

R E S O L U T I O N

WHEREAS, The Maryland-National Capital Park and Planning Commission is the owner of a 16.4-acre parcel of land known as Parcel A of the Killiecrankie Subdivision, Parcel 51, Tax Map 117, Grid B-2, said property being in the 9th Election District of Prince George's County, Maryland, and being zoned R-R; and

WHEREAS, on May 13, 2004, Regal Developmant, L.C. filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 22 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-04051 for Cedar Chase, Phase 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 July 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 July 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/47/04), and further APPROVED Preliminary Plan of Subdivision 4-04051, Cedar Chase, Phase II for Lots 1-21 and Parcel A with the following conditions:

1. Development of this subdivision shall be in accordance with the approved Stormwater Management Concept Plan, CSD#18780-2004-00, or any approved revision thereto.
2. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the wetlands and wetland buffer and be reviewed by the Environmental Planning Section prior to certification. The following note shall be placed on the plat:

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

3. 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/47/04), 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. Prior to the approval of building permits, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building permits stating that building shells of structures have been designed to reduce interior noise levels to 45 dBA (Ldn) or less.

5. The following note shall be placed on the Final Plat:

“Properties within this subdivision have been identified as possibly having noise levels that exceed the state noise standards for residential uses (65 dBA Ldn) due to military aircraft overflights. This level of noise is above the Maryland-designated acceptable noise level for residential uses.”

6. Prior to signature approval of the Preliminary Plan of Subdivision, the Type I Tree Conservation Plan shall be revised to:

- a. Add the following note:

“Planting specification on the Type II Tree Conservation Plan for the land to be dedicated for parkland shall be approved by the Department of Parks and Recreation.”

- b. Have the revised plan signed and dated by the qualified professional who prepared the plan

7. Prior to the filing of a final plat for the subject property, the 20-foot road along the western boundary described in the deed for Parcel 51 shall either be shown or the applicant shall provide documentary evidence showing that it no longer exists.

8. At the time of final plat, the applicant, his heirs, successors and or assignees shall dedicate to The Maryland-National Capital Park and Planning Commission 3.517 acres (Parcel B). Lands to be dedicated shall be subject to the following:

- a. An original, special warranty deed for the property to be conveyed (signed by the Assessment Supervisor, Washington Suburban Sanitary Commission) 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 that 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 permits.
- e. Stormdrain outfalls shall be designed to avoid adverse impacts on 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 the issuance of grading permits.
- f. All waste matter of any kind shall be removed from the property to be conveyed. DPR shall inspect the site and verify that it is in acceptable condition for conveyance prior to final plat approval.
- g. No stormwater management facilities or tree conservation or utility easements shall be proposed on lands 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.

- h. The applicant, his successors and/or assignees shall submit a letter to the Subdivision Section, DRD, prior to final plat indicating that DPR has conducted a site inspection and found the land to be dedicated to M-NCPPC in acceptable condition for conveyance.
9. Subject to the approval of the Commission, the Planning Board shall authorize the Executive Director to dispose of 4.6 acres of park property as shown on attached Exhibit "A."
10. The applicant shall prepare deeds for the properties to be exchanged (signed by the WSSC Assessment Supervisor) and submit them to the Department of Parks and Recreation for their review at least four weeks prior to submission of the final plat of subdivision. A title report shall accompany the deed for the land to be conveyed to M-NCPPC. Following approval by the DPR, the deed for the property to be conveyed to M-NCPPC shall be submitted to the Subdivision Section along with the Final Plat of Subdivision. Upon receipt of a recorded deed, DPR staff will take necessary actions to convey the 4.6 acres of parkland to the applicant. The applicant shall record the deeds in land records of Prince George's County.
11. The developer shall construct one open play area (100 feet x 200 feet), one multiage tot-lot, one sitting area ,and a parking lot (six spaces) on proposed park parcel as shown on attached Exhibit "A."
12. Prior to submission of grading permits, the applicant shall submit detailed construction drawings for park facilities on parkland to DPR for review and approval.
13. Prior submission of grading permits, the applicant shall submit landscaping plans for the park parcel showing the plant materials, landscape specifications, and caliper of the trees to DPR for review and approval.
14. The recreation facilities on the park property shall be designed in accordance with the applicable standards in the *Parks and Recreation Facilities Guidelines*.
15. The parkland shall be graded to accommodate maximum usable area for active recreation. The parkland shall not be used for stormwater management facilities.
16. Prior to issuance of the 11<sup>th</sup> building permit in the subject subdivision, the applicant shall complete the construction of the recreation facilities on parkland.

17. Prior to submission of a final plat of subdivision, the applicant shall enter into a public Recreational Facilities Agreement (RFA) for construction of the recreational facilities on park property. The applicant shall submit three originals executed RFAs to the Department of Parks and Recreation (DPR) for their approval three weeks prior to the submission of the final plat. Upon approval by DPR, the RFA shall be recorded among the land records of Prince George's County.
18. The applicant shall submit a performance bond, letter of credit, or other suitable financial guarantee for the construction of the recreational facilities, in an amount to be determined by DPR, within at least two weeks prior to applying for building permits.
19. The TCPI shall be revised to reflect the tree conservation area agreeable to DPR.
20. Prior to the issuance of any building permits within the subject property, the following road improvements shall have full financial assurances, have been permitted for construction, and have an agreed-upon timetable for construction with SHA and/or DPW&T:
  - a. Lengthen the westbound right turn lane on MD 223 to remove the westbound right turns from the through lane. This also will involve some re-stripping along the MD 223 east leg of the intersection.
  - b. Re-stripe the northbound turn lanes on Dangerfield Road to provide separate left-turn, through, and right-turn lanes.
21. Prior to signature approval of the preliminary plan, the plan shall be revised so that all lots meet conventional R-R Zone standards (20,000 square feet), which could result in a loss of lots. A major alteration in the lotting pattern could result in the requirement for a new preliminary plan of subdivision.

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 at the end of Killiecrankie Drive (a paper street), in a platted but undeveloped subdivision southeast of the intersection of Woodyard Road and Dangerfield Road.
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-R	R-R
Uses	Vacant Land Undeveloped Parkland	Single-family Residences Neighborhood Park
Acreage	16.4	16.4
Lots	0	22
Parcels	2	1
Detached Dwelling Units	0	22

4. **Environmental**—The property contains wetlands associated with Piscataway Creek in the Potomac Watershed. There are no streams or 100-year floodplain on the property. Current air photos indicate that most of the site is forested. Based on the most recent Air Installation Compatible Use Zone Study released to the public in August 1994 by the Andrews Air Force Base, aircraft-generated noise is significant. The proposal is not expected to be a noise generator. No scenic or historic roads are affected by the application. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program publication titled “Ecologically Significant Areas in Anne Arundel and Prince George’s Counties,” December 1997, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. According to the *Prince George’s County Soils Survey* the predominant soil types on site are Aura, Beltsville, Mattawan, and Sassafras series. The site is in the Developing Tier according to the 2002 General Plan.

**Wetlands**

The site contains significant environmental features that are required to be protected by Section 24-130 of the Subdivision Regulations. The Preliminary Plan and Type I Tree Conservation Plan show an area of wetlands and the minimum 25-foot buffer. The plans indicate that the wetlands were field located on September 30, 2003. No impacts to any sensitive environmental features are proposed.

**Woodland Conservation**

The amended Forest Stand Delineation text (FSD) submitted has been reviewed. The FSD plan indicates that Stand A is 6.89 acres, Stand B is 7.40 acres, and Stand C is 2.15 acres for a total of 16.44 acres of woodland. Soils and wetlands are shown. There are no steep or severe slopes on the subject property. The FSD meets the requirements of the Woodland Conservation Ordinance.

This site is subject to the provisions of the Woodland Conservation Ordinance because the entire site is more than 40,000 square feet in size and has more than 10,000 square feet of woodland. A Tree Conservation Plan was submitted. The Type I Tree Conservation Plan, TCPI/47/04, has been reviewed. The plan proposes clearing 12.30 acres of the existing 16.44 acres of woodland. The woodland conservation requirement has been correctly calculated as 6.36 acres. The plan

proposes to provide 2.96 acres of on-site preservation, 0.59 acres of on-site reforestation and 2.81 acres of off-site conservation for a total of 6.36 acres. An additional 1.18 acres of on-site woodland will be retained but not be part of any requirement.

The plan proposes woodland conservation on land to be dedicated to the Department of Parks and Recreation and written consent has been obtained. Planting specifications on the Type II Tree Conservation Plan for the land to be dedicated for parkland shall be approved by the Department of Parks and Recreation.

### **Noise**

Based on the most recent Air Installation Compatible Use Zone Study released to the public in August 1994 by the Andrews Air Force Base, aircraft-generated noise in the vicinity is significant. The study indicates that the noise threshold is within 70-75 dBA (Ldn). This noise level is above the State Acceptable Noise Level of 65 dBA (Ldn) for residential land uses. It will not be possible to mitigate aircraft noise in the outdoor activity areas; however, the use of proper construction materials must be used to ensure that the noise inside of the residential structures does not exceed 45 dBA (Ldn).

### **Soils**

According to the *Prince George's County Soils Survey* the predominant soil types on site are Aura, Beltsville, Mattawan, and Sassafras series. There are no steep or severe slopes on the site.

### **Water and Sewer Categories**

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

5. **Community Planning**—The 2002 General Plan placed this 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, as modified by the conditions of approval, is not inconsistent with the 2002 General Plan Development Pattern policies for the Developing Tier.

The property is in Planning Area PA 81A / Clinton. The 1993 Subregion V master plan recommends Low-Suburban residential land use at up to 2.6 dwelling units per acre. The proposed preliminary plan density is in conformance with the development recommendations of the master plan.

### **Andrews Air Force Base—Air Installation Compatible Use Zones (AICUZ)**

This site is located under the flight path for aircraft at Andrews Air Force Base, approximately two miles from the south end of the runway, within an area encompassed by Air Installation Compatible Use Zone (AICUZ) studies. The 1989 AICUZ study reference in the master plan text

(pp. 70, 75) has been updated to reflect changing operations at Andrews Air Force Base. The current AICUZ study is dated 1998 and identifies the subject property as in Accident Potential Zone Two (APZ II), and within the boundary of the 70-75 dBA (Ldn) noise contour.

Master plan recommendations pertaining to residential development in airport environments that may apply to review of this application, include:

“Regulations should be adopted to require that subdivision plats and deeds of sale for any residential property located in areas around airports include language informing any buyer about areas identified as having increased accident potential or areas that exceed noise levels of 65 dBA (Ldn) due to aircraft operations.” (Living Areas Recommendations, p. 51).

“New homes in areas around airports that are subject to higher than desirable noise levels for residential areas (generally over 65 dBA (Ldn) should be developed at as low a density as is practical; should be planned utilizing cluster development techniques to move homes away from noise impact areas; and units should be acoustically buffered to reduce interior noise to acceptable standards.” (Living Areas Recommendations, p. 52).

4. **Parks and Recreation**—The staff of the Department of Parks and Recreation (DPR) has reviewed the above-referenced preliminary plan application for conformance with the requirements of the Adopted and Approved Subregion V Master Plan, the Land Preservation and Recreation Program for Prince George’s County, and current zoning and subdivision regulations as they pertain to public parks and recreation.

### **Findings**

The proposed subdivision contains existing Parcel 51, (11.8 acres) recorded in Liber 17520 and Folio 324 and owned by the Regal Development, L.C., and Parcel A (4.6 acres) recorded in Liber 4746 Folio 931 (Killiecrankie Neighborhood Playground), which is owned by the M-NCPPC. In accordance with Section 24-134 of the Subdivision Regulations, Parcel 51 is subject to requirements for the mandatory dedication of the parkland (0.6 acre).

Killiecrankie Neighborhood Playground contains 4.6 acres of land that was dedicated to M-NCPPC as part of the Killiecrankie Subdivision (Preliminary Plan 4-74016). There is an agreement entitled “Dedication Agreement” recorded in Prince George’s County land records at Liber 4544, folio 877 requiring the grading of the dedicated parkland for a ball field and parking lot prior to issuance of the 41<sup>st</sup> building permit in Sections 1 and 2 in the Killiecrankie Subdivision. The Killiecrankie Subdivision had been platted but not developed. The dedicated parkland in the back of the subdivision had been pending improvements for the last 29 years.

Regal Development, L.C, acquired the land in Killiecrankie Subdivision and Parcel 51 and currently plans to develop the entire property. In order to provide an access to Parcel 51, the applicant proposed a land exchange between M-NCPPC and the applicant. The applicant proposed to convey 3.5 acres located just to the west of park parcel to M-NCPPC for the 4.6-acre

parcel mentioned above.

The proposed land exchange will provide more usable acreage for a public park and needed access to Parcel 51. After examining the parkland, staff determined that 1.8 acres of the 4.6-acre park parcel are encumbered by wetlands, which will preclude development in the originally planned park.

DPR staff and the applicant developed a mutually acceptable exchange. The following is a summary of the mutually acceptable package:

- The conveyance of 4.6 acres from M-NCPPC to Regal Homes.
- The conveyance of 3.5 acres from Regal Development, L.C., to M-NCPPC.
- The construction by Regal Development, L.C., of the access road to the park, an open play field (100 feet x 200 feet), a multiage playground, a sitting area, a parking lot and landscaping (as shown on attached Exhibit “B”).

Regal Development, L.C., will encumber the perimeter of the proposed parkland with a tree conservation area. DPR staff further recommends that the reforestation areas on the parkland be treated as landscape buffer. All *Landscape Manual* requirements related to the amount of plant materials, landscape specifications, caliper of the trees, and planting methods shall be applicable for reforested areas on parkland. This will provide substantial landscape buffer between the active park and the surrounding single-family residential lots. Staff believes that the conveyance of 3.5 acres of developable land with the proposed recreational facilities will be of greater value to the public than the parkland previously conveyed to M-NCPPC.

7. **Trails**—There are no master plan trails issues identified in the 1993 Subregion V master plan. The subject application proposes open road cross-sections, consistent with the previously approved Cedar Chase, Phase 1.
8. **Transportation**—The transportation staff determined that a traffic study was not warranted by the size of the proposed development. However, several traffic counts for the intersection of MD 223 (Woodyard Road) and Dangerfield Road were available to staff from previous applications. These counts, taken in 2003, were used to determine adequacy. Therefore, the findings and recommendations outlined below are based upon a review of relevant materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*.

#### **Growth Policy—Service Level Standards**

The subject property is located within the Developing Tier, as defined in the 2002 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 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 transportation staff is basing its findings on the traffic impacts at one critical intersection, which is signalized. The traffic generated by the proposed preliminary plan would impact the intersection of MD 223 and Alexandria Ferry Road. The critical intersection is not programmed for improvement with 100 percent construction funding within the next six years in the current Maryland Department of Transportation Consolidated Transportation Program or the Prince George's County Capital Improvement Program.

Field observations indicated that during the AM peak hour, westbound right-turning vehicles on MD 223 were able to turn freely, long queues were not present. Therefore, the majority of right-turning vehicles would not have to be counted against the CLV. If all of the AM westbound right turns are counted, the intersection operates unacceptably during the AM peak hour.

<b>Existing Conditions</b>				
Intersection	Critical Lane Volume (CLV, AM & PM)		Level of Service (LOS, AM & PM)	
MD 223/Old Alexandria Ferry Road	1,719	1,416	F	D

**Note:** The AM peak hour critical lane volume and level of service was based on the assumption that the westbound AM through traffic will block westbound to northbound AM right turns at the intersection resulting in queues and poor level of service.

The transportation staff has reviewed approved development and assumed a five percent annual growth rate for through traffic along MD 223 and Dangerfield Road. There are currently no funded transportation improvements in this area in either the county CIP or the state CTP. Background conditions are summarized below:

<b>Background Conditions</b>		
	Critical Lane Volume	Level of Service

Intersection	(CLV, AM & PM)		(LOS, AM & PM)	
	MD 223/Old Alexandria Ferry Road	1,850	1,475	F

The application is a plan for a residential development of 22 single-family dwelling units. The proposed development would generate 17 AM (3 in, 14 out) and 20 PM (13 in, 7 out) peak-hour vehicle trips as determined using the *Guidelines for the Analysis of the Traffic Impact of Development Proposals (Revised September 2002)*. Staff distributed these trips as follows:

- 20 percent—East along MD 223
- 25 percent—West along MD 223
- 30 percent—South along Old Alexandria Ferry Road
- 20 percent—North along Dangerfield Road
- 5 percent—North along Commo Road

Given these assumptions, we obtain the following results under total traffic:

<b>Total Traffic Conditions</b>				
Intersection	Critical Lane Volume		Level of Service	
	(CLV, AM & PM)		(LOS, AM & PM)	
MD 223/Old Alexandria Ferry Road	1,851	1,481	F	E
MD 223/Old Alexandria Ferry Road**	1,220	1,446	C	D

\*\*The following improvements, similar to those proposed by a previous application in the area, will provide adequacy. They include lengthening the westbound right-turn lane on MD 223 to remove the westbound right turns from the through lane during the AM peak hour. This would involve some re-striping along the east leg of the intersection. The second improvement is to re-stripe the northbound turn lanes on Dangerfield Road to provide separate left-turn, through, and right-turn lanes.

Based on the staff's review of transportation adequacy issues in the area, the transportation staff notes that the intersection of MD 223/Old Alexandria Ferry Road would operate acceptably during the AM and PM peak hours with the improvements.

Based on the preceding findings, adequate transportation facilities exist to service the proposed subdivision as required under Section 24-124 of the Prince George's County Code if the application is approved with conditions for road improvements at the intersection of MD 223 and Dangerfield Road.

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

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 5	Middle School Cluster 3	High School Cluster 3
Dwelling Units	21 sfd	21 sfd	21 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	5.04	1.26	2.52
Actual Enrollment	4096	4689	8654
Completion Enrollment	180.48	86.22	158.07
Cumulative Enrollment	250.08	70.74	141.48
Total Enrollment	4531.60	4845.96	8956.07
State Rated Capacity	4214	5114	7752
Percent Capacity	107.54%	94.76%	115.53%

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

County Council bill CB-31-2003 establishes a school facilities surcharge in the amount of \$7,000 per dwelling if a building is located between I-495 and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$12,000 per dwelling for all other buildings.

This project meets the adequate public facilities policies for school facilities contained in Section 24-122.02, CB-30-2003 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 Clinton Fire Station, Company 25, located at 9025 Woodyard Road has a service travel time of 4.24 minutes, which is within the 5.25-minute travel time guideline.
  - b. The existing ambulance service at Clinton Fire Station, Company 25, located at 9025 Woodyard Road has a service travel time of 4.24 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 4.24 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 V-Clinton. The Planning Board’s current test for police adequacy is based on a standard for square footage in police stations relative to the number of sworn duty staff assigned. The standard is 115 square feet per officer. As of January 2, 2004, the county had 823 sworn staff and a total of 101,303 square feet of station space. Based on available space, there is capacity for an additional 57 sworn personnel. This police facility will adequately serve the population generated by the proposed subdivision.
12. **Health Department**—The Health Department reviewed the application and had no comments.
13. **Stormwater Management**—A Stormwater Management Concept Plan, CSD#18780-2004-00, was approved by the Prince George’s County Department of Environmental Resources on July 8, 2004. Development should be in conformance with the approved plan.
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 proposed preliminary plan includes the required ten-foot-wide public utility easement along all rights-of-way. The public utility easements will be shown on the final plat.
16. **Lot Size Averaging**—The applicant has proposed to utilize the Lot Size Averaging (LSA) provision provided for in Section 24-121(a)(12) of the Subdivision Regulations for this R-R zoned property.

Section 27-423 of the Prince George’s County Zoning Ordinance establishes the zoning requirements for lot size averaging. Specifically, in the R-R Zone:

- A. **The maximum number of lots permitted is equal to the gross acreage (16.4) divided by the largest minimum lot size in the zone (20,000 square feet).**
- B. **At least 50 percent of the lots created shall equal or exceed the largest minimum lot size in the zone (20,000 square feet). The remaining lots must have a minimum net lot area of 15,000 square feet.**

For the 16.4 acres located in the R-R Zone, 35 lots would be allowed. The applicant proposes 22 lots. Fifteen of the proposed lots meet or exceed 20,000 square feet. Therefore, the proposed subdivision meets the minimum zoning ordinance standards for lot size averaging.

Further, Section 24-121(a)(12) requires that the Planning Board make the following findings in permitting the use of lot size averaging:

- A. **The subdivision design provides for better access, protects or enhances historic resource or natural features and amenities, or otherwise provides for a better environment than that which could be achieved by the exclusive use of standard lots.**

**Comment:** The use of LSA does not appear to accomplish any of these goals. The conventional layout of 21 lots submitted by the applicant shows essentially the same amount of disturbance to natural features and same number of amenities. The only noticeable difference is that there is one fewer lot on the south side of Cedar Chase Drive.

- B. **The subdivision design provides for an adequate transition between the proposed lot sizes and locations of lots and the lots, or lot size standards, of any adjacent residentially zoned parcels.**

**Comment:** Six of the seven proposed smaller lots are located along the southern boundary of the site where they adjoin two large lots in the Townsend Subdivision. These two lots, Lot 24 and Lot 25, are 4.55 and 5.03 acres in area, respectively. Staff generally encourages that lots along the periphery of subdivisions meet minimum standards. This is especially true when abutting lots meet standard size requirements. In this case, the abutting lots far exceed that figure. The applicant's proposal does not meet this criterion.

- C. **The subdivision design, where applicable, provides for an adequate transition between the proposed natural features of the site and any natural features of adjacent parcels.**

**Comment:** The proposed layout provides for an adequate transition with the natural features of this site and the features associated with the environmental features. However, it does not improve on the submitted conventional layout in this regard.

The applicant's proposal to utilize the LSA provision for the development of this property is not supportable.

17. **Boundary Discrepancy**—The preliminary plan submitted by the applicant shows proposed Parcel B butting directly against Lots 9, 13 and 23 in the Townsend Subdivision. However, deeds for the subject property (Parcel 51, Liber 5533, Folio 3) and adjoining parcels to the north

describe a 20-foot-wide road running along the western boundary, separating the properties from the lots in the Townsend Subdivision. This 20-foot road was first described in 1933 as part of Parcel 48 (Liber 396, Folio 445), running along and providing access to Parcels 49, 50 and 51, to the south. Prior to the filing of a final plat for the subject property, this discrepancy must be rectified.

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

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Eley, seconded by Commissioner Harley, with Commissioners Eley, Harley, Vaughns, Squire and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, July 29, 2004, in Upper Marlboro, Maryland.

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

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator