

R E S O L U T I O N

WHEREAS, a 1.0147-acre parcel of land known as Outparcel A, Tax Map 117 in 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 December 28, 2007, Marc Homes filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 2 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-07064 for Townsend Subdivision, Proctor's Addition To 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 March 13, 2008, 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 March 13, 2008, 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/70/03), and further APPROVED Preliminary Plan of Subdivision 4-07064, Townsend Subdivision, Proctor's Addition To, for Lots 5 and 6 with the following conditions:

1. The following note shall be placed on the final plat of subdivision:

“Prior to the approval of building permits for the proposed residential structures, the applicant, his heirs, successors and or assignees shall place on the building permit a certification by a professional engineer with competency in acoustical analysis demonstrating that the design and construction of the building shells will reduce interior noise levels to 45 dBA (Ldn) or less. Due to the proximity of Andrews Air Force Base, properties within this subdivision have been identified as possibly having noise levels between 70-75 dBA (Ldn) due to military aircraft overflights.”

2. The following note shall be placed on the Final Plat of Subdivision:

“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.”

3. Prior to signature approval of the preliminary plan of subdivision, the Type I tree conservation plan shall be revised to note the correct TCPI number in the approval block and the staff name and date of approval of the original TCPI. The revised plan shall be signed and dated by the qualified professional who prepared the plan.
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/070/03-01), 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 and Tree Preservation 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.”
5. The applicant, his heirs, successors and or assignees shall provide standard sidewalks along at least one side of internal public streets unless modified by the Department of Public Works and Transportation at the time of issuance of street construction permits.
6. Development of this site shall be in conformance with Stormwater Management Concept Plan 33281-2003-00-00 (approved May1, 2006) and any subsequent revisions.

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 approximately 600 feet east of Dangerfield Road at the end of Evelyn Lane, south of Woodyard Road (MD 223).
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone	R-R	R-R
Use(s)	Vacant	Detached Single-Family Dwellings
Acreage	1.0147	1.0147
Lots	0	2
Outparcels	1	1
Dwelling Units:		
Detached	0	2
Public Safety Mitigation Fee		No

4. **Community Planning**—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 recommendations of the master plan for low-suburban residential land use at up to 2.6 dwelling units per acre with a proposal for two lots for single-family, detached residential development.
  
5. **Environmental**—The site drains into the Piscataway Creek in the Potomac Watershed. There is no 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 1998 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), no rare, threatened, or endangered species are found to occur on this property or on adjacent properties. According to the *Prince George's County Soils Survey* the predominant soil types on site are Aura, Beltsville, Galestown, Mattawan, Mattapex and Sassafra series. The site is in the Developing Tier according to the General Plan.

#### **Conformance with the Subregion V Master Plan**

The master plan shows that the subject property is within the Aircraft Installation Compatibility Use Zone (AICUZ). Implementation of the Subdivision Regulations will result in conformance with the requirements of the master plan concerning development in AICUZ areas.

#### **Countywide Green Infrastructure Plan**

The property does not contain nor is it near any areas designated in the *Approved Countywide Green Infrastructure Plan* network.

#### **Environmental Review**

Based on the most recent Air Installation Compatible Use Zone Study released to the public in August 1998 by the Andrews Air Force Base, aircraft-generated noise in the vicinity is significant. The study indicates that the noise threshold is between 70 and 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, proper construction materials must be used to ensure that the noise inside of the residential structures does not exceed 45 dBA (Ldn). Two notes should be placed on the final plat of subdivision; the first note should certify that a professional engineer with competency in acoustical analysis demonstrated that the design and construction of the building shells reduced interior noise levels

to 45 dBA (Ldn) or less. A second note should cite that the properties within this subdivision were identified as possibly having noise levels that exceed the state noise standards for residential uses (65 dBA Ldn) due to military aircraft overflights, which is above the Maryland designated acceptable noise level for residential uses.

This site is subject to the provisions of the Woodland Conservation and Tree Preservation Ordinance because the property has previously approved tree conservation plans. Type I Tree Conservation Plan TCPI/070/03 was approved by PGCPB No. 04-25. Type II Tree Conservation Plan TCPII/180/06 was approved by staff on December 15, 2006, as part of an application for a grading permit. The proposed development requires a revised Type I tree conservation plan that has been reviewed by Environmental Planning staff. TCPI/070/03 includes the entire property that was included in Preliminary Plan 4-03116. The plan proposes clearing 10.42 acres of the existing 11.12 acres of woodland. The woodland conservation requirement has been correctly calculated as 6.14 acres. TCPI/070/03 proposes to meet the requirement by providing 6.14 acres of off-site conservation.

Because there are no priority woodlands on-site and because buffer yards are not required by the *Landscape Manual*, the use of an off-site easement to accommodate all woodland conservation requirements is appropriate and meets the intent of the Woodland Conservation and Tree Preservation Ordinance. The Type I tree conservation plan should be revised to note the correct TCPI number in the approval block and type in the staff name and date of approval of the original TCPI. The revised plan should be signed and dated by the qualified professional who prepared the plan. A note should be placed on the final plat of subdivision citing the restrictions and provisions to the approved Type I Tree Conservation Plan TCPI/070/03-01 and the Woodland Conservation and Tree Preservation Ordinance.

According to the *Prince George's County Soils Survey* the predominant soil types on site are Aura, Beltsville, Galestown, Mattawan, Mattapex and Sassafras series. There are no steep or severe slopes on the site. A soils report may be required by Prince George's County during the permit process review.

#### **Water and Sewer**

The property is located within Water and Sewer Category 3. Water and sewer line extensions are required to service the proposed subdivision and must be approved by the Washington Suburban Sanitary Commission before recordation of a final plat. This development will be served by public systems.

6. **Parks**—In accordance with Section 24-134(a)3(D) of the Prince George's County Subdivision Regulations, the Department of Parks and Recreation, Park Planning and Development Division finds that the subject property is exempt.
7. **Trails**—There are no master plan trails issues identified in the *Approved Master Plan and Sectional Map Amendment for Subregion 5 (Planning Areas 81A, 81B, 83, 84, 85A and 85B)*.

The existing segment of Evelyn Lane is open section with no sidewalks. Condition 6 of previously approved Preliminary Plan 4-03116 required the following regarding internal sidewalks:

8. The applicant, his heirs, successors and or assignees shall provide standard sidewalks along at least one side of internal public streets unless modified by the Department of Public Works and Transportation (DPW&T) at the time of issuance of street construction permits.

**Road frontage improvements for the subject application should be consistent with those made for the surrounding approved Preliminary Plan 4-03116. There are no master plan trail recommendations.**

9. **Transportation**—The applicant has not prepared a traffic impact study nor was one requested by the transportation staff. The findings and recommendations outlined below are based upon a review of all relevant materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the “Guidelines for the Analysis of the Traffic Impact of Development Proposals,” and in consideration of findings made in connection with past applications.

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

The subject property is in the Developing Tier, as defined in the *Prince George’s County Approved General Plan*. 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**

This applicant proposes two single family detached lots. Based upon rates in the *Guidelines*, three residences would generate 2 AM and 2 PM peak-hour vehicle trips. The traffic generated by the proposed plan would primarily impact the intersection of MD 223/Old Alexandria Ferry Road/Dangerfield Road. Staff has recent counts and analyses that show that this intersection operates poorly. Those analyses indicate that the critical intersection would operate at level-of-service (LOS) F, with a critical lane volume (CLV) of 2,157 during the AM peak hour

when considering all approved development in the area (i.e., background development). Similarly, this intersection would operate at LOS F with a CLV of 1,720 during the PM peak hour under background development. There are no funded improvements to this intersection in either the County Capital Improvement Program (CIP) or the State Consolidated Transportation Program (CTP). A number of developers have been required to provide improvements that cause the intersection to operate adequately.

Due to the limited trip generation of the site, the Prince George's County Planning Board could deem the site's impact at this location to be de minimus. This would be based upon the definition of de minimus in the *Guidelines*, which is "a development which generates 5 or fewer peak hour trips." However, given that these lots are being created within an outparcel that itself was created within a prior 18-lot subdivision—which itself was conditioned upon improvements to the critical intersection—it would be fair to condition these two lots upon similar improvements.

In a recent review of Preliminary Plan of Subdivision 4-07061 (Mia's Reserve, 11 lots), the Planning Board approved the following condition for transportation improvements at the critical intersection:

MD 223/Old Alexandria Ferry Road/Dangerfield Road intersection:

- a. Lengthening the westbound right turn lane on MD 223 to remove the westbound right turns from the through lane during the AM peak hour, resulting in one left-turn lane, one through lane, and one right-turn lane on the westbound approach.
- b. Providing one left-turn lane, two through lanes, and one free-right turn on the northbound approach.
- c. Providing two left-turn lanes, one through lane, and one right-turn lane on the southbound approach

Based on the staff's review of transportation adequacy issues in the area, the Transportation staff note that the intersection of MD 223/Old Alexandria Ferry Road would operate acceptably during the AM and PM peak hours with the improvements listed above. With the improvements, the critical intersection would operate as follows: AM peak hour—LOS C, with a CLV of 1,185; PM peak hour—LOS D with a CLV of 1,447. Besides the Mia's Reserve subdivision case, Bellefonte (4-03118), Willow Ridge Estates (4-05027), and Andrew's Addition to Townsend (4-06054) have similar conditions at this location.

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

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.

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 5	Middle School Cluster 3	High School Cluster 3
Dwelling Units	2 DU	2 DU	2 DU
Pupil Yield Factor	.24	.06	.12
Subdivision Enrollment	.48	.12	.24
Actual Enrollment	3,898	5,968	9,696
Completion Enrollment	148.8	90	181
Cumulative Enrollment	174.48	56.28	93.36
Total Enrollment	4,221.76	6,114.40	9,970.60
State Rated Capacity	3,771	6,114	10,392
Percent Capacity	111.95 %	100.00%	95.94%

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 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 \$7,870 and \$13,493 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 finds that this project meets the adequate public facilities policies for school facilities contained in Section 24-122.02, CB-30-2003, CB-31-2003, and CR-23-2003.

11. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed this preliminary plan of subdivision 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 Regulations. Public Facilities staff have 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, the 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**—The subject property is located in Police District V. The standard for priority calls response is 10 minutes and the standard is 25 minutes for non-priority 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 December 28, 2007.

Reporting Cycle	Previous 12 Month Cycle	Priority Calls	Non-priority Calls
Acceptance Date December 28, 2007.	12/06–1/08	9 minutes	12 minutes
Cycle 1			
Cycle 2			
Cycle 3			

The response time standards of 10 minutes for priority calls and 25 minutes for non-priority calls were met on January 14, 2008. 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. **Stormwater Management**—Stormwater Management Concept Plan 33281-2003-00, was approved by the Department of Public Works and Transportation (DPW&T) on May 1, 2006, and expires on May 1, 2009. A copy of Stormwater Management Concept plan 33281-2003-00 and the associated letter were submitted. No additional information is required with regard to stormwater management. Development of the site must be in accordance with this approved preliminary plan and any revisions.
14. **Department of Health**—The Environmental Engineering Program has reviewed the Preliminary Plan of subdivision for the Rustic Ridge property and has no comments to offer.
15. **Archeology**—Phase I archeological survey is not recommended on the above-referenced 1.01-acre property located at 8311 Evelyn Lane in Clinton, Maryland. This plan proposes two residential lots. 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. However, the applicant should be aware that there is one prehistoric archeological site (18PR914), a lithic scatter with fire-cracked rock, and two historic archeological sites (18PR439 and 18PR799), located within a one-mile radius of the subject property. In addition, there is one County Historic Resource, Joseph Stephenson Site (PG:81A-006), within a one-mile radius of the subject property.

Moreover, Section 106 review of the National Historic Preservation Act may require archeological survey for state or federal agencies. Section 106 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 are no effects 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.

\* \* \* \* \*

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 Cavitt, with Commissioners Vaughns, Cavitt and Parker voting in favor of the motion, and with Commissioners Squire and Clark absent at its regular meeting held on Thursday, March 13, 2008, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 3rd day of April 2008.

Oscar S. Rodriguez  
Executive Director

By Frances J. Guertin  
Planning Board Administrator