

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

WHEREAS, Jeffrey and Michelle Southworth are the owners of a 4.94-acre parcel of land known as Parcel 23, Tax Map 106 in Grid E-1, said property being in the 12th Election District of Prince George's County, Maryland, and being zoned R-80; and

WHEREAS, on July 12, 2007, V. D. B. filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 9 lots and 1 parcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-07022 for Southworth Estates was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on July 12, 2007, 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 12, 2007, 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/018/07), and further APPROVED Preliminary Plan of Subdivision 4-07022, Southworth Estates, for Lots 1-9 and Parcel A with the following conditions:

1. Development of this subdivision shall be in compliance with an approved Type I Tree Conservation Plan (TCPI/018/07). 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/018/07, 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. This property is subject to the notification provisions of CB-60-2005. Copies of all approved Tree Conservation Plans for the subject property are available in the offices of The Maryland-National Capital Park and Planning Commission, Prince George's County Planning Department.”

2. The Type II Tree Conservation Plan shall show the locations of all dry wells on the lots and the limits of disturbance shall allow for adequate area for installation.

3. The applicant, heirs, successors, and/or assignees shall provide standard sidewalks along both sides of the internal road, unless modified by DPW&T.
4. Prior to approval of the final plat of subdivision the applicant, heirs, successors and or assignees shall pay a fee-in-lieu of parkland dedication *~~for Lots 1-6~~.
5. Development of this site shall be in conformance with an approved stormwater management concept plan 7241-2007-00 and any subsequent revisions.
6. The abandoned shallow well shall be backfilled and sealed in accordance with COMAR 26.04.04. The septic tank adjacent to the existing house must be pumped out by a licensed scavenger and either removed or backfilled in place. All locations shall be indicated on the preliminary plan prior to signature approval of the plan.
7. Prior to the removal of any of the existing structures, a raze permit must be obtained through the Department of Environmental Resources. Any hazardous materials located in the structures must be removed and properly stored or discarded prior to the structures being razed.
8. At final plat the applicant shall submit a deed for the transfer of Outlot A to the owners of Lot 3 "A" Wycliff subdivision.
9. Prior to final plat the applicant shall extinguish the existing recorded easement.

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 Tax Map 106, Grid E-1, and is known as Parcel 23. The property is approximately 4.94 acres in area and is zoned R-80.
3. The subject property is located at the terminus of Wycliffe Lane, southwest of the intersection of Wycliffe and Lujean Lane.

*Denotes correction
[Brackets] denotes deletion
Underlining denotes addition

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

	EXISTING	PROPOSED
Zone	R-80	R-80
Use(s)	Single-family Residence	Single-family Residences
Acreage	4.94	4.94
Lots	0	9
Outparcels	0	0
Parcels	1	1
Dwelling Units:	1 (to be razed)	9
Public Safety Mitigation Fee		No

5. **Environmental**—There are no streams, wetlands, 100-year floodplain or associated buffers on the subject property. The site eventually drains into Piscataway Creek in the Henson Creek Watershed. There are areas of both severe and steep slopes located on the northern and southern sections of 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 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, there are no rare, threatened, or endangered species found to occur on this property or adjacent properties. No designated scenic or historic roads will be impacted by the proposed development. The site is in the Developing Tier according to the 2002 *Prince George’s County Approved General Plan*.

Conformance with the 2006 Approved Henson Creek /South Potomac Master Plan and Sectional Map Amendment

The master plan does not indicate any environmental issues associated with the subject property.

Conformance with the Countywide Green Infrastructure Plan

No part of the property contains or is near any element of the *Countywide Green Infrastructure Plan*.

Environmental Review

A signed Natural Resources Inventory, NRI/024/07, was submitted with the application. The site is developed with a single-family detached residential structure and accessory structures and is mostly forested. There are no streams, wetlands or 100-year floodplain on the property. The preliminary plan and the TCPI show all the information from the NRI correctly.

A Forest Stand Delineation (FSD) based upon seven sample points indicates one forest stand with a total of 3.07 acres and eight specimen trees. The woodland is dominated by black cherry, sweet gum, and American beech with an average diameter of 6-19.9 inches. The understory contains greenbrier and poison ivy. The invasive species within the forest stand ranged from 0 to 100 percent coverage in various parts of the stand. In accordance with "Prince George's County Woodland Conservation and Tree Preservation Policy Document", no specific parts of the forest stand demand higher retention potential than another. No additional information regarding the NRI is required.

The property is subject to the requirements of the Prince George's County Woodland Conservation and Tree Preservation Ordinance because the property is larger than 40,000 square feet in size and contains more than 10,000 square feet of woodland. A Type I Tree Conservation Plan is required. A Type I Tree Conservation Plan was submitted with this application and has been found to meet the requirements of the Woodland Conservation Ordinance. The applicant is proposing to clear the entire site and provide 1.29 acres of off-site mitigation to meet the entire requirement of the Woodland Conservation Ordinance. Development of this subdivision should be in compliance with an approved Type I Tree Conservation Plan (TCPI/018/07). A note shall be placed on the Final Plat of Subdivision citing the provisions of the Tree Conservation Plan.

According to the "Prince George's County Soil Survey" the principal soils on the site are in the Beltsville and Sassafras series. Beltsville soils are in hydrologic soils group C, highly erodible and impeded drainage. Sassafras soils pose no special problems for development. This information is provided for the applicant's benefit. No further action is needed as it relates to this preliminary plan review. A soils report in conformance with CB-94-2004 will be required during the permit process review.

A copy of the Stormwater Management Concept Approval Letter was submitted along with a copy of the signed plan. The plan shows the use of dry wells on the lots, which should be shown on the TCPII so that adequate limits of disturbance can be shown.

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. The property will be served by public systems. Water and sewer mainline extensions are required to serve the site and onsite pumping will be required for basement service.

6. **Community Planning**—The 2006 *Approved Henson Creek-South Potomac Master Plan and Sectional Map Amendment* classifies the property in the R-80 Zone. There is one existing single-family residential dwelling. The proposal is for nine single-family residential lots. The land use is for residential, low-density land use at a density up to 3.5 dwelling units per acre. This application is located 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.

This application conforms to the residential, low-density land use (up to 3.5 dwelling units per acre) recommended in the 2006 *Approved Henson Creek-South Potomac Master Plan and Sectional Map Amendment*.

7. **Parks and Recreation**—In accordance with Section 24-134(a) of the Prince George’s County Subdivision Regulations, the Park Planning and Development Division recommends that the Prince George’s County Planning Board require a payment of a fee-in-lieu of dedication as applicable from the subject subdivision because land available for dedication is unsuitable due to its size and location.
8. **Trails**—There are no master plan trails issues identified in the Adopted and Approved Henson Creek-South Potomac Master Plan that impact the subject property. The master plan recognizes the priority of community pedestrian connections and the need to provide sidewalks in residential areas to provide access to schools and parks. Existing Wycliffe Lane includes standard sidewalks along both sides of most segments. A variety of cross sections exist in the vicinity, with some roads having no sidewalks and other roads having sidewalks along one or both sides. Staff recommends the provision of standard sidewalks along both sides of all internal roads, unless modified by DPW&T.
9. **Transportation**—Due to the size of the subdivision, staff has not required that a traffic study be prepared. Staff did request traffic counts in the area for the purpose of making an adequacy finding. 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 Brinkley Road and Temple Hill Road is determined to be the critical intersection for the subject property. This intersection would serve virtually all of the site-generated traffic. The critical intersection is programmed for improvement with 100 percent construction funding within the next six years in the current Prince George's County Capital Improvement Program (CIP). The CIP improvements would involve widening Temple Hill Road through the intersection to provide two through lanes and a center lane on each approach.

Recent traffic counts taken in 2007 indicate that the critical intersection operates at LOS B, with a CLV of 1,119 during the AM peak hour. During the PM peak hour, the intersection operates at LOS E with a CLV of 1,475.

There are two approved but unbuilt developments in the immediate area that would affect the intersection that have been reviewed and counted by staff:

- Maxwell's Grant (4-06106) for 30 lots (five percent of site traffic uses the intersection).
- Roddy Wood Subdivision (4-05151) for 20 lots (10 percent of site traffic uses the intersection).

A 2.0 percent annual rate of through traffic growth along Temple Hill Road and a 1.4 percent annual rate of through traffic growth along Brinkley Road have been assumed. With background growth added and the CIP-funded improvements added, the critical intersection would operate as follows: AM peak hour—LOS A, with a CLV of 870; PM peak hour—LOS C, with a CLV of 1,203.

With the development of nine single-family detached residences, the site would generate 7 AM (1 in and 6 out) and 8 PM (6 in and 2 out) peak-hour vehicle trips. The site was analyzed with the following trip distribution:

- 20%—East along Brinkley Road
- 10%—South/West along Temple Hill Road
- 25%—West along Brinkley Road
- 45%—North along Temple Hill Road

Given this trip generation and distribution, staff has analyzed the impact of the proposal. With the site added, the critical intersection would operate as follows: AM peak hour—LOS A, with a CLV of 872; PM peak hour—LOS C with a CLV of 1,206. Therefore, the critical intersection operates acceptably under total traffic.

The site is not within or adjacent to any master plan rights-of-way.

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. No transportation-related conditions are recommended at this time.

10. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this preliminary plan for impact on 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 6	Middle School Cluster 3	High School Cluster 3
Dwelling Units	9	9	9
Pupil Yield Factor	.24	.06	.12
Subdivision Enrollment	2.16	054	1.08
Actual Enrollment	4,518	5,968	9,696
Completion Enrollment	168.96	90	181
Cumulative Enrollment	5.52	30.18	60.36
Total Enrollment	4,694.64	6,088.72	9,938.44
State-Rated Capacity	4,775	6,114	10,392
Percent Capacity	98.31	99.58	95.63

Source: Prince George's County Planning Department, M-NCPPC, January 2007

County Council bill CB-31-2003 establishes a school facilities surcharge in the amounts of: \$7,000 per dwelling if a building is located between interstate highway 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 \$7,671 and \$13,151 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.

11. **Fire and Rescue**—The Historic Preservation & Public Facilities Planning Section has reviewed this subdivision plan for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(B)-(E) of the Subdivision Ordinance. 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. Pursuant to CR-69-2006, Prince George’s County Council and the County Executive suspended the provisions of Section 24-122.01(e)(1)(A, B) regarding sworn fire and rescue personnel staffing levels. The Fire Chief has reported that the department has adequate equipment to meet the standards stated in CB-56-2005.

12. **Police Facilities**—The subject property is located in Police District V. The response standard for emergency calls is 10 minutes and the standard for nonemergency calls is 25 minutes. The times are based on a rolling average for the preceding 12 months. The preliminary plan was accepted for processing by the Planning Department on May 3, 2007.

Reporting Cycle	Previous 12-Month Cycle	Emergency Calls	Nonemergency
Acceptance Date 5/3/07	3/06-3/07	10 minutes	15 minutes
Cycle 1	4/06-4/07	10 minutes	15 minutes
Cycle 2	5/06-5/07	10 minutes	15 minutes
Cycle 3	6/06-6/07	10 minutes	15 minutes

The response time standards of 10 minutes for emergency calls and 25 minutes for nonemergency calls were met on May 8, 2007. The Police Chief has reported that the department has adequate equipment to meet the standards stated in CB-56-2005. Pursuant to CR-69-2006, the Prince George’s County Council and the County Executive suspended the provisions of Section 24-122.01(e)(1)(A, B) regarding sworn police personnel staffing levels.

13. **Health Department**—The Environmental Engineering Program has reviewed the preliminary plan of subdivision and requires that the abandoned shallow well be backfilled and sealed in accordance with COMAR 26.04.04. The Health Department also noted that the septic tank adjacent to the existing house must be pumped out by a licensed scavenger and either removed or backfilled in place. All locations should be indicated on the preliminary plan. A raze permit is also required prior to the removal of any existing structures. Any hazardous materials located in any structures on site should be removed and properly stored or discarded prior to the structures being razed. A note should be affixed to the preliminary plan that requires the structures are to be razed and the well and septic systems properly abandoned before the release of the grading permit.
14. **Stormwater Management**— The Department of Public Works and Transportation, Office of Engineering, has determined that a fee-in-lieu and drywell infiltration is required. Stormwater Management Concept Plan 7241-2007-00 has been approved with conditions. Development must be in accordance with this approved plan.
15. **Archeology**—A Phase I archeological survey is not recommended on the above-referenced 4.94-acre property located at 6608 Farmer Drive in Fort Washington, Maryland. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low. Aerial photographs indicate that the structures currently on the property were placed there

between 1938 and 1965. The entire property has been extensively impacted by this recent construction and it is unlikely that any undisturbed archeological sites will be identified. There are no previously recorded archeological sites or County Historic Sites within a one-mile radius of the subject property.

Moreover, Section 106 review may require archeological survey for state or federal agencies. 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 state or federal monies, or federal permits are required for a project.

16. **Historic Preservation**—There is no effect on historic resources.

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 date of notice of 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 Squire, seconded by Commissioner Vaughns, with Commissioners Squire, Vaughns, Cavitt, Clark and Parker voting in favor of the motion at its regular meeting held on Thursday, July 12, 2007, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 6th day of September 2007.

R. Bruce Crawford
Executive Director

By Frances J. Guertin
Planning Board Administrator