

R E S O L U T I O N

WHEREAS, a 2.19-acre parcel of land known as Parcel 255, Tax Map 73 in Grid E-3, said property being in the 18th Election District of Prince George's County, Maryland, and being zoned R-80; and

WHEREAS, on September 26, 2006, Winthrop, Inc. filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 6 lots and 1 outlot; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-06060 for Winthrop at Walker Mill 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 February 15, 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 February 15, 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/47/06), and further APPROVED Preliminary Plan of Subdivision 4-06060, Winthrop at Walker Mill, including a Variation from Section 24-121(a)(4) for Lot 1-6, Block A, and Outlot A with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the following technical corrections shall be made:
  - a. Remove "service" from general note 4, in accordance with Department of Environmental Resources (DER) memo.
  - b. Label the correct square footage of Outlot A, and remove any additional graphics within the outlot that no longer apply.
  - c. Label the 10-foot-wide, public utility easement within Outlot A.
  - d. Revise general note no. 6 to include Outlot A.
  - e. Add the word "detached" to general note no. 8.

- f. Remove general note no. 22 in its entirety.
  - g. Correct the spelling errors within general note no. 23.
  - h. Provide a general note (if applicable) that demonstrates that Outlot A will be conveyed to the adjacent property owner to facilitate a public street connection.
  - i. Provide the correct right-of-way width of the internal road on both the preliminary plan and the TCPI (which currently does not match).
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 the Stormwater Management Concept Plan, #38433-2006-00 and any subsequent revisions.
4. Prior to signature approval of the preliminary plan of subdivision, the Type I Tree Conservation Plan shall be revised as follows:
  - a. Revise the method of meeting the requirement to fee-in-lieu if desired.
  - b. Revise the legend to reflect the 65 dBA Ldn noise contour and identify all graphic symbols used on the plan.
  - c. Revise the plan to provide at least 10 feet of clearing behind the wall for construction.
  - d. Revise the woodland conservation worksheet to reflect changes made to the plan.
  - e. Have the revised plan signed and dated by the qualified professional who prepared it.
  - f. Demonstrate Outlot A, and the proposed internal road as shown on the submitted preliminary plan.
5. At time of final plat the following note shall be placed on the plat: "A six-foot-high solid wood fence, as shown on the Type II Tree Conservation Plan, is required to provide noise mitigation for Lots 1 and 2."
6. Prior to signature approval, the Preliminary Plan and the Type I Tree Conservation Plan shall be revised to show details of the six-foot-high solid fence, in compliance with 65 dBA Ldn exterior noise standard requirement.
7. 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 for Lots 1–6.
8. Prior to approval of a final plat of subdivision, the applicant, his heirs, successors, and or assignees shall either:

- a. Convey Outlot “A” to the adjoining property owner to the south to provide that property with direct access to the proposed internal street, or;
  - b. Revise the proposed internal street from a 50-foot right-of-way to a 60-foot right-of-way, so that the southern limits of the proposed right-of-way terminate at the common property line between Parcel 255 and Parcel A.
9. 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.
  10. Prior to signature approval of the preliminary plan of subdivision, the applicant shall submit two copies of the signed stormwater concept plan and approval letter, and delineate the stormwater concept plan approval number and approval date on the preliminary plan and TCPI. Any required stormwater facilities shall be shown on the TCPI.
  11. The applicant, his heirs, successors and or assignees shall provide standard sidewalks along both sides of the internal public street unless modified by the Department of PublicWorks and Transportation at the time of issuance of street construction permits.
  12. Prior to approval of a final plat of subdivision, the applicant, his heirs, successors, and or assignees shall vacate the portion of Walker Mill Road as demonstrated on the submitted 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 on the west side of Walker Mill Road, approximately 200 feet south of its intersection with Shady Glen Drive.
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)	Single-Family	Single-Family
Acreage	2.19	2.19
Lots	0	6
Outlots	0	1
Parcels	1	0

Dwelling Units:		
Detached	1 (to be razed)	6 (new)
Public Safety Mitigation Fee		No

4. **Environmental**—The Environmental Planning Section has reviewed the revised Preliminary Plan of Subdivision, 4-06060, and the Type I Tree Conservation Plan, TCPI/47/06, stamped as received by the Environmental Planning Section on November 8, 2006. The Environmental Planning Section recommends approval of 4-06060 and TCPI/47/06 subject to conditions.

### **BACKGROUND**

The Environmental Planning Section previously reviewed this site in 1987 as a Preliminary Plan of Subdivision 4-87029, under the name Catherine Small, which was approved with conditions as contained in PGCPB 87-10. A condition established within the prior preliminary plan approval required the submission of an approved stormwater management concept plan by WSSC prior to final plat approval. The preliminary plan never went to final plat and subsequently expired. The subject property is partially wooded and is developed with a detached single-family dwelling and shed, which are proposed to be razed. This preliminary plan proposes the subdivision of one parcel consisting of 2.19 acres in the R-80 Zone, into six single-family detached residential lots.

### **SITE DESCRIPTION**

A review of the available information indicates that 100-year floodplain, streams and wetlands, are not found to occur on this property. However, severe slopes, and areas of steep slopes with highly erodible soils are associated with the site. Walker Mill Road is an arterial roadway, which are generally regulated for noise impacts. The predominant soil types found to occur on this site according to the Prince George's County Soil Survey are Sassafra, Adelpia and Iuka. These soil series have limitations with respect to seasonal high water table, impeded drainage, flood hazard, steep slopes, and high erosion potential, but will not affect the site layout. According to available information, Marlboro clay does not occur on this property. According to information obtained from the Maryland Department of Natural Resources Wildlife and Natural Heritage Program, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. There are no designated scenic or historic roads in the vicinity of this application. This property is located in the Southwest Branch watershed of the Patuxent River basin and in the Developed Tier as reflected in the approved 2002 General Plan. The site does not contain regulated areas, evaluated areas, or any network gaps identified in the Countywide Green Infrastructure Plan.

### **ENVIRONMENTAL REVIEW**

The preliminary plan application has a signed natural resources inventory (NRI/104/06), dated August 4, 2006, which was included with the initial application package. The preliminary plan and TCPI show all the required information correctly. No revisions are required for conformance

to the NRI.

This site is subject to the provisions of the Woodland Conservation Ordinance because the site is larger than 40,000 square feet in area, contains more than 10,000 square feet of woodland and more than 5,000 square feet of woodland clearing is proposed. A Type I Tree Conservation Plan, TCPI/47/06, submitted with the preliminary plan has been reviewed and was found to require minor revisions to be in conformance with the Woodland Conservation Ordinance.

The woodland conservation threshold for the site is 0.43 acres based on a net tract area of 2.19 acres. An additional 0.41 acres of woodland conservation are required due to the removal of woodlands, for a total woodland conservation requirement of 0.84 acres. The plan shows the requirement being met with 0.84 acres of off-site mitigation on another property. The TCPI includes graphic lines that have not been identified in the legend such as the 65 dBA Ldn noise contour.

Per a previous memo generated from the Environmental Planning Section for this application, Lots 5 and 6 were to be shown as completely cleared because of the extremely small lot sizes. The lots show a retaining wall between the cleared areas and the preserved areas. The limit of disturbance does not show sufficient space to construct the retaining walls. The plan must be revised to provide at least 10 feet of clearing behind the wall for construction. The off-site mitigation as proposed could be met using the fee-in-lieu option because the amount is less than one acre.

A Stormwater Management Concept Approval Letter, (38433-2006-00), dated September 25, 2006, and associated plans were submitted with the application package. Requirements for stormwater management will be addressed through subsequent reviews through the Department of Environmental Resources. No further action is required with regard to stormwater management.

The subject property abuts Walker Mill Road, an arterial roadway that is generally regulated for noise. Based on the Environmental Planning Section (EPS) noise model, an analysis of the noise generated by the highway, indicates that the 65 dBA (Ldn) noise contour would be located approximately 181 feet from the centerline of the roadway. The delineation of the 65 dBA (Ldn) noise contour shown on the preliminary plan and TCPI is based on the EPS noise model.

The noise contour as delineated shows Lot 1 and part of Lot 2 to be impacted. The outdoor activity area behind Lot 1 could be shielded from the noise on Walker Mill Road through the provision of a solid fence from the right rear corner of the house shown on Lot 1 to a point at least 40 feet from the corner, parallel to Walker Mill Road. The location of the six-foot high solid fence as proposed is appropriate. However, the Type II Tree Conservation plan must show details of the solid fence as proposed.

### **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.

5. **Community Planning**—The property is located in Planning Area 75A of the 1985 Suitland-District Heights and Vicinity Master Plan within the Capitol Heights community. The master plan recommends a medium-suburban residential land use for the subject property. This application proposes a medium-suburban residential land use, and is therefore consistent with the recommendations within the 1985 Suitland-District Heights and Vicinity Master Plan.

The 2002 General Plan locates the subject property within the Developed Tier. The vision for the Developed Tier is a network of sustainable, transit-supporting, mixed use, pedestrian oriented, medium-to-high density residential communities. This application proposes a medium-to-high density residential community, and is therefore consistent with 2002 General Plan Development Pattern policies for the Developed Tier.

The 1985 Approved Suitland-District Heights Master Plan and Sectional Map Amendment retained the subject property within the R- 80 Zone.

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 parkland dedication because the land available for dedication is unsuitable due to its size and location.
7. **Trails**—There are no master plan trails issues identified in the Adopted and Approved Suitland-District Heights and Vicinity Master Plan that impact the subject property. The adjacent Pepco right-of-way along the western boundary of the subject property is recommended as a trail corridor. However, master plan trails that fall within a Pepco right-of-way are not being implemented due to Pepco’s liability and maintenance concerns associated with the proposed trails. The property’s street frontage on Walker Mill Road includes a standard sidewalk. There are no master plan trails recommendations.
8. **Transportation**—The Transportation Planning Section has reviewed the preliminary plan of subdivision application for Winthrop at Walker Mill. The property is located along the west side of Walker Mill Road, a planned arterial facility, approximately 200 feet south of its intersection with Shady Glen Drive. The applicant proposes to raze the existing dwelling and re-subdivide the property into six lots for the development of detached single-family dwellings.

The property is located within the Developed Tier as defined in the General Plan for Prince George’s County. Unless the application is considered to have a de minimus impact on the existing transportation facilities per the “Guidelines for the Analysis of the Traffic Impact of Development Proposals” it is to be evaluated according to the following standards:

**Links and signalized intersections:** Level-of-service (LOS) E, with signalized intersections operating at a critical lane volume (CLV) of 1,600 or lower.

**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 additional information, such as an assessment of additional geometric improvement(s) or a traffic signal warrant study, and demonstrate the required improvement(s) are fully funded for construction, if deemed warranted by the appropriate operating agency.

### **Transportation Findings and Conclusions**

The proposed development consists of six lots for the development of detached single-family dwellings. The property is currently improved with one residential dwelling which will be razed should this application obtain Planning Board approval. Therefore, the new net development of five residential dwellings is expected to generate four new AM peak-hour trips, and five new PM peak-hour trips. Pursuant to the provisions in the Guidelines, the Planning Board may find a proposed development as de-minimus, if it is projected to generate five or fewer new vehicle trips within any peak period.

All the proposed lots will have direct access to a proposed primary residential street. The proposed street will intersect with Walker Mill Road approximately 200 feet away from the signalized intersection of Walker Mill Road with Shady Glen Drive. This proposed internal access road is separated from the adjoining property to the south by a proposed outlot, (Outlot A). The abutting property to the south is a three-acre recorded parcel (WWW 32 @ 26), which may possibly be re-subdivided in the future. Staff was contacted by the adjoining property owner to the south who has expressed an interest in subdividing the property, and may currently be in the process of preparing a preliminary plan of subdivision for submission to the Planning Department. At the Subdivision Review Committee meeting for this case, the Transportation Planning Section raised some possible concerns in having two public road connections onto Walker Mill Road, a designated arterial roadway, spaced so close together.

The plans initially submitted for this application demonstrated the proposed internal roadway only 10 feet from the property's southern property line. This 10-foot-wide strip of land was initially proposed to be included within the limits of Lot 6. However, the entire strip of land would be fully encumbered by the 10-foot public utility easement that is required adjacent to all public rights-of-way. Therefore, an outlot was created to contain the 10-foot-wide strip of land, which can then be conveyed to the adjoining property owner to the south, and therefore facilitate that property's direct access to an internal public street, and eliminate any further need for an additional direct access point onto Walker Mill Road. Providing direct access to an internal public street for the adjacent property to the south can also be accomplished by revising the proposed 50-foot-wide, internal street to a 60-foot wide proposed internal street.

Because of the close proximity of the proposed access road intersection with Walker Mill Road to

the existing signalized intersection of Walker Mill Road and Shady Glen Drive, the Transportation Planning Section is recommending that this access point be constructed such that it does not allow for any left turns onto Walker Mill Road. The plan correctly shows a total of 120 feet as the required rights-of-way for Walker Mill Road.

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.

9. **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 7	Middle School Cluster 4	High School Cluster 4
Dwelling Units	5 du	5 du	5 du
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	1.2	0.3	0.48
Actual Enrollment	35,388	11,453	16,879
Completion Enrollment	218	52	105
Cumulative Enrollment	112.88	28.2	58.2
Total Enrollment	35,720	11,533.5	17,042.68
State Rated Capacity	39,187	11,272	15,314
Percent Capacity	91.15268%	102.3199%	111.228%

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

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 a 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 finds that 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 & Public Facilities Planning Section has reviewed this subdivision plan for 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 7-minute response time for the first due fire station Ritchie, Company 37, using the 7 Minute Travel Times and Fire Station Locations Map provided by the Prince George’s County Fire/EMS Department.

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 and 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.

11. **Police Facilities**—The subject property is located in Police District III. The response standard is 10 minutes for emergency calls and 25 minutes for nonemergency calls. 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 September 26, 2006.

<b>Reporting Cycle</b>	<b>Date</b>	<b>Emergency Calls</b>	<b>Nonemergency</b>
Acceptance Date	08/05/05-08/05/06	9.00	18.00
Cycle 1			
Cycle 2			
Cycle 3			

The response time standards of 10 minutes for emergency calls and 25 minutes for nonemergency calls were met on August 5, 2006.

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 and fire and rescue personnel staffing levels.

The Police Chief has reported that the department has adequate equipment to meet the standards stated in CB-56-2005.

12. **Health Department**—The Environmental Engineering Program has reviewed the preliminary plan of subdivision for Winthrop at Walker Mill 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. Any hazardous materials located in the structures must be removed and properly stored or discarded prior to the structures being razed.

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, #38433-2006-00 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.
14. **Historic**—Phase I 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 the probability of archeological sites within the subject property is low. The applicant should be aware that Concord, a National Register of Historic Places house built in 1798, is located approximately three quarters of a mile from the project area. Although there are several known prehistoric archeological sites within a one-mile radius of the property, they are concentrated along the Southwest Branch.

Section 106 review may require 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.

15. **Variation Request from Section 24-121(a)(4) (150-foot lot depth)** -The following is an analysis of the requested variation to Section 24-121(a)(4) of the Subdivision Regulations. The text in **bold** represents the text from the Subdivision Ordinance.

**Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon evidence presented to it in each specific case that:**

- (1) **The granting of the variation will not be detrimental to the public safety, health, or injurious to other property;**

Discussion: Lot 1, Block A has a depth of 105 feet fronting along the proposed internal road which will serve the subdivision, and a depth of 187 feet along the northern, rear property line. The applicant will be vacating a portion of the existing Walker Mill Road right-of-way for the

purposes of extending the lot depth and siting the proposed dwelling as far away from the arterial roadway as possible. The new dwelling that is proposed on this lot will be sited approximately eight feet from the common property line between Lots 1 and 2, which is the minimum side yard setback permitted in the R-80 Zone, and the dwelling proposed for Lot 1 will be primarily within the same location and building footprint as the dwelling that currently is existing on the property. Therefore, the granting of the variation will not be detrimental to the public safety, health, or injurious to other property.

**(2) The Conditions on which the variation is based are unique to the property for which the variation is sought and are not applicable generally to other properties;**

Discussion: The R-80 Zone requires a minimum net lot area of 9,500 square feet. Lot 1, Block A, has a proposed net lot area of 20,233 square feet. While the property's boundary limits consist of a conventional, rectangular-shaped property that is not unique, the angle in which the property intersects with Walker Mill Road is unique, and generally not applicable to other properties

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

Discussion: The variation requested does not constitute a violation of any other applicable law, ordinance, or regulation.

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

Discussion: Because of the particular physical surroundings, shape, and angle of Walker Mill Road fronting the property, a particular hardship to the owner would result in the loss of a building lot that meets or exceeds all applicable zoning regulations within the R-80 Zone, except for a lot depth requirement that only applies to lots fronting on a designated arterial roadway or freeway. The development of Lot 1, Block A would not be possible without approval of a variation, and therefore would result in the loss of a building lot which is a particular hardship to the owner, as distinguished from a mere inconvenience.

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 Vaughns, seconded by Commissioner Squire, with Commissioners Vaughns,

PGCPB No. 07-47  
File No. 4-06060  
Page 12

Squire, Eley and Parker voting in favor of the motion, and with Commissioner Clark absent at its regular meeting held on Thursday, February 15, 2007, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 15th day of March 2007.

R. Bruce Crawford  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

RBC:FJG:JF:bjs