

R E S O L U T I O N

WHEREAS, Colevas Group, Inc., is the owner of a 2.02-acre parcel of land known as Parcel 120, shown on Tax Map 116, Grid B-3, said property being in the 9th Election District of Prince George's County, Maryland, and being zoned R-80; and

WHEREAS, on December 29, 2003, Colevas Group, Inc., filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for six lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-03136 for Surratts Gardens 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 May 13, 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 May 13, 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/03/04), and further APPROVED Preliminary Plan of Subdivision 4-03136, for Lots 1-6 with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision the plan shall be revised as follows:
  - a. Revise the lot width at the front building line to 75 feet for Lot 1.
  - b. To pull back Garden Place from the south property line if possible.
  - c. To correctly label the zoning of Outlot A across Garden Drive from the subject property.
  - d. To delineate the required "C" bufferyard along the east property line.
2. Prior to the issuance of permits, a Type II Tree Conservation Plan shall be approved.
3. Prior to approval of the final plat of subdivision, the applicant, his heirs, successors and or assignees shall pay a fee-in-lieu of parkland dedication.

4. The applicant shall provide standard sidewalks along the property’s entire street frontage unless modified by the Department of Public Works and Transportation at the time of issuance of street construction permits.
5. Development of this property shall be in conformance with the approved Stormwater Management Concept Plan #19324-2003-00.
6. Prior to signature approval the TCPI shall be revised to account for all off-site clearing associated with the proposed development.
7. 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/03/04), 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.”
8. Prior to the first building permit, the applicant shall provide the Planning Board or its designee with an update on the progress of the applicant’s proffer to work with the Board of Education to provide a pedestrian path from the subject site to the Surratts High School property to the east.

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 subject property is located on the south side of Garden Drive approximately 230 feet east of its intersection with Glyndale Drive, south of Woodyard Road (MD 223).
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone	R-80	R-80
Use(s)	Vacant	Single-family dwellings
Acreage	2.02	2.02
Lots	0	6
Parcels	1	0
Dwelling Units:		
Detached	0	6

4. **Environmental**—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 and has more than 10,000 square feet of woodland. The simplified forest stand delineation (FSD) indicates a single forest stand with no specimen trees.

A Type I Tree Conservation Plan, TCPI/03/04, has been submitted with this application. The plan proposes clearing all woodland on site and the woodland conservation requirement for the proposal has been correctly calculated as 1.21 acres, if only the on-site clearing is included. The off-site clearing associated with this proposal has not been included in the calculations. The plans must be revised to include all off-site clearing associated with the proposed development. The plan proposes to meet the requirements by providing 1.21 acres of off-site woodland conservation, which will increase when the off-site clearing is included. There are no priority woodlands on the property. Retention of woodland on site would create a forest fragment and encumber very small lots.

The *Prince George's County Soils Survey* indicates that the principal soils on the site are in the Beltsville series. Beltsville soils are highly erodible. Marlboro Clay does not occur in this area. This information is provided for the applicant's benefit. No further action is needed as it relates to this preliminary plan of subdivision review. A soils report may be required by the Prince George's County Department of Environmental Resources during the permit process review.

There are no streams, wetlands or 100-year floodplain on the property. The site eventually drains into Piscataway Creek in the Potomac River watershed. Current air photos indicate that the site is forested. The Subregion V master plan does not show any sensitive environmental features on the property. No designated historic or scenic roads will be affected by the proposed development. There are no nearby sources 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.

#### **Water and Sewer Categories**

The water and sewer service categories are W-3 and S-3 according to water and sewer maps obtained from the Department of Environmental Resources dated June 2003.

5. **Community Planning**—The subject property is located within the limits of the 1993 Subregion V master plan, Planning Area 81A in the Clinton Community. The master plan land use recommendation for the property is suburban residential at up to 3.5 dwelling units per acre. The 2002 General Plan locates this property in the Developing Tier. One of the visions for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities. The proposed preliminary plan is consistent with the recommendations of the master plan and the General Plan.

6. **Parks and Recreation**—In accordance with Section 24-134(a) of the Subdivision Regulations, the Park Planning and Development Division recommends that the applicant pay a fee-in-lieu of the requirement for the mandatory dedication of parkland because the land available for dedication is unsuitable due to its size and location.

At the hearing of May 13, 2004, the Planning Board raised concerns of the inability of residents of the proposed community to access the abutting Surratts High School property and the recreational facilities located thereon. Of concern was the recommendation for the payment of a fee-in-lieu for the fulfillment of mandatory dedication of parkland requirement, based in part on the fact that the subject property abutted the school site, which could provide the community with recreation facilities. Based on testimony, a fence is located along the entire western property line of the Board of Education (BOE) property. The applicant indicated that the fence was in disrepair. The applicant testified to their desire to provide a pedestrian path from the subject site to the BOE property. The applicant proffered to construct a pedestrian path from the subject site to the school site to the east, with the concurrence of the BOE. The applicant acknowledged that fence repair might be necessary to provide safe passage. Specifics regarding a gate or opening were not determined. The proffer of providing a pedestrian path is not to replace the requirement for the payment of a fee-in-lieu of mandatory dedication of parkland.

7. **Trails**—There are no master plan trail issues associated this application. However, a standard sidewalk is recommended along the subject property's entire road frontage along Garden Drive to provide safe pedestrian access to the adjacent Surrattsville High School. Staff would note that the extent of the improvements required along Garden Drive will be determined by DPW&T at the time of street construction permits.
8. **Transportation**—Because of the small number of lots proposed, a traffic study was not required. The findings and recommendations outlined below are based upon a review of all 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," and in consideration of findings made in connection with past applications.

#### **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.

**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**

This applicant proposes six detached residences. Based upon rates in the guidelines, six single-family residences would generate 5 AM and 5 PM peak-hour vehicle trips. The traffic generated by the proposed plan would primarily impact the intersection of MD 223 and Old Branch Avenue/Brandywine Road. Staff has no counts that have been done within the past year at the critical intersection, but analyses were presented to the Planning Board in early 2003. Those analyses indicated that the critical intersection would operate at LOS F, with a critical lane CLV of 1,833 during the AM peak hour when considering all approved development in the area (i.e., background development). Similarly, this intersection would operate at LOS F with a CLV of 1,688 during the PM peak hour under background development. There are no funded improvements to this intersection in either the county's Capital Improvement Program (CIP) or the state's Consolidated Transportation Program (CTP).

Due to the limited trip generation of the site, the Prince George's County Planning Board deemed the site's impact at this location to be de minimus. In accordance with past recommendations to the Planning Board, it is recommended that the Planning Board find that 5 AM and 5 PM net peak-hour trips will have a de minimus impact upon operations in the critical movements at the MD 223/Old Branch Avenue/Brandywine Road intersection. This recommendation is based upon the definition of de minimus in the guidelines, which is "a development which generates five or fewer peak-hour trips."

Based on these findings, adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code.

9. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed the preliminary 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 and concluded the following:

**Finding**

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 5	Middle School Cluster 3	High School Cluster 3
Dwelling Units	6 sfd	6 sfd	6 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	1.44	0.36	0.72
Actual Enrollment	4096	4689	8654
Completion Enrollment	180.48	86.22	158.07
Cumulative Enrollment	143.52	41.60	82.32
Total Enrollment	4421.44	4817.18	8895.11
State Rated Capacity	4214	5114	7752
Percent Capacity	104.92%	94.20%	114.75%

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. 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.

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.

10. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of fire and rescue facilities and concluded the following:
  - a. The existing fire engine service at Clinton Fire Station, Company 25, located at 9025 Woodyard Road has a service travel time of 1.46 minutes, which is within the 5.25-minute travel time guideline.
  - b. The existing ambulance service Clinton Fire Station, Company 25, located at 9025 Woodyard Road has a service travel time of 1.46 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 1.46 minutes, which is within the 7.25-minute travel time guideline.

The proposed subdivision will be within the adequate coverage area of the nearest existing fire/rescue facilities for fire engine, ambulance and paramedic service. 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.”

11. **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 additional 57 sworn personnel. This police facility will adequately serve the population generated by the proposed subdivision.
12. **Health Department**—The Health Department notes that various small amounts of domestic trash and other debris were found on the property and should be removed and properly discarded or stored. The Health Department has no other comment.
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, # 19324-2003-00, has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. Development must be in accordance with this approved plan. The plan proposed a combination of low impact development techniques with storm drains. A 20-foot wide grass storm drain swale is proposed along the south property line.

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 Harley, seconded by Commissioner Vaughns, with Commissioners Harley, Vaughns, Squire, Eley and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, May 13 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

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