction of a cul-de-sac and grading associated with proposed lots is no longer necessary due to the subdivision redesign.

Impact #3 is for a sanitary sewer connection from the proposed development to an existing sewer main. The alignment of the sewer is constrained by the topography of the site. The required connections are to the existing sewer main that is wholly within the expanded stream buffer. The details of construction will be reevaluated by the Washington Suburban Sanitary Commission during the review of the construction permits to further reduce impacts.

Section 24-113(a) of the Subdivision Regulations sets forth the required findings for approval of variation requests. Section 24-113(a) reads:

> **Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this**

Subtitle; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon the 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 sanitary sewer lines and stormwater management outfalls 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.

The only available sanitary sewer main to serve development of this property is wholly located within an expanded stream buffer. Many other properties can connect to existing sanitary sewer without requiring a variance; however, that option is not available for this particular site. The specific topography of the site requires the stormwater outfall to impact the expanded stream buffer.

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

The installation of sanitary sewer lines and stormwater management outfalls is required by other regulations. The proposed impacts are not a violation of any other applicable law, ordinance or regulation because state and federal permits are required prior to construction.

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

The location of the existing sewer main provides no alternative for the connections of the sanitary sewer line that is required to serve the development. It appears only one lot could be created if the sanitary sewer connection is denied.

The direction of stormwater flow is determined by the particular topography of the site. Because of the size of the property and the extent of allowable development, runoff will be generated from roads and roof surfaces. The kinds of stormwater management required for quantity and quality control are the subject of other ordinances. The specific topography of the site and drainage patterns require of the use of an outfall in the vicinity of that shown on the TCPI.

Staff supports variation requests #1 and #3.

Woodland Conservation

A Modified Forest Stand Delineation (FSD) was submitted for review. The FSD is detailed within the proposed development area in the eastern portion of the site and simplified in the western portion of the site where no development is proposed. The FSD indicates that the entire upland portion of the site is forested, but only 7.22 acres of the 37.48 acres of 100-year floodplain are forested. Three specimen trees were identified. The FSD was found to satisfy the requirements of the "Prince George's County Woodland Conservation and Tree Preservation Technical Manual."

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

The plan proposes clearing 33.52 acres of the existing 42.40 acres of upland woodland and clearing 0.053 acre of floodplain woodland. The woodland conservation requirement is 16.91 acres. The plan proposes preserving 6.54 acres of upland woodland and afforestation of 15.85 acres of unforested 100-year floodplain for a total of 22.39 acres.

Woodland conservation may not be proposed on any lots within a cluster subdivision. Finally, the limit of disturbance must be shown on the revised TCP.

The plan proposes a unique opportunity to afforest 100-year floodplain in a priority area as defined in the "Prince George's County Woodland Conservation and Tree Preservation Policy Document." This afforestation will create contiguous woodland where none currently exists in a location that will forward the goals of the *Subregion VII Master Plan,* the approved General Plan and the *Maryland Greenways Plan.* The planting will greatly enhance the environmental value of the stream valley in this neighborhood.

Because the proposed woodland conservation is far in excess of that which would normally be required by a conventional subdivision and in a location of environmental significance, staff recommends approval of TCPI/8/04 subject to minor revisions.

Soils

According to the *Prince George's County Soil Survey* the principal soils on the site are in the Beltsville, Bibb, Iuka, Keyport, Othello and Sassafras soils series. The most significant limitations associated with these soils include high water tables and impeded drainage that would have the greatest impact on sites requiring septic systems; however, public water and sewer are proposed. Additionally, the development has been clustered in the portion of the site containing soils that pose no special problems for development. A soils report may be required by the Prince George's County Department of Environmental Resources during the permit review process.

Water and Sewer Categories

The property is in Water Category W-4 and Sewer Category S-4; it will be served by public systems.

7. **Community Planning—**The 2002 General Plan places 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. This application is not inconsistent with the 2002 General Plan Development Pattern policies for the Developing Tier.

   The 1981 Master Plan for Subregion VII recommends residential land use at Low-Suburban at a density up to 2.6 dwelling units per acre. The 1984 Subregion VII SMA classified this property in the R-R Zone. The proposed residential subdivision, located in the Broad Creek Community, conforms to the land use policy of the 1981 Master Plan for Subregion VII.

8. **Parks and Recreation—**The proposed subdivision is subject to the mandatory dedication requirements of Section 24-134 of the Subdivision Regulations. The Department of Parks and Recreation recommends that the applicant provide on-site private recreational facilities in lieu of dedication of parkland.

9. **Trails**—Both the 1985 Equestrian Addendum and the Adopted and Approved Subregion VII Master Plan designate Swan Creek Road as a master plan bicycle/pedestrian corridor. However, due to the subject site's small amount of road frontage, no recommendations are made regarding this facility. There is an existing sidewalk along the north side of this roadway. No other master plan trails are identified on these plans.

   Parcel B is identified on the submitted preliminary plan as an HOA parcel. This open space winds through portions of the subdivision and provides access to a proposed play field and a proposed gazebo.

   There is an existing park and ride lot to the south of the subject site. The ultimate relocation of Livingston Road (C-219) indicated on the master plan will provide more direct pedestrian access to this park and ride from the communities to the north, including the subject site.

10. **Transportation—**The transportation staff determined that a traffic study detailing weekday analyses was needed. In response, the applicant submitted a traffic study dated January 2004. 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 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. Mitigation, as defined by Section 24-124(a)(6) of the Subdivision Ordinance, is permitted at signalized intersections within any Tier subject to meeting the geographical criteria in the guidelines.

Unsignalized intersections: The Highway Capacity Manual procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal 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 traffic study for this site examined the site impact at four intersections:

- MD 210/Fort Washington Road (signalized)
- Fort Washington Road/Livingston Road (signalized)
- Livingston Road/Oxon Hill Road/Old Fort Road North (signalized)

The existing conditions at the study intersections are summarized below:

EXISTING TRAFFIC CONDITIONS

Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 210 and Fort Washington Road	1,557	1,318	E	D
Fort Washington Road and Livingston Road	823	975	A	A
Livingston Road and Oxon Hill/Old Fort Road North	1,029	1,320	B	D

The area of background development includes nine properties in the vicinity of the subject property. There are no programmed improvements in the county Capital Improvement Program (CIP) or the state Consolidated Transportation Program (CTP). Background conditions are summarized below:

BACKGROUND TRAFFIC CONDITIONS

Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 210 and Fort Washington Road	1,680	1,410	F	D
Fort Washington Road and Livingston Road	887	1,021	A	B
Livingston Road and Oxon Hill/Old Fort Road	1,059	1,368	B	D

North

The site is proposed for development as a residential subdivision. The traffic study is based upon 91 single-family detached residences; however, the current plan includes only 72 residences, and the staff's analysis is based upon the impact of 79 residences. The site would generate 59 (12 in, 47 out) AM peak-hour vehicle trips and 71 (47 in, 24 out) PM peak hour vehicle trips. With the trip distribution and assignment as assumed, the following results are obtained under total traffic:

TOTAL TRAFFIC CONDITIONS

Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 210 and Fort Washington Road	1,692	1,420	F	D
Fort Washington Road and Livingston Road	942	1,091	A	B
Livingston Road and Oxon Hill/Old Fort Road North	1,073	1,390	B	D

The traffic analysis identifies a severe inadequacy at the MD 210/Fort Washington Road intersection. In response to the inadequacy at this intersection, the applicant has proffered mitigation. This intersection is eligible for mitigation under the fourth criterion in the Guidelines for Mitigation Action (approved as CR-29-1994). The applicant recommends the improvements described below to mitigate the impact of the applicant's development in accordance with the provisions of Section 24-124(a)(6). The improvements include:

a. Modify the westbound Fort Washington Road approach from the existing shared left-through and exclusive right-turn to a shared left/through/right and exclusive right-turn lane.

As the action only involves changes to pavement markings, signage, and possibly signalization at this location, right-of-way is not an issue at this location. The impact of the mitigation actions at this intersection is summarized as follows:

IMPACT OF MITIGATION

Intersection	LOS and CLV (AM & PM)		CLV Difference (AM & PM)	
MD 210/Fort Washington Road				
Background Conditions	F/1,680	D/1,410		
Total Traffic Conditions	F/1,692	F/1,420	+12	+10
Total Traffic Conditions w/Mitigation	E/1,669	D/1,439	-23	+19

As the CLV is between 1,450 and 1,813 during the AM peak hour, the proposed mitigation action must mitigate at least 150 percent of the trips generated by the subject property during the AM peak hour. The above table indicates that the proposed mitigation action would mitigate at least 150 percent of site-generated trips during the AM peak hour. While the mitigation action actually worsens conditions during the PM peak hour, total traffic plus modifications would result in LOS D, which is acceptable. **Therefore, the proposed mitigation at MD 210 and Fort Washington Road meets the requirements of Section 24-124(a)(6)(B)(i) of the Subdivision Ordinance in considering traffic impacts.**

The mitigation plan was reviewed by the Department of Public Works and Transportation (DPW&T) and the State Highway Administration (SHA). Comments from both agencies are attached. SHA agreed that the mitigation was acceptable.

DPW&T did not raise objection to the mitigation that was proposed. However, DPW&T had other issues that need to be addressed with a response, and these issues follow:

a. DPW&T was concerned that the MD 210/Swan Creek Road intersection was not reviewed. However, this intersection is affected by 10 percent of site traffic, or approximately 6 AM and 7 PM peak-hour vehicle trips. This relatively small impact does not meet the Planning Board's criteria for requiring study.

b. DPW&T requested that two links of Livingston Road be reviewed. These links, Oxon Hill Road–Fort Washington Road and Fort Washington Road–Swan Creek Road, are both two-lane links but are both less than two miles in length. The Planning Board criteria require that such links be at least two miles in length for potential study.

c. It was noted that the traffic study text indicated a one-lane approach along southbound Livingston Road at Fort Washington Road, but assumed a second lane in the analysis. A right-turn lane does exist, and for that reason the analysis was not changed.

None of these comments require a change in the recommendation of the proposed mitigation action.

Plan Comments

The current plan indicates correct dedication along existing Livingston Road of 40 feet from centerline.

Originally there was a request that a 20-foot strip be shown along the southeastern side of the subject property in order to accommodate future C-213. The Subregion VII Master Plan included this roadway to serve Livingston Road traffic at the point that an interchange would be constructed at MD 210/Swan Creek Road. However, SHA has had a long-running project planning study along MD 210 to develop concepts for improving traffic flow along MD 210. SHA's selected alternate does not utilize the C-213 roadway; in fact, none of the alternatives that were fully studied included use of the C-213 facility. If there were to be a need for it in the future, outlots adjacent to the Fort Washington hospital and retail center exist that could provide a

right-of-way varying between 60 and 80 feet. But current concepts along MD 210 strongly suggest that the C-219 facility will not be implemented. This fact greatly reduces the need to show C-219 on the current plan.

At the hearing, the applicant proffered to make certain transportation improvements. These included additional striping along Livingston Road at the Ft. Washington Road intersection, the provision of a sidewalk along Livingston Road within this available right-of-way, and the provision of up to two bus shelters if a bus stop is deemed appropriate in the vicinity of the subject property along Livingston 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 dedication and road improvements noted.

11. **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 **6**	Middle School Cluster 3	High School Cluster 3
Dwelling Units	72 sfd	72 sfd	72 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	17.28	4.32	8.64
Actual Enrollment	4,433	4,689	8,654
Completion Enrollment	156.96	86.22	158.07
Cumulative Enrollment	0.96	34.80	69.60
Total Enrollment	4,608.20	4,814.13	8,890.31
State Rated Capacity	4,512	5,114	7,752
Percent Capacity	102.13%	94.14%	114.68%

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.

12. **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 Allentown Road Fire Station, Company 47, located at 10900 Fort Washington Road, has a service travel time of 3.38 minutes, which is within the 5.25-minute travel time guideline.

    b. The existing ambulance service at Allentown Road Fire Station, Company 47, has a service travel time of 3.38 minutes, which is within the 6.25-minute travel time guideline.

    c. The existing paramedic service at Allentown Road Fire Station, Company 47, has a service travel time of 3.38 minutes, which is within the 7.25-minute travel time guideline.

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

13. **Police Facilities**—The proposed development is within the service area for Police District IV-Oxon Hill. The Planning Board's current test for police adequacy 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.

14. **Health Department**—The Health Department noted a significant amount of trash and debris in the wetlands area at the end of Lourdes Drive. The applicant will need to remove this debris at the time of grading.

15. **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, #37008-2003-00, 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 November 6, 2006. Development must be in accordance with this approved plan, or any revisions thereto.

16. **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.

17. **Public Utility Easement**—The Preliminary Plan includes the required ten-foot-wide public utility easement. This easement will be recorded 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, April 29, 2004, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 10th day of June 2004.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:JD:meg