



Note: Staff reports can be accessed at www.mncppc.org/pgco/planning/plan.htm.

Preliminary Plan 4-09030

Application	General Data	
Project Name: Wheeler Point Location: On the north side of Wheeler Road approximately 2,600 feet from the Washington, DC boundary line in Oxon Hill, MD Applicant/Address: Wheeler Road LLC 1300 Caraway Court Largo, MD 20774 Property Owner: Greater Southern Community Hospital 1310 Southern Avenue, S.E. Washington, DC 20032	Planning Board Hearing Date:	03/18/10
	Staff Report Date:	03/10/10
	Date Accepted:	12/23/09
	Planning Board Action Limit:	05/24/10
	Plan Acreage:	5.30
	Zone:	R-80
	Gross Floor Area:	N/A
	Lots:	9
	Parcels:	N/A
	Planning Area:	76A
	Tier:	Developed
	Council District:	07
	Election District:	12
	Municipality:	N/A
200-Scale Base Map:	206SE02	

Purpose of Application	Notice Dates	
Nine single family residential lots	Informational Mailing	10/30/09
	Acceptance Mailing:	12/18/09
	Sign Posting Deadline:	02/15/10

Staff Recommendation		Staff Reviewer: Quynn Nguyen	
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 4-09030
Wheeler Point
9 Lots

OVERVIEW

The subject property is located on Tax Map 87 in Grid D-3 and is known as Parcel A. The property consists of 5.30 acres within the One-Family Detached Residential (R-80) Zone and is currently undeveloped. Parcel A was recorded on November 19, 1969 in Plat Book WWW 72 @ 88. The applicant is proposing to subdivide Parcel A into nine lots for single-family detached dwellings.

The site is currently undeveloped and fully wooded. There is a stream and wetland associated with Oxon Run on the subject property. The western boundary of the site contains an on-site storm drain easement. Also there is a 20-foot-wide right-of-way (ROW) for the ingress/egress on the western portion of the site. The right-of-way for ingress/egress runs from Wheeler Road to land owned by The Maryland-National Capital Park and Planning Commission (M-NCPPC) which abuts the subject property to the north. The 20-foot right-of-way was recorded in Liber 3782 at Folio 105 on November 17, 1969. The applicant is proposing to convey Parcel B, which abuts the site to the east, to M-NCPPC as an exchange to abandon the 20-foot right-of-way ingress/egress. This is discussed further in detail in the Department of Parks and Recreation (DPR) section of this report.

It is staff's analysis that the configuration of proposed Lots 8 and 9 function as flag lots, which are no longer permitted by the Prince George's County Code. During the Subdivision Development Review Committee (SDRC) meeting on January 22, 2010, it was noted to the applicant that Lots 8 and 9 are not appropriate for several reasons. As part of this preliminary plan, staff is recommending the removal of one lot and the readjustment of the property lines for the remaining eight lots, resulting in the loss of one lot. This is discussed further in detail in the Subdivision Section of this report.

SETTING

The property is 5.30 acres and is located on the north side of Wheeler Road approximately 2,600 feet from the Washington, DC boundary line in Oxon Hill, Maryland. The majority of neighboring properties around the site are zoned One-Family Detached Residential (R-80) and are mostly made up of single-family detached dwellings. A portion of the neighboring properties to the north of the site are zoned Reserved Open Space (R-O-S) and are owned by The Maryland-National Capital Park and Planning Commission (M-NCPPC).

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-80	R-80
Use(s)	Residential (Vacant)	Residential Single-family dwelling
Acreage	5.30	5.30
Lots	0	9
Outlots	0	0
Parcels	1	0
Dwelling Units:		
Detached	0	9
Public Safety Mitigation Fee	No	No

Pursuant to Section 24-119(d) (2) of the Subdivision Regulations, this case was heard before the Subdivision and Development Review Committee (SDRC) meeting on January 22, 2010.

2. **Subdivision**—It is staff’s analysis that Lots 8 and 9 of this proposed subdivision function as flag lots. As shown on the preliminary plan, Lot 8 has a lot width at the front street of 178.61 feet, located at the western corner of the site, with an access driveway to the street of 20 feet abutting Lot 4. Lot 9 has a lot width at the front street of 166.09 feet, located at the eastern corner of the site, with an access driveway to the street of 20 feet abutting Lot 3. The current layout of Lots 8 and 9 separating the access point and the lot width at the front street is inappropriate, inefficient and confusing design layout. The location of the lot width at the front street line for Lots 8 and 9 has many environmental features that make it difficult to incorporate an access point. The configuration of the driveway access to the street is an essential design element of a flag lot. The access stems for Lots 8 and 9 are only 20 feet wide. The minimum width for flag lot stems when they were permitted was 25 feet. While long since prohibited in the R-80 Zone (1989), flag lots are no longer permitted in any zone pursuant to County Council Bill CB-04-2006.

During the Subdivision Development Review Committee meeting on January 22, 2010, staff’s concern over the design of Lots 8 and 9 was noted and the applicant was advised to reorganize the lot layout of this subdivision design to eliminate the problem. However, the applicant decided to keep the current flag lot design layout for this subdivision.

Staff recommends the removal of one lot and readjusts the property lines for the remaining 8 lots. From southwest corner of the property and measuring approximately 230 feet east shall be the property line marker for Lot 1. Then from the property line marker of lot 1 and continue to measure east 75 feet for each of the next six lots. Lot 8 will be approximately 245 feet from the property line of Lot 7 to the southeast corner of the property. All the property lines will run to the rear of the subject property boundary and a conservation easement will cover the rear of the lots to meet the woodland on-site requirement. This recommended layout will provide adequate access, lot width at the street and building line, and front and rear yard for the each of the lots. See exhibit A for an illustration of the recommended lots layout.

3. **Environmental**—The Preliminary Plan of Subdivision 4-09030 and Type I Tree Conservation Plan TCPI/013/09 were submitted and have been reviewed. This case was discussed at the SDRC meeting on January 22, 2010 and written comments were provided. A signed Natural Resources Inventory, NRI/017/09 was included with the application.

The 5.30-acre site, in the R-80 Zone, is located on the northeast side of Wheeler Road approximately 2,300 feet from its intersection with Wheeler Hills Road. The site is 100 percent wooded. There are streams and wetlands on the property in the Oxon Run watershed of the Potomac River basin. According to the *Prince George's County Soil Survey*, the principal soils on this site are in the Collington and Sassafras series. Marlboro clay does not occur in this area. 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 or in the vicinity of this property. No designated scenic or historic roads will be affected by the proposed development. The site has frontage along Wheeler Road a master planned collector roadway that does not generate sufficient traffic that would result in noise levels above 65 dBA Ldn. The proposal is not expected to be a noise generator. This property is located in the Developing Tier as reflected in the 2002 *Prince George's County Approved General Plan*.

Environmental Issues Addressed in the 2000 Approved Master Plan and Sectional Map Amendment for the Heights & Vicinity, Planning Area 76A

The subject property is located within the 2000 *Approved Master Plan and Sectional Map Amendment for the Heights & Vicinity (Planning Area 76A)*. There are no specific environmental recommendations or design standards that require review for conformance. The environmental requirements for woodland conservation and stormwater management are addressed in the Environmental Review Section below.

Approved Countywide Green Infrastructure Plan Conformance

The site contains Regulated, Evaluation, and Network Gap Areas within the designated network of the 2005 *Approved Countywide Green Infrastructure Plan*. There are two small Regulated Areas occurring along the north boundary of the site that contain the main channel of Oxon Run which is located just north of the subject site. Most of the northern portion of the site is within an Evaluation Area while the remaining southern portion is within the Network Gap. The western boundary of the site contains a stream and wetland associated with Oxon Run. The proposed development is focused close to the eastern boundary of the site adjacent to Wheeler Road, with the exception of two lots (Lots 8 and 9), which appear to be flag lots. The plan proposes to preserve the Regulated Areas, and reasonable portions of the Evaluation and Network Gap areas on site.

The woodland conservation requirement for this site should be met on-site because of the extensive areas within the designated green infrastructure network. The plan currently shows the threshold and the total requirement being met on-site.

Comment: As currently designed, the development is in conformance with the Countywide Green Infrastructure Plan; however, if the layout changes where the woodland conservation threshold cannot be met on-site, a new analysis will be necessary.

Environmental Review

An approved Natural Resources Inventory, NRI/017/09, was submitted with the application. The site is 100 percent wooded. The forest stand delineation (FSD) indicates one forest stand totaling 5.30 acres and no specimen trees. According to the FSD, a significant amount of invasive species, including Japanese honeysuckle, poison ivy, and multi-flora rose occur in the herbaceous layer of the stand. There is a stream, stream buffers, wetlands and wetland buffers on the subject property. The streams and wetlands on the property are in the Oxon Run watershed of the Potomac River basin. The TCPI and the preliminary plan show all the required information correctly in conformance with the NRI.

The property is subject to the provisions of the Prince George's County Woodland Conservation and Tree Preservation Ordinance because the site is greater than 40,000 square feet in size and contains more than 10,000 square feet of woodland. A Type I Tree Conservation Plan (TCPI/013/09) was submitted with the review package. The Woodland Conservation Threshold (WCT) for this 5.30-acre property is 20 percent of the net tract area or 1.06 acres. The total woodland conservation requirement based on the amount of clearing proposed is 1.66 acres. According to the worksheet, the requirement is proposed to be met with 1.66 acres of on-site preservation. The proposed preservation areas are along the east, west, and north boundaries of the site. The remaining 1.23 acres of woodland will be preserved but not counted toward the requirement.

Because the concern over the design of Lots 8 and 9, it could result in change in the lot layout. This could affect the proposed woodland conservation with regard to clearing and preservation. If the lot layout is revised the proposed tree conservation plan must also be revised; however, all woodland conservation should be met on-site. Staff's recommended change to the current lot layout would not negatively affect the amount of woodland conservation that is to be provided.

There are a few other revisions that are required. The plan shows woodland preservation within an on-site storm drain easement. Woodland within easements such as this cannot be counted toward meeting the preservation because they are subject to future clearing by another agency for maintenance purposes. The TCPI needs to be revised to show the woodland within the storm drain easement counted as cleared and the worksheet revised accordingly. The TCPI also shows woodland conservation within the public utility easement (PUE) adjacent to Wheeler Road. All woodland within an existing or proposed public utility easement must be counted as cleared.

The site contains significant sensitive environmental features, which are required to be protected under Section 24-130 of the Subdivision Regulations. In order to ensure that these features, as well as the proposed woodland conservation areas, remain protected and continue to thrive post-development, a conservation easement should be established at the time of final plat.

According to the *Prince George's County Soil Survey*, the principal soils on the site are in the Collington and Sassafras series. This information is provided for the applicant's benefit. According to the stormwater plan approval, the Prince George's County Department of Public Works and Transportation (DPW&T) may require a soils report in conformance with County Council Bill CB-94-2004 during the building permit process review.

Environmental Conclusions

Based on the preceding findings, the Environmental Planning Section recommends Preliminary Plan of Subdivision 4-09030 and Type I Tree Conservation Plan TCPI/013/09 be approved with conditions. These conditions address the appropriate protection of the regulated areas.

4. **Stormwater Management**—The Department of Public Works and Transportation (DPW&T), Office of Engineering, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan 22715-2009-00, was approved on November 30, 2009 with conditions to ensure that development of this site does not result in on-site or downstream flooding. The approval letter requires roof-top disconnection and drywells as part of the quality control measures. The concept plan shows drywells on each of the proposed lots in accordance with the approved concept. Additionally, the plan indicates that the site will be charged a fee-in-lieu of on-site stormwater management. Development must be in accordance with this approved General Plan.
5. **Community Planning**—The 2002 *Prince George's County Approved General Plan* designates 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 neighborhoods. This application is consistent with the development pattern policies for the Developed Tier and supports the approved General Plan goal to strengthen existing neighborhoods.

There was a Special Exception (SE-1796) for nursing home care approved in 1968 for this property when it was in the R-R Zone. The November 2000 *Approved Master Plan and Sectional Map Amendment for the Heights and Vicinity (Planning Area 76A)* retained this property in the R-80 Zone.

The proposed subdivision conforms to the land use recommendations of the 2000 *Master Plan and Sectional Map Amendment for the Heights & Vicinity (Planning Area 76A)*. The Heights Plan recommends a Class II Urban Hiker-Biker Trail on both sides of the street on Wheeler Road from Iverson Street to Southern Avenue. It also recommends a trail less than a mile from the site. The Barnaby Run Trail recommendation provides a trail through the Barnaby Run Stream Valley generally from 23rd Parkway to Wheeler Road (p.127). However, the Barnaby Run Trail has not been established to date and is further discussed in Trail section of this report.

6. **Department of Parks and Recreation (DPR)**—The preliminary plan of subdivision has been reviewed by the Department of Parks and Recreation (DPR). The subject property has a 20-foot-wide right-of-way granted to M-NCPPC by a Right-of Way Agreement recorded among the Land Records of Prince George's County, Maryland in Liber 3782 at Folio 104. The proposed subdivision of the property as shown on the plan would require the extinguishment of the existing park access right-of-way referenced above. The applicant proposes conveyance of Parcel B (a separate 1.3-acre property adjacent to the subject application property and to be owned by the applicant) to M-NCPPC in exchange for extinguishment of the M-NCPPC right-of-way. This parcel has frontage on Wheeler Road and provides suitable alternative access to the park property. The applicant provided a copy of the Purchase Agreement demonstrating that the applicant, the Wheeler Road LLC is the contract purchaser of the subject property and Parcel B. DPR staff agrees that provision of Parcel B in exchange for extinguishment of M-NCPPC right-of-way through the subject subdivision and to meet the requirements for mandatory park dedication is appropriate subject to the conditions.

Section 24-134 of the Subdivision Regulations (mandatory dedication of parkland) requires that 0.11 acres of the subject property be dedicated for public parkland. DPR staff believes that dedication of 1.3 acres will meet mandatory dedication of parkland requirement and, in addition, will provide replacement land for the existing park access right-of-way proposed to be extinguished.

7. **Trails**—The plan was reviewed for conformance with the 2009 *Approved Master Plan of Transportation* and/or the appropriate area master/sector plan in order to implement planned trails.

The subject property is located on Wheeler Road. It is adjacent to the Barnaby Run master planned trail corridor recommended in the 2000 Approved Master Plan and Sectional Map Amendment for the Heights & Vicinity Planning Area 76A. The subject property abuts M-NCPPC owned property and other property where the trail can be located in the future by others. The Barnaby Run Trail is included in the map in the 2009 *Approved Master Plan of Transportation*.

Wheeler Road (C-703) is a four-lane road with a recommended 80-foot right-of-way from the Washington, DC Line to St. Barnabas Road. It is a master planned bikeway that will be implemented in phases as development occurs, first as a signed shared roadway (former Class III) bikeway, and eventually as bike lanes or some other yet conceived bicycle facility design. This will occur if a capital improvement project is ever implemented to widen the road to the master plan specification of an 80-foot-wide roadway with four travel lanes.

The Approved Master Plan of Transportation contains a “complete streets” policy to “Provide standard sidewalks along both sides of all new road construction within the Developed and Developing Tiers” (page 33). Sidewalks are to be implemented along the roads of the developed and developing tiers as new development or road reconstruction occurs.

Analysis

Bicycle lanes are an appropriate bicycle facility for Wheeler Road when it is re-constructed in the future because it is a master planned four-lane road with an 80-foot right-of-way. Sufficient dedication for the master planned road should be provided with this application. The DPW&T standard roadway section for an 80-foot four-lane roadway accommodates on-road bicycle lanes so standard dedication should be provided by the applicant (40 feet from centerline).

Until such time that Wheeler Road is reconstructed by the County, it can be utilized as a signed shared roadway for bicyclists. There is sufficient shoulder width on the road in this area for safe bicycle travel, and the bikeway should be signed for safety purposes per the American Association of State Highway Transportation Officials (AASHTO) guidance and Manual On Uniform Traffic Control Devices (MUTCD) signage standards. Thus, staff recommends that the applicant’s heirs, successors, and/or assignees provide a financial contribution of \$210 to the Department of Public Works and Transportation (DPW&T) for the placement of warning signs for bicycle facilities.

Development in this area has provided standard sidewalks in the past in conjunction with construction activities (Chevet Manor Apartments). Sidewalks exist on Wheeler Road approximately 1100 feet west of the subject property. Staff recommends that the applicant provide a standard five-foot-wide sidewalk typical for an urban four-lane collector road along the entire length of the subject site’s frontage of Wheeler Road, unless modified by DPW&T.

The Barnaby Run master planned trail will be implemented in the future by others, possibly M-NCPPC, as a capital improvement project. Although the master plan recommends that trail connections from new subdivisions be made to trails, staff is not recommending such a connection at this time in this case because a connection to the planned trail can be made in the future from the subject property along Wheeler Road if the Barnaby Run trail is ever constructed.

8. **Transportation**—The subject property consists of 5.30 acres of land in the R-80 Zone. The property is located on the north side of Wheeler Road, approximately 2,600 feet east of Southern Avenue and the Washington, District of Columbia (DC) line. The applicant proposes a residential development of nine single-family dwellings.

It was determined that a traffic study was not warranted by the size of the proposed development. A traffic count was requested of the applicant, and the needed count for the critical intersection of Wheeler Road and Southern Avenue was obtained. The findings and recommendations outlined below are based upon a review of these materials and analyses conducted by staff, consistent with the “Guidelines for the Analysis of the Traffic Impact of Development Proposals (*Guidelines*).”

Growth Policy—Service Level Standards

The subject property is located within the Developed Tier, as defined in the 2002 *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) E, with signalized intersections operating at a critical lane volume (CLV) of 1,600 or better. Mitigation, as defined by Section 24-124(a)(6) of the Subdivision Regulations, is permitted at signalized intersections within any tier subject to meeting the geographical criteria in the *Guidelines*.

Unsignalized intersections: *The Highway Capacity Manual* (Transportation Research Board) 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.

The traffic generated by the proposed preliminary plan would impact the existing intersection of Wheeler Road and Southern Avenue. This is a signalized intersection. A traffic count was taken at the critical intersection in November 2009. The findings are based on the submitted traffic count.

The application is for nine residential lots. Single-family dwellings are planned for the nine lots. The proposed development would generate a total of 7 AM (1 in, 6 out) and 8 PM (5 in, 3 out) peak-hour vehicle trips as determined using the *Guidelines*.

At the signalized intersection of Wheeler Road and Southern Avenue the following conditions exist during the AM peak hour: CLV 827, CLV 843, and CLV 845 under existing, background, and total traffic conditions. During the PM peak hour the following conditions exist: CLV 745, CLV 759, and CLV 762 under existing, background, and total traffic conditions. Background conditions reflect a growth rate of two percent for one year for all traffic movements. There are

no approved but un-built developments in the area. With the addition of the proposed development, or total traffic conditions, the critical intersection operates acceptably, based on the *Guidelines*.

There will be driveway access to the residential lots from Wheeler Road. In consideration of the planned function of the roadway, and given current operating speeds and traffic volumes, the driveways onto each proposed lot should utilize a turnaround capability in order to minimize the need for vehicles accessing these lots to back onto Wheeler Road. Wheeler Road is designated as C-703 in the 2000 *Approved Master Plan and Sectional Map Amendment for the Heights and Vicinity (Planning Area 76A)*. The master plan lists Wheeler Road as a four-lane collector roadway with 80 feet of right-of-way. Dedication of 40 feet from the master plan baseline of Wheeler Road is required. This dedication is shown adequately on the plan.

The Prince George’s County Department of Public Works and Transportation (DPW&T) submitted comments separately and had no comments on the traffic count or driveway access to Wheeler Road.

Transportation Conclusions

Based on the preceding findings, the plan conforms to the required findings for approval of the preliminary plan of subdivision pursuant to Section 24-124 of the Subdivision Regulations if the application is approved with conditions.

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 Subdivision Regulations following conditions:

- 9. **Schools**—The Special Projects Section has reviewed this preliminary plan for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and County Council Resolution 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	9 DU	9 DU	9 DU
Pupil Yield Factor	.16	.13	.14
Subdivision Enrollment	1.4	1.1	1.3
Actual Enrollment	32,447	9,888	16,168
Total Enrollment	32,448.4	9,889.1	16,169.3
State Rated Capacity	39,187	11,571	16,314
Percent Capacity	82.8%	85.5%	99.1%

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

County Council Bill CB-31-2003 established 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 (WMATA) or \$12,000 per dwelling for all other buildings.

County Council Bill CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts are \$8,120 and \$13,921 to be paid at the time of issuance of each building permit. The school facilities surcharge may be used for the construction of additional or expanded school facilities and renovations to existing school buildings or other systemic changes.

10. **Fire and Rescue**—The Special Projects 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)(C) and (E) of the Subdivision Regulations.

This preliminary plan is within required the seven-minute response time for the first due fire station using the *Seven Minute Travel Times and Fire Station Locations Map* provided by the Prince George’s County Fire/EMS Department.

First Due Fire/EMS Company #	Fire/EMS Station	Address
42	Oxon Hill	1100 Marcy Avenue

Pursuant to County Council Resolution CR-69-2006, the Prince George’s County Council and the County Executive temporarily suspended the provisions of Section 24-122.01(e)(1)(A) and (B) regarding sworn fire and rescue personnel staffing levels. The Fire/EMS Chief has reported that the Fire/EMS Department has adequate equipment to meet the standards stated in County Council Bill CB-56-2005.

The Capital Budget and Program Fiscal Years 2010–2015, proposes land acquisition for a new station, Oxon Hill Fire/EMS, to be built near St. Barnabas Road and Beltway. This station will improve Fire/EMS response to surrounding communities.

The above findings are in conformance with the March 2008 *Approved Public Safety Facilities Master Plan* and the “Guidelines for the Mitigation of Adequate Public Facilities: Public Safety Infrastructure”.

11. **Police Facilities**—The subject property is located in Police District IV, Oxon Hill. The response time standard is ten 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 December 23, 2009.

Reporting Cycle	Previous 12 Month Cycle	Emergency Calls	Nonemergency Calls
Acceptance Date 12/23/2009	12/2008-11/2009	9.0 minutes	12.0 minutes
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 January 4, 2010. The Police Chief has reported that the Police Department has adequate equipment to meet the standards stated in County Council Bill CB-56-2005. Pursuant to County Council Resolution CR-69-2006, the Prince George's County Council and the County Executive temporarily suspended the provisions of Section 24-122.01(e)(1)(A) and (B) of the Subdivision Regulations regarding sworn police personnel staffing levels.

12. **Water and Sewer Categories**—Section 24-122.01(b)(1) of Subdivision Regulations states that “The location of the property within the appropriate service area of the Ten-Year Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for preliminary or final plat approval.”

The 2008 *Water and Sewer Plan* placed this property in Water and Sewer Category 3, Community System.

13. **Health Department**—The Prince George's County Health Department has evaluated the proposed preliminary plan of subdivision and has no comments to offer.

14. **Public Utility Easement (PUE)**—In accordance with Section 24-122(a) of the Subdivision Regulations, when utility easements are required by a public utility company, the subdivider should include the following statement in the dedication documents recorded on the final plat:

“Utility easements are granted pursuant to the declaration recorded among the County Land Records in Liner 3703 at Folio 748.”

The preliminary plan of subdivision correctly delineates a ten-foot public utility easement along the right-of-way of Wheeler Road as requested by the utility companies.

15. **Historic**—The proposed subdivision will have no effect on identified historic sites, resources or districts. Phase I archeological survey is not recommended for this 5.30-acre property. The subject property appears to have been surveyed for archeological sites in 1980 for the Washington Metropolitan Transit Authority (WMATA). No archeological sites were identified on the Wheeler Point property.

However, the applicant should be aware that two archeological sites, 18PR196 and 18PR213, have been identified within one mile of the subject property. Site 18PR196 is Middle Woodland (500-900 A.D.) short-term resource procurement site and 18PR213 is a Late Woodland (900-1600 A.D.) short-term resource procurement site. Both sites are located to the east of the subject property and are on the south side of Barnaby Branch. In addition, Two County Historic Resources, DC Boundary Marker SE 5 (76A-017) and DC Boundary Marker SE 6 (76A-018), are located within one mile of the subject property. Three additional properties have been documented on Maryland Inventory of Historic Property forms, 76A-012, 76A-023, and 76A-040. Site 76A-012 is the Repetti-Washington House, a circa. 1891–1894 vernacular two-story gable-roofed structure with an L-shaped plan, located about one-half mile northwest of the subject property. Site 76A-023 is a one-lane concrete slab bridge that spans Barnaby Creek along the old Wheeler Road right-of-way. This former road bed was recently abandoned and is located to the east of the subject property. Site 76A-040 is the Oxon Run Strip Park comprising 3.8 acres of public open space along Oxon Run.

Moreover, Section 106 review may require archeological survey for state or federal agencies. Section 106 of the National Historic Preservation Act (NHPA) 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.

RECOMMENDATION

Staff recommends APPROVAL of Preliminary Plan of Subdivision 4-09030, Wheeler Point, subject to the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, general Note 5 and 6 shall be revised to one note and reflect as Water and Sewer Category 3.
2. Prior to signature approval of the preliminary plan of subdivision the lot layout shall be redesigned to reflect staff exhibit A.
3. Prior to signature approval of the preliminary plan, if the lot layout changes to remove the proposed flag lot configuration, the TCPI shall be revised accordingly and all required woodland conservation shall continue to be met on-site
4. Prior to signature approval of the preliminary plan, the TCPI shall be revised as follows:
 - a. Revise the TCPI to show the woodland within the public utility easement and existing storm drain easement counted as cleared and revise the worksheet accordingly.
 - b. Revise note one to show the preliminary plan number.
 - c. Revise note six to remove the TCPI number and show the preliminary plan number instead.
 - d. Have the plans signed and dated by the qualified professional who prepared them.
5. Prior to the issuance of any permits, a Type II tree conservation plan shall be approved.
6. At time of final plat, bearings and distances shall describe a conservation easement. The conservation easement shall contain the on-site stream buffer, all woodland preservation, and the proposed 40-foot-wide landscape buffer, and the plat shall be reviewed by the Environmental Planning Section prior to certification. The following note shall be placed on the plat:

“Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.”
7. At the time of final plat approval, the applicant shall demonstrate dedication of right-of-way along Wheeler Road of 40 feet from the baseline as shown on the submitted plan.
8. Provide standard five-foot-wide sidewalks and a minimum five-foot-wide vegetative separation strip consistent with DPW&T standards and specifications for an urban four-lane collector road along Wheeler Road, unless modified by DPW&T.

9. The applicant and the applicant's heirs, successors, and/or assignees shall provide a financial contribution of \$210 to the Department of Public Works and Transportation (DPW&T) for the placement of the bicycle facility signage.
10. Prior to the approval of the final plat, the following notes shall be placed on the plat:
 - a. Development of this site shall be in conformance with the Stormwater Management Concept Plan 22715-2009-00.
 - b. This development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/013/09), 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 County Council Bill 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 (M-NCPPC), Prince George's County Planning Department.
 - c. The applicant and the applicant's heirs, successors, and/or assignees shall provide a financial contribution of \$210 to the Department of Public Works and Transportation (DPW&T) for the placement of the bicycle facility signage prior to the issuance of the first building permit.
 - d. The driveways onto each lot shall utilize a turnaround capability in order to minimize the need for vehicles to back onto Wheeler Road. The design of the driveways shall be verified at the time of building permit.
11. At the time of final plat, the applicant shall dedicate a ten-foot public utility easement (PUE) along the public right-of-way (ROW) as delineated on the approved preliminary plan of subdivision.
12. Prior to approval of final plat of subdivision, the applicant shall convey adjoining Parcel B, consisting of 1.3 acres of land to M-NCPPC. Land to be conveyed shall be subject to the following:
 - a. An original, special warranty deed for the property to be conveyed, (signed by the WSSC Assessment Supervisor) shall be submitted to the Subdivision Section of the Development Review Division, The Maryland-National Capital Park and Planning Commission (M-NCPPC), along with the Final Plat.

- b. The M-NCPPC shall be held harmless for the cost of public improvements associated with land to be conveyed, including but not limited to, sewer extensions, adjacent road improvements, drains, sidewalks, curbs and gutters, and front-foot benefit charges prior to and subsequent to Final Plat.
- c. The boundaries and acreage of land to be conveyed to M-NCPPC shall be indicated on all development plans and permits, which include such property.
- d. The property to be conveyed shall not be disturbed or filled in any way without the **prior written consent** of the Department of Parks and Recreation (DPR). If the property is to be disturbed, the DPR shall require that a performance bond be posted to warrant restoration, repair or improvements made necessary or required by the M-NCPPC development approval process. The bond or other suitable financial guarantee (acceptable to M-NCPPC's General Counsel's Office shall be submitted to the DPR within two weeks prior to applying for grading permits.
- e. Storm drain outfalls shall be designed to avoid adverse impacts on property to be conveyed to or owned by M-NCPPC. If the outfalls require drainage improvements on adjacent land to be conveyed to or owned by M-NCPPC, the DPR shall review and approve the location and design of these facilities. The DPR may require a performance bond and easement agreement prior to issuance of grading permits.
- f. All waste matter of any kind shall be removed from the property to be conveyed. All wells shall be filled and underground structures shall be removed. The DPR shall inspect the site and verify that property is in acceptable condition for conveyance, prior to dedication.
- g. All existing structures shall be removed from the property to be conveyed, unless the applicant obtains the written consent of the DPR.
- h. The applicant shall terminate any leasehold interests on property to be conveyed to M-NCPPC.
- i. The property to be conveyed shall not be encumbered by prescriptive or descriptive easements that are to the benefit of other properties without the expressed written permission of DPR. If encumbered, the DPR shall review the location, the rights and privileges associated with those easements and their anticipated impact on the future development of the parkland. If appropriate, DPR may require the applicant to relocate said easements.
- j. No stormwater management facilities, or tree conservation or utility easements (other than typical PUEs associated with the edge of public right-of-way) shall be proposed on property owned by or to be conveyed to the M-NCPPC without the **prior written consent** of the DPR. The DPR shall review and approve the location and/or design of these features. If such proposals are approved by the DPR, a performance bond and an easement agreement may be required prior to the issuance of grading permits.
- k. The property shall be conveyed to M-NCPPC in fee simple and free of any encumbrances.

1. The applicant and the applicant's heirs, successors, and/or assignees shall submit a letter to the Subdivision Section of the Development Review Division (M-NCPPC), prior to final plat, indicating that DPR has conducted a site inspection and found the land to be dedicated to M-NCPPC in acceptable condition for conveyance.

13. Upon receipt of the deed for conveyance of Parcel B to M-NCPPC and at least four weeks prior to submission of the final plat of subdivision, the applicant shall prepare an agreement extinguishing the existing recorded 20-foot-wide right-of-way (Liber 3782 at Folio 104). The agreement shall be submitted to the Department of Parks and Recreation (DPR) for their review and ultimate approval by M-NCPPC. The applicant shall record this agreement in land records of Prince George's County.

STAFF RECOMMENDS APPROVAL OF TYPE I TREE CONSERVATION PLAN TCPI/013/09.