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Preliminary Plan 4-05129

Application	General Data
Project Name: CLINTON CROSSROADS II Location: Located along Lusby's Lane in Brandywine, 600 feet south of the intersection of Lusby's Lane and Lusby's Turn. Applicant/Address: Landesign, Inc. 2905 Mitchellville Road, Suite 111 Bowie, Maryland 20716	Date Accepted: 12/14/05
	Planning Board Action Limit: 05/18/06
	Plan Acreage: 10.44
	Zone: R-R
	Lots: 17
	Parcels: 3
	Planning Area: 85A
	Tier: Developing
	Council District: 09
	Municipality: N/A
200-Scale Base Map: 215SE07	

Purpose of Application	Notice Dates
RESIDENTIAL SUBDIVISION	Adjoining Property Owners Previous Parties of Record Registered Associations: (CB-58-2003) 11/14/05
	Sign(s) Posted on Site and Notice of Hearing Mailed: 04/04/06

Staff Recommendation		Staff Reviewer: John Ferrante	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Preliminary Plan of Subdivision 4-05129
Clinton Crossroads-II, Lots 1-17, Parcels A, B, and C

OVERVIEW

The subject property is located on Tax Map 135, Grid A-2, and is known as Parcel 164. The property is approximately 10.44 acres and is zoned R-R. The property is currently improved with one shed and two barns, which are proposed to be razed. The applicant is proposing to subdivide the property into 17-lots for detached single-family dwellings in accordance with the conventional standards of the R-R Zone. All of the proposed lots exceed the 20,000-square-foot minimum lot size required in the R-R Zone.

It appears that the underlying parcel was created by deed in the early 1990s and, therefore, the subdivision of the property by deed was not in accordance with Section 24-107(c)(7) of the Subdivision Regulations. In an instance where a portion of any land has been subdivided by deed after January 1, 1982, and is the subject of a preliminary plan application, staff would normally require that the property as a whole be included in the preliminary plan of subdivision. Therefore, any division of the property would require approval by the Planning Board. In this case, the property as a whole was subdivided by deed after January 1, 1982, into two separate parcels and then conveyed to individual owners. However, separate preliminary plan applications have been filed for both of these parcels. The preliminary plan applications that were filed include the subject application, Clinton Crossroads-II (4-05129), accepted December 14, 2005, for Parcel 164, and Clinton Crossroads (4-05128), accepted January 18, 2006, for Parcel 145. Therefore, the property in its entirety will go through the formal subdivision process and be presented to the Planning Board in the form of two separate preliminary plan applications.

The property has direct access to Lusby's Lane, a proposed urban primary residential road having an ultimate right-of-way width of 60-feet. The preliminary plan submitted demonstrates a portion of Lusby's Lane on Parcel 80, which is the adjacent property directly to the north of the subdivision and is owned by Mr. Jose Flores. The applicant has drafted an agreement between himself and Mr. Flores so that proper right-of-way dedication may be obtained in accordance with the Department of Public Works and Transportation's standards. In exchange for the above, the applicant is proposing to convey Parcel A, which consists of 5,385 square feet, to Mr. Flores along with other considerations. Although the applicant has demonstrated due diligence in trying to obtain the required street dedication area within Mr. Flores' property, upon the writing of this staff report, the agreement has not yet been signed by Mr. Flores. It is essential that right-of-way dedication to the north be obtained as the Transportation Section's findings for this preliminary plan were based on a 65 percent trip distribution to the north.

Parcel B, which is located behind Lot 13 and consists of 2,346 square feet, is proposed to be conveyed to the adjoining property owner of Parcel 145, and future developer of the Clinton Crossroads subdivision. This parcel will be added to the back of Lot 1, within the adjacent Clinton Crossroads subdivision to help provide a more conventional lot and possibly eliminate the need for any variances.

Parcel C is 9,530 square feet and consists of the residue left on the east side of Lusby’s Lane after adequate right-of-way dedication. This parcel should be conveyed to the Department of Public Works and Transportation if desirable to that agency, and if not, be conveyed to the appropriate property owner on the east side of Lusby’s Lane.

SETTING

The property is located on the west side of Lusby’s Lane approximately 600 feet south of its intersection with Lusby’s Turn. To the north are single-family dwellings in the R-R Zone. To the south is an undeveloped parcel in the R-R Zone. To the west is an undeveloped parcel in the R-R Zone that is also the subject of Preliminary Plan 4-05128 for the proposed Clinton Crossroads subdivision. To the east and across Lusby’s Lane are single-family dwellings in the R-R Zone and a PEPCO transmission line right-of-way.

FINDINGS AND REASONS FOR STAFF RECOMMENDATION

1. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	R-R	R-R
Use(s)	Undeveloped	Single-Family Dwellings
Acreage	10.44	10.44
Lots	0	17
Outlots	0	0
Parcels	1	3
Dwelling Units:		
Detached	0	17
Public Safety Mitigation Fee		Yes

2. **Environmental**—The Environmental Planning Section has reviewed the preliminary plan of subdivision for Clinton Crossroads II, 4-05129, accepted for processing on December 14, 2005, and the revised Type I Tree Conservation Plan, TCPI/50/05, stamped as received by the Environmental Planning Section on February 8, 2006. The Environmental Planning Section recommends approval of 4-05129 and TCPI/50/05 subject to conditions. The Environmental Planning Section has no records of any previous applications for the subject property. The proposal is for 17 lots and three parcels in the R-R Zone.

There are no streams, wetlands, or 100-floodplain on the property. The site eventually drains into Piscataway Creek in the Potomac River watershed. According to the *Green Infrastructure Plan*, only a tiny corner of the property is an evaluation area and another sliver is a network gap. Marlboro clay does not occur in this area. 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, rare, threatened, or endangered species do not occur in the vicinity of this property. No designated scenic or historic roads will be affected by the proposed development. There are no nearby sources of traffic-generated noise. The proposal is not expected to be a noise generator.

An approved natural resources inventory (NRI), NRI-121-05, was submitted with the application. A simplified forest stand delineation (FSD) was included with the NRI. The FSD indicates three forest stands totaling 3.90 acres and no specimen trees.

The on-site woodlands are relatively low quality. There are no sensitive environmental features on site. Based upon this analysis, there are no priority woodlands on site.

This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the gross tract area is in excess of 40,000 square feet and there are more than 10,000 square feet of existing woodland on-site.

The Type I Tree Conservation Plan, TCPI/50/05, has been reviewed. The plan proposes clearing 2.89 acres of the existing 3.90 acres of woodland. The woodland conservation requirement has been correctly calculated as 3.62 acres. The plan proposes to meet the requirement by providing 3.62 acres of off-site woodland conservation. An additional 1.01 acres of woodland will be retained on site but not as part of any requirement.

The TCP appropriately provides adequate clearing around all proposed structures and for a 40-foot cleared outdoor activity area at the rear of each proposed structure. The encumbrance of these lots with woodland conservation areas is not consistent with the purposes of the Woodland Conservation Ordinance because the lots are barely over 20,000 square feet, the woodlands to remain are isolated, and the woodlands are of low quality. All required woodland conservation for this proposal should be provided off site.

According to the Prince George's County Soils Survey the principal soils on this site are in the Sassafras series. Sassafras soils pose no special problems for development.

Stormwater Management Concept Plan CSD 37400-2005-00 has been approved by the Prince George's County Department of Environmental Resources. The proposal is to use open-ditch sections and tie into existing systems. The soils on the site are well-suited for infiltration.

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 and will, therefore, be served by public systems.

3. **Community Planning**—The subject property is located within the limits of the 1993 Master Plan for Subregion V, Planning Area 85A in the Brandywine Community. The proposed development of 17 lots for detached single-family dwellings is consistent with the master plan land use recommendations for residential use.

The 2002 General Plan locates the subject 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 development is consistent with the Development Pattern policies for the Developing Tier.

4. **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 parkland dedication because the land available for dedication is unsuitable due to its size and location.
5. **Trails**—There are no master plan trails issues identified in the adopted and approved Subregion V Master Plan. The majority of the roads in the vicinity of the subject site are open section with no sidewalks. There are isolated and fragmented sections that contain sidewalks, but no continuous network exists.

6. **Transportation**—The Transportation Planning Section has reviewed the subdivision application referenced above. The applicant proposes a residential subdivision consisting of 17 single-family detached lots.

Due to the size of the subdivision, staff has not required that a traffic study be done. Counts at the intersection of MD 5 and Earnshaw Drive/Burch Hill Road were requested of the applicant and provided. Therefore, the findings and recommendations outlined below are based upon a review of these materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*.

Growth Policy—Service Level Standards

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

Links and signalized intersections: Level-of-service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better is required in the developing tier.

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

Staff Analysis of Traffic Impacts

The intersection of MD 5 and Earnshaw Drive/Burch Hill Road is determined to be the critical intersection for the subject property. This intersection is the nearest major intersection to the site and would serve most of the site-generated traffic. The turning movement counts indicate that the critical intersection operates poorly as an unsignalized intersection, with an average vehicle delay exceeding 999 seconds in both the eastbound and westbound movements during both the AM and the PM peak hours. Once again, these operating conditions are determined using the *Highway Capacity Manual*, and vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections.

There are no funded capital projects at this intersection in either the county's Capital Improvement Program or the state's Consolidated Transportation Program that would affect the critical intersection. There are seven approved but unbuilt developments that would affect the intersection. With background growth added, the critical intersection would continue to operate with an average vehicle delay exceeding 999 seconds in both the eastbound and westbound movements during both the AM and the PM peak hours.

With the development of 17 single-family detached residences, the site would generate 13 AM (3 in and 10 out) and 15 PM (10 in and 5 out) peak-hour vehicle trips. The site was analyzed with the following trip distribution: 65 percent north along MD 5, and 35 percent south along Lusby's Lane on Dyson Road and US 301. Given this trip generation and distribution, staff has analyzed the impact of the proposal. With the site added, the critical intersection would continue to operate with an average vehicle delay exceeding 999 seconds in both the eastbound and westbound movements

during both the AM and the PM peak hours. Therefore, the critical intersection operates unacceptably as an unsignalized intersection under existing, background, and total traffic.

Under total future traffic as developed using the guidelines, adding the impact of the proposed development, the critical intersection was found to be operating with excessive delay. In response to inadequacies identified at unsignalized intersections, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal if it is deemed warranted by the appropriate operating agency. The warrant study is, in itself, a more detailed study of the adequacy of the existing unsignalized intersection. Staff believes that this study is needed at the intersection of MD 5 and Earnshaw Drive/Burch Hill Road, and that the applicant should be responsible for any improvements identified as necessary by the warrant study. With such a condition, staff believes that the critical intersection will operate acceptably in both peak hours. This condition is identical to the one provided for 4-02056 and 4-02057, as well as other developments approved in the area.

It is noted that Lusby’s Lane exists as a dedicated roadway to the north of adjacent Parcel 80, and while there is a public right-of-way to the south, it is substandard. Although the submitted plan shows an area of potential dedication across Parcel 80 to which the subdivision could connect, no public right-of-way exists across Parcel 80. It is understood that the applicant is actively pursuing an agreement with the owner of Parcel 80 through which a 60-foot right-of-way for Lusby’s Lane would be deeded for public use. Given that the transportation and access findings for this site have been based upon the extension of Lusby’s Lane through Parcel 80, and given that staff would not favor sole access for this site by means of a substandard right-of-way, it is recommended that the platting of this subdivision be conditional upon the deeding of a 60-foot right-of-way for the purpose of extending Lusby’s Lane through Parcel 80.

Transportation Staff Conclusions

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

- 7. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this preliminary plan for 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.

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 5	Middle School Cluster 3	High School Cluster 3
Dwelling Units	17 sfd	17 sfd	17 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	4.08	1.02	2.04
Actual Enrollment	4,145	5,489	9,164
Completion Enrollment	97	64	127
Cumulative Enrollment	392.16	103.14	206.28
Total Enrollment	4,638.24	5,657.16	9,499.32
State-Rated Capacity	3,771	6,114	7,792
Percent Capacity	123.00	92.53	121.91

Source: Prince George’s County Planning Department, M-NCPPC, December 2005

These figures are correct on the day this referral was written. They are subject to change under the provisions of CB-30-2003 and CR-23-2003. Other projects that are approved prior to the public hearing on this project will cause changes to these figures. The numbers shown in the resolution will be the ones that apply to this project.

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. Council bill CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts are \$7,412 and 12,706 to be paid at the time of issuance of each building permit.

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.

The Historic Preservation and Public Facilities Planning Section staff finds that this project meets the public facilities policies for school facilities contained in Section 24-122.02, CB-30-2003 and CB-31-2003 and CR-23-2003.

8. **Fire and Rescue**—The Prince George’s County Planning Department has determined that this preliminary plan is within the required seven-minute response time for the first due fire station Clinton, Company 25, using the Seven-Minute Travel Times and Fire Station Locations Map provided by the Prince George’s County Fire Department.

The Fire Chief reported that the current staff complement of the Fire Department is above the staff standard of 657 or 95 percent of authorized strength of 692 as stated in CB-56-2005 for a preliminary plan accepted in 2005.

The Fire Chief has reported by letter, dated 11/01/05 that the department has adequate equipment to meet the standards stated in CB-56-2005.

9. **Police Facilities**—The Prince George’s County Planning Department has determined that this preliminary plan is located in Police District V. The standard for emergency calls response is 10 minutes and 25 minutes for nonemergency calls. The times are based on a rolling average for the proceeding 12 months. The preliminary plan was accepted for processing by the Planning Department on 12/14/05.

Reporting Cycle	Date	Emergency Calls	Nonemergency
Acceptance Date	01/05/05-11/05/05	12.00	23.00
Cycle 1	01/05/05-12/05/05	12.00	22.00
Cycle 2	01/05/05-01/05/06	12.00	21.00
Cycle 3	01/05/05-02/05/06	12.00	21.00

The Police Chief reported that the current staff complement of the Police Department is 1,302 sworn officers, which is within the standard of 1,278 officers or 90 percent of the authorized strength of 1,420 as stated in CB-56-2005.

The response time standard of 10 minutes for emergency calls for police was not met on the date of acceptance or within the following three monthly cycles. In accordance with Section 24-122.01

of the Subdivision Regulations, Preliminary Plan 4-05129 fails to meet the standard for police emergency response time. The Planning Board may not approve a preliminary plan until a mitigation plan between the applicant and the county is entered into and filed with the Planning Board in accordance with the County Council adopted *Guidelines for the Mitigation of Adequate Public Facilities for Public Safety Infrastructure*. The applicant has agreed to enter into a mitigation agreement.

10. **Health Department**—The Environmental Engineering Program has reviewed the preliminary plan of subdivision for Clinton Crossroads II and has the following comments to offer:

A raze permit must be obtained through the Department of Environmental Resources prior to the removal of any existing buildings (one shed and two barns). Any hazardous materials located in any structures on site must be removed and properly stored or discarded prior to the structures being razed.

One abandoned truck and two abandoned cars found within the barn on proposed Lots 16 and 17 must be removed and properly disposed.

11. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. Stormwater Management Concept Plan 35609-2005-00 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.

12. **Historic**—A Phase I (Identification) archeological survey is not recommended by the Planning Department on the above-referenced property. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates no archeological sites in the vicinity and no historic structures within the vicinity of the subject property.

Section 106 review may require a archeological survey for state or federal agencies, however. Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effects of their undertakings on historic properties, to include archeological sites. This review is required when federal monies, federal properties, or federal permits are required for a project.

RECOMMENDATION

APPROVAL, subject to the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision the plan shall be revised as follows:
 - a. Label the existing buildings and sheds on the plan “to be razed.”
 - b. Provide a general note on the plan that indicates that the existing structures will be razed prior to the approval of a final plat, and that a raze permit must be obtained through the Department of Environmental Resources prior to the removal of any structures on site.
 - c. Provide the right-of-way width and centerline for both of the proposed internal roads.
 - d. Label the ten-foot wide, public utility easement.

- e. Add a general note that demonstrates that the mandatory dedication of parkland will be addressed by a fee-in-lieu.
 - f. Add a general note that indicates that there are no rare, threatened, or endangered species found to occur on the subject property.
 - g. Add a general note that indicates that there are no cemeteries within the boundary limits of the subject property.
 - h. Label the fence/dog pen on Lot 12 and the fence and shed on Lot 14 “to be removed.”
 - i. Provide a ten-foot-wide public utility easement adjacent and contiguous to the public right-of-way on Parcels A and C.
2. Prior to the issuance of permits, a Type II tree conservation plan shall be approved.
 3. Development of this site shall be in conformance with Stormwater Management Concept Plan 37400-2005-00 and any subsequent revisions.
 4. 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/50/05), 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 Ordinance.”
 5. 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.
 6. The final plat shall carry a plat note that any lot line adjustments involving Parcels A, B, or C shall not result in additional buildable lots without a new preliminary plan of subdivision.
 7. Prior to the issuance of any building permits within the subject property, the applicant shall conduct a traffic signal warrant study at the intersection of MD 5 and Earnshaw Drive/Burch Hill Road. The performance of a new study may be waived by SHA in writing if SHA determines that an acceptable recent study has been conducted. If a traffic signal is deemed warranted by SHA, the applicant shall bond a pro-rata share of the cost of the signal, provided that full funding for the signal, through any combination of public funding and funding by other private parties, is available and provided that an equitable arrangement can be coordinated with SHA. Otherwise, the applicant shall bond the full cost of the signal prior to the release of any building permits within the subject property and install it at a time when directed by SHA. The applicant will be responsible for any additional pavement markings and signage at the intersection.
 8. Prior to final plat approval, there shall be available, through adjacent Parcel 80, a deeded 60-foot right-of-way for the purpose of extending Lusby’s Lane.
 9. Prior to the issuance of a grading permit for the development, a public safety mitigation fee shall be paid in the amount of \$64,260 (\$3,780 x 17 dwelling units). Notwithstanding the number of dwelling units and the total fee payments noted in this condition, the final number of dwelling units shall be as approved by the Planning Board and the total fee payment shall be determined by

multiplying the total dwelling unit number by the per unit factor noted above. The per unit factor of \$3,780 is subject to adjustment on an annual basis in accordance with the percentage change in the consumer price index for all urban consumers. The actual fee to be paid will depend upon the year the grading permit is issued.

10. Prior to final plat, the applicant, his heirs, successors and/or assignees shall submit executed deeds of conveyance by all parties for Parcel A, B, and C. The applicant, his heirs, successors and/or assignees will demonstrate due diligence in obtaining the agreement for the conveyance of the parcels. The parcels shall be conveyed as follows:
 - a. Parcel A to be conveyed to Jose P. Flores, or to be included into the area of Lot 17.
 - b. Parcel B to be conveyed to the adjacent property owner of Parcel 145 for the inclusion of the subdivision process.
 - c. Parcel C to be conveyed to The Department of Public Works and Transportation, or to an appropriate abutting property owner on the east side of Lusby's Lane.
11. Prior to the approval of building permits, the applicant, his heirs, successors and/or assignees shall submit copies of the recorded deeds of conveyance for Parcels A, B, and C.
12. Prior to the approval of a final plat, the applicant, his heirs, successors, and/or assignees shall provide documentation demonstrating that the existing buildings on the subject property have been razed.

STAFF RECOMMENDS APPROVAL OF TYPE I TREE CONSERVATION PLAN TCPI/50/05.