

R E S O L U T I O N

WHEREAS, Land and Commercial, Inc. is the owner of a 36.26-acre parcel of land known as Parcel 46, Tax map 145 in Grid D-2, said property being in the 11th Election District of Prince George's County, Maryland, and being zoned R-R; and

WHEREAS, on August 24, 2004, Land and Commercial, Inc. filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 37 lots, 1 outlot, 1 parcel and 1 outparcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-04094 for Missouri Acres 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 January 20, 2005, 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 January 20, 2005, 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/76/95-01), and further APPROVED Preliminary Plan of Subdivision 4-04094, Missouri Acres for Lots 1-37, Parcel A, Outlot A and Outparcel A including a Variation to Section 24-130 with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision the plan shall be revised as follows:
 - a. Label the rights-of-way of C-610 (west of Street A intersection) and C-613 as parcels to be conveyed to the HOA and ultimately to DPW&T upon demand. The final plat shall indicate that said demand may not occur until abutting right-of-way have been obtained.
 - b. Conform to Staff Exhibit A.
 - c. Label outparcel as Parcel C.
2. Prior to the issuance of permits, a Type II tree conservation plan shall be approved.
3. Development of this site shall be in conformance with the approved Stormwater Management Concept Plan and any subsequent revisions.

4. Prior to the issuance of building permits, the applicant, his heirs, successors and/or assignees shall convey to the homeowners association (HOA) 1.9 ± acres of open space land (Parcel A), in accordance with Staff Exhibit A. Land to be conveyed shall be subject the following:
 - a. Conveyance shall take place prior to the issuance of building permits.
 - b. A copy of unrecorded, special warranty deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division (DRD), Upper Marlboro, along with the final plat.
 - c. All waste matter of any kind shall be removed from the property, prior to conveyance, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section, or the entire project.
 - d. The conveyed land shall not suffer the disposition of construction materials, soil filling, discarded plant materials, refuse or similar waste matter.
 - e. Any disturbance of land to be conveyed to a homeowners association shall be in accordance with an approved detailed site plan or shall require the written consent of DRD. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement, and stormdrain outfalls. If such proposals are approved, a written agreement and financial guarantee shall be required to warrant restoration, repair or improvements, required by the approval process.
 - f. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to a homeowners association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by DRD prior to the issuance of grading or building permits.
 - g. Temporary or permanent use of land to be conveyed to a homeowners association for stormwater management shall be approved by DRD.
 - h. The Planning Board or its designee shall be satisfied that there are adequate provisions to assure retention and future maintenance of the property to be conveyed.
5. Prior to building permits the applicant, his heirs, successors and/or assignees shall demonstrate that a homeowners association has been established and that the common areas have been conveyed to the homeowners association.
6. Prior to the approval of the final plat, a limited detailed site plan (LDSP) shall be approved by the Planning Board or its designee for the construction of private on-site recreational facilities on Parcel A, establishing appropriate bonding amounts and determining triggers for construction, in accordance with the *Parks and Recreation Facilities Guidelines*. The LDSP shall ensure that the

SWM facility is designed and landscaped as a visual amenity to the site. A determination shall be made at that time if Outlot A is to be conveyed to the HOA. If so, the LDSP shall include the review of landscaping and/or an entrance feature, if proposed.

7. The applicant, his heirs, successors and/or assignees shall submit three original recreational facilities agreements (RFAs) to DRD for construction of recreational facilities on homeowners land for approval prior to the submission of final plats. Upon approval by DRD, the RFA shall be recorded among the County Land Records.
8. The applicant, his heirs, successors and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for the construction of recreational facilities on homeowners land, prior to the issuance of building permits.
9. The applicant, his heirs, successors and/or assignees shall provide a standard sidewalk along the subject site's frontage of Missouri Avenue and both sides of the internal public street, with the concurrence of the Department of Public Works.
10. Prior to approval of the final plat of subdivision and/or any disturbance occurring on this property, the applicant shall demonstrate that this property has not been part of the early family landholdings or shall submit a Phase I archeological investigation, and if determined to be needed by Planning Department staff, a Phase II and Phase III investigation. If necessary, the final plat shall provide for the avoidance and preservation of the resources in place or shall include plat notes to provide for mitigating the adverse effect upon these resources. All investigations must be conducted by a qualified archeologist and must follow *The Standards and Guidelines for Archeological Investigations in Maryland* (Schaffer and Cole: 1994) and must be presented in a report following the same guidelines.
11. Building permits for any lot having its sole frontage on and that proposes direct access to C-610 or Missouri Avenue will demonstrate driveways with turn-around capabilities.
12. Prior to signature approval of the preliminary plan, the Detailed Forest Stand Delineation plan shall be revised as follows:
 - a. Add a north arrow.
 - b. Correct the source of the soils information to the Soil Survey of Prince George's County.
 - c. Correctly label "slopes over 15%" as "steep slopes (15 to 25%) on highly erodible soils" in the legend and ensure that the areas delineated are correct.
 - d. Remove the PMA delineation.
 - e. Provide a letter from the Maryland Department of Natural Resources or include a statement regarding the presence of rare, threatened or endangered species on the site.

- f. Remove the term intermittent from the legend as a characteristic of various streams.
 - g. Add the stream which crosses the eastern portion of the site.
 - h. Show the 100-year floodplain and identify the source of the 100-year floodplain delineation in the notes.
 - i. Remove the labels “intermittent” and “Waters of the US” and use the label “stream.”
 - j. Revise the plan to show the existing Forest Interior Dwelling Bird Species Habitat (FIDS), associated buffers, and add the graphic symbols to the legend.
 - k. Have the revised plan and text signed and dated by the qualified professional who prepared it.
13. Prior to signature approval of the Type I Tree Conservation Plan, the FIDS habitat and FIDS buffer shall be revised to maximize the amount of FIDS habitat retained and minimize to the greatest extent possible impacts to the FIDS buffer habitat.
14. Prior to signature approval, the TCPI shall be revised as follows:
- a. Calculate the woodland in the master planned rights-of-way as cleared on this worksheet.
 - b. Provide a lot-by lot table for on-site woodland conservation which indicates the amount of existing woodlands, proposed clearing, and woodland conservation provided on each lot.
 - c. Revise the size of the conceptual house footprints to an average of 3,000 square feet in size.
 - d. Revise the conceptual grading to accommodate the enlarged house pads.
 - e. Revise the lot layout and the woodland conservation areas to provide a minimum clear area of 20 feet from the sides and a minimum clear area of 40 feet from the rear of the conceptual house pads and for side-loaded garages, provide 20 feet from the edge of the driveways.
 - f. Remove woodland conservation from master planned rights-of-way and count it as woodland cleared.
 - g. Correctly delineate the expanded stream buffer.
 - h. Revise the woodland conservation worksheet to reflect all required revisions.
 - i. Have the plan signed and dated by the qualified professional who prepared it.

15. 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/76/95-01), 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/Tree Preservation Policy.”

16. Prior to the issuance of any permits which impact wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
17. Prior to signature approval of the preliminary plan, an approved 100-year floodplain study shall be submitted. If individual lots do not contain sufficient net tract area to meet the zoning requirements, they shall be deleted.
18. At time of final plat the approved 100-year floodplain delineation shall be shown along with the required 25-foot-wide building restriction line. The plat shall be reviewed by the Environmental Planning Section prior to approval.
19. At time of final plat, bearings and distances shall describe a conservation easement. The conservation easement shall contain the expanded stream buffer except for the single area of impact approved and shall be reviewed by the Environmental Planning Section prior to approval of the final plat. 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.”
20. Prior to signature approval of the preliminary plan, a signed and approved stormwater concept plan and letter shall be submitted, which reflects the proposed lot layout and the proposed master planned rights-of-way.
21. Prior to issuance of any building permits, the applicant shall construct per DPW&T standards adequate sidewalk(s) along Missouri Avenue from the proposed access road to its intersection with Brandywine Road and install appropriate crosswalks, unless modified by DPW&T. Off site sidewalk construction is subject to available right-of-way.
22. Prior to issuance of any building permits, and if deemed necessary by SHA, the applicant, his heirs, successors or assignees shall submit a traffic signal warrant study for the intersections of US 301 with Missouri Avenue, and Missouri Avenue and Brandywine Road (MD381) and to install the traffic signal, if deemed needed by SHA

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 Missouri Avenue approximately 900 feet north of its intersection with Brandywine Road (MD 381).
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	R-R	R-R
Use(s)	Vacant	Vacant
Acreage	36.26	36.26
Lots	0	37
Outparcel	0	1
Outlot	0	1
Parcels	1	1
Dwelling Units:		
Detached	0	37

4. **Environmental**—The site is fully wooded. There are streams, wetlands, 100-year floodplain and their associated buffers on the property. The soils found on this property include Bibb, Elkton and Leonardtown. These soils have limitations with respect to impeded drainage, erodibility or seasonally high water tables. 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, there are no rare, threatened, or endangered species found to occur in the vicinity of this lot. No adverse noise impacts from transportation-related sources are anticipated related to this proposal. No designated historic or scenic roads are affected by this proposal. The property is located in the Mattawoman Creek subwatershed, in the Potomac River basin watershed

Environmental Review

This 36.26-acre property in the R-R Zone has 35.41 acres of existing woodland areas in three identified forest stands. Stand 1, totaling 11.23 acres, is a mature, bottomland, mixed-hardwood forest dominated by willow oak, red maple, and sweetgum with an average diameter at breast

height (DBH) of 15 inches, and all specimen trees were identified in this stand. The Forest Structure Analysis Sheet indicates that this stand has a structural value of 14, which is a “good” rating. Stand 1 contains significant environmental features (wetlands, streams, and specimen trees) and is classified as a Priority 1 retention area.

Stand 2, totaling 14.09 acres, is an even-aged, mixed-hardwood forest dominated by sweet gum, Virginia pine, and red maple with an average DBH of 10 inches. No specimen trees were identified in this stand. The majority of the stand generally lacks significant environmental features and warrants preservation only to the extent practicable.

Stand 3, totaling 10.09 acres, is a mixed-hardwood forest dominated by white oak and Virginia pine and has an average DBH of 12 inches. The Forest Stand Analysis Sheet indicates that Stand 3 has a “good” rating. Because Stand 3 lacks significant environmental features, it is classified as a Priority 2 Save Area and should be preserved only to the extent practicable.

The FSD plan dated July 27, 2004, requires revisions to meet the minimum requirements. A north arrow must be added to the plan sheet to provide orientation. The plan cites as a source the Soil Survey of Charles County. This should be corrected to the Soil Survey of Prince George’s County as stated in the text. The terms “Waters of the U.S.” and “intermittent” should be removed from the legend and replaced with the term “stream.” All streams that are not ephemeral are regulated. The stream crossing the eastern portion of the site must also be shown. Slopes between 15 percent and 25 percent are only of interest if they are located on highly erodible soils, and the legend label should be corrected. The Patuxent River Primary Management Area, which is not applicable to the Potomac River basin, should be removed from the plan. The 100-year floodplain should be identified on the plan and added to the legend, and a note should indicate the source of the 100-year floodplain delineation. No information has been provided with regard to the identification of rare, threatened and endangered species habitat. The FSD text does not identify who prepared it, nor is it signed or dated by a qualified professional.

There is a Forest Interior Dwelling Species (FIDS) habitat located on the subject property. The FIDS habitat is a sensitive wildlife habitat area, and its delineation along with the 300-foot-wide buffer is necessary for to a determination of priority woodlands in the preparation of a Type I Tree Conservation Plan.

To assist the Environmental Planning Section in completing this evaluation, the FSD should be revised to graphically illustrate areas of forest interior woodland habitat and the 300-foot-wide buffers. Where existing woodlands extend to the property line, the delineation of the existing tree line outside of the subject property should be expanded from 100 feet to 300 feet. This expanded off-site tree line allows for edge effect from outside to be evaluated. To conduct the delineation, the applicant should start with the existing tree line and measure into the woodland 300 feet to establish the buffer. The remaining area should then be identified as “FIDS Habitat.”

FIDS habitat is a high priority area for preservation. The area within the 300-foot-wide FIDS buffer is considered moderate to high priority for woodland conservation. Within the 300-foot buffer, clearing should be minimized and fragmentation of the existing forest should be avoided.

The FIDS habitat should be retained and preserved to the greatest extent possible.

After the FIDS Habitat and the FIDS buffer have been shown on the plans, the clearing and grading for proposed uses within the buffer should be revised to minimize the disturbance to the fullest extent possible and preserve the FIDS habitat. This information was requested for review in a September 9, 2004, memorandum. This information has not been provided and is not shown on the plans.

This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the property is greater than 40,000 square feet gross tract area, there are more than 10,000 square feet of existing woodland, and more than 5,000 square feet of woodland clearing is proposed. A revised Type I Tree Conservation Plan (TCPI/76/95-01) was submitted with the revised preliminary plan application on November 19, 2004.

The revised Tree Conservation Plan (TCPI/76/95-01) has been reviewed. The minimum requirement for this site is 6.50 acres (20 percent of the net tract area) plus additional acres due to clearing, resulting in a total minimum requirement of 10.64 acres. The revised TCPI has proposed to meet the requirement with 10.64 acres of on-site preservation.

The TCPI requires revisions. Two master-planned roads are shown crossing the property, which are shown on the revised TCPI. No woodland conservation will be allowed within master-planned rights-of-way. Because these roadways will likely be built, the areas shown on the subject property must be counted as cleared on this property's worksheet.

The expanded stream buffer has not been correctly delineated, in part because it fails to include abutting nontidal wetlands on the western side of the property and does not include the buffers of the regulated features. The TCPI and preliminary plan must be revised to show the full extent of the expanded stream buffer.

A lot-by-lot table of on-site woodland conservation has not been provided. A table of woodland conservation on a lot-by-lot basis is necessary at time of TCPI review and approval to define the existing woodlands, proposed clearing, and woodland conservation provided on each lot. This also allows an evaluation of the percentage of encumbrance proposed on each lot by the protection of environmental features and woodland conservation.

The conceptual house pads shown on the plan are only 1,400 square feet in size, which is much smaller than current market demands. The footprints should be 3,000 to 4,000 square feet in size to be realistic. The TPCI shall be revised to show a larger footprint and associated conceptual grading, and then revised to maintain cleared areas 40 feet from the rear and 20 feet from the sides of the conceptual house pads. For side-loaded garages, the driveways must also be placed 20 feet from the edge of the limits of disturbance.

The location of the master planned rights-of-way shown on the revised TCPI and preliminary plan are now in accordance with the locations determined by the Transportation Planning Section. The revised location of C-610 and its proposed use as the sole access point to the rear of the

property greatly reduces the amount of expanded buffer disturbance. A variation request received November 30, 2004, addresses requested variations from the Subdivision Regulations for impacts to the sensitive environmental features on-site.

A wetland study was submitted with the preliminary plan application to support the delineation shown. The wetlands study meets the requirements and correctly identifies all features. The streams and/or wetland areas of the site are proposed to be impacted and may be regulated by federal and state requirements.

An approved 100-year floodplain study is required to ensure that the proposed lots retain sufficient net tract area outside of the floodplain (20,000 square feet). This information was requested in the September 9, 2004, memorandum. The plans also do not show the required 25-foot-wide building restriction line for the floodplain. This information should be shown on the preliminary plan. Staff does not believe that this will result in a loss of lots.

The Subdivision Ordinance requires that the expanded stream buffer be preserved unless the Planning Board approves a variation request. Variation requests are generally recommended for approval for expanded stream buffer impacts for the installation of public roads and utilities, if they are designed to preserve the sensitive environmental features to the fullest extent possible. Variations for impacts for lots, structures or septic field clearing and grading, when alternative designs would reduce or eliminate the impacts, are generally not recommended for approval.

A variation request has been submitted for impacts proposed to the expanded stream buffer to allow construction of a public roadway and to allow grading, trenching, and the installation of a culvert which would result in approximately 15,676 square feet of disturbance to the stream buffer and approximately 235 square feet of disturbance to the wetland buffer. The proposed crossing of the expanded stream buffer has been consolidated in one location, for construction of the master-planned road and to allow access to the eastern portion of the site.

Section 24-130 of the Subdivision Regulations restricts impacts to these buffers unless the Planning Board grants a variation to the Subdivision Regulations in accordance with the required findings of Section 24-113. Even if approved by the Planning Board, the applicant will need to obtain federal and state permits prior to the issuance of any grading permit. Each variation is described individually below. However, for purposes of discussion relating to Section 24-113(a) of the Subdivision Regulations, the impacts were discussed collectively.

Section 24-113(a) of the Subdivision Regulations sets forth the required findings for approval of variation requests. Section 24-113(a) reads:

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:

Comment: The approval of the applicant's request does not have the effect of nullifying the intent and purpose of the Subdivision Regulations. In fact, strict compliance with the requirements of Section 24-130 could result in practical difficulties to the applicant that could result in the applicant not being able to develop this property.

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

Comment: The variation is required to provide access to the site and for the construction of a master-planned roadway. Access to the site is required and the master-planned roadway will benefit public safety and health by providing a roadway that relieves traffic congestion from other roads.

(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;

Comment: The placement of the master-planned right-of-way is unique to the subject property and the location of a stream and wetlands across an area of a planned roadway is unusual. The specific location of this variation request is unique to this property.

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

Comment: No other variances, departures, or waivers are required with regard to the construction of the roadway. All appropriate local, federal and state permits must be obtained before the construction can proceed.

(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 the strict letter of these regulations is carried out;

Comment: Due to the configuration of this site, the location of the stream, wetland and associated buffers, and the fact that no other reasonable options are possible which would further reduce or eliminate the extent of the proposed impacts while allowing for the development of the property under its existing zoning, staff recommends approval of the variation. The hardship in this case, if the variation was not approved, is that the subject property could not be developed, having no other access points.

The soils found on this property are Beltsville, Bibb, Elkton and Leonardtown. All of these soils

have limitations with respect to impeded drainage and seasonally high water tables. Due to the extremely flat topography of this site, basements are strongly discouraged. Although these limitations may affect the construction phase of this development, there are no soil limitations that would affect the site design or layout. During the review of building permits the Department of Environmental Resources may require a soils study addressing the soil limitations with respect to the construction of homes.

Section 4.6 of the *Prince George's County Landscape Manual* requires that adjacent to a collector road a minimum of a 35-foot-wide landscape buffer be provided to screen the lowest story of the rear outside wall of any one-family detached dwelling. Provision of a 35-foot-wide landscape buffer will affect Block A, Lots 5, 22, 23 and 32. The dwelling units should be set back a minimum of 40 feet from the proposed landscape buffer so that access can be provided to all sides of the proposed structure for maintenance purposes and to provide for a useable backyard area. The layout should be revised in accordance with Staff Exhibit A, particularly to provide a greater side yard for Lot 32.

Water and Sewer Categories

The water and sewer service categories are W-4 and S-4 according to water and sewer maps obtained from the Department of Environmental Resources dated June 2003. The property will, therefore, be served by public/private systems.

5. **Community Planning**— The property is located within the limits of the 1993 Subregion V Master Plan, Planning Area 85A, in the Brandywine Community. The master plan land use recommendation for the property is low suburban residential land use. The 2002 General Plan locates the property in the Developing Tier. One of the visions for the Developing Tier is to maintain a pattern of low to moderate density. The proposed preliminary plan is consistent with the recommendations of the master plan and General Plan
6. **Parks and Recreation**—In accordance with Section 24-134 of the Subdivision Regulations and the *Parks and Recreational Facility Guidelines*, staff recommends that the applicant provide private on-site recreational facilities on Parcel A, consistent with Staff Exhibit A. The applicant has proposed private on-site recreational facilities on Parcel B. Parcel B, as proposed by the applicant at 7,412 square feet, is inadequate to provide buffering from the surrounding lots. The configuration and size of Parcel B is not adequate open space to accommodate recreational facilities to serve the residents of this community.

Staff Exhibit A recommends that Parcel B be incorporated into the surrounding lots and that the recreational facility be shifted across the street to Lot 7. Lot 7 would then be incorporated into Parcel A for a loss of one lot. Parcel A contains the required on-site stormwater management facility, and through the required limited detailed site plan (LDSP) process, these two components—SWM facility and recreational area—could be designed to compliment one another and create a better environment for the residence.

7. **Trails**—Currently, Missouri Avenue is open section with no sidewalks. There are no sidewalks either to the north or the south of the subject site. If a closed cross section is required by DPW&T, staff recommends the provision of a standard sidewalk along the subject site's frontage.

The adopted and approved Subregion V master plan recommends a hiker/biker/equestrian trail in the vicinity of the subject site. However, this is shown across Missouri Avenue within the M-NCPPC parkland. To the north of the site the proposed trail runs along Missouri Avenue, but it does not impact the subject site. Therefore, there are no master plan trail issues associated with this application.

8. **Transportation**— The proposed development would generate 28 AM and 34 PM peak hour vehicle trips as determined using *The Guidelines for the Analysis of the Traffic Impact of Development Proposals*. The traffic generated by the proposed preliminary plan would impact the unsignalized intersections of Missouri Avenue with Brandywine and US 301 north and south.

Although this development would generate fewer than 50 peak hour trips, staff requested the submission of a traffic impact study, because analysis indicates that the intersection of Missouri Avenue with Brandywine Road (MD 381) is operating inadequately during the peak commuting hours, especially in the PM. The Transportation Planning Section received six copies a traffic impact study prepared in support of this proposed development plan. The study was found acceptable and was transmitted to MD-SHA and DPW&T for their review and comments. The staff finding and recommendations incorporate their review comments.

These intersections are not programmed for improvement with 100 percent construction funding within the next six years in the current Maryland Department of Transportation Consolidated Transportation Program or the Prince George's County Capital Improvement Program.

The subject property is located within the Developing Tier, as defined in the *General Plan for Prince George's County*. As such, the subject property is evaluated according to the following standards:

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

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.

The US 301/ Missouri Avenue unsignalized intersections, when analyzed with the programmed improvements and total future traffic as developed using the guidelines, were not found to be

operating at or better than the policy service level required. The projected average delay was calculated to be 342 and 410 seconds during AM peak hour for US 301 north and US 301 south, respectively.

The applicant has agreed to prepare and submit to DPW&T and SHA a traffic warrant study for the intersections of Missouri Avenue with US 301 north and south, if required by SHA, and to install the required signal(s) if found warranted by SHA and/or DPW&T.

The Brandywine Elementary School is located approximately 1,000 feet south of the proposed development, on Brandywine Road and directly opposite Missouri Avenue. Staff is concerned, as currently there are no sidewalks or any usable shoulder along Missouri Avenue for children to use to reach the school from the proposed subdivision and recommends that the applicant install a sidewalk with the concurrence of DPW&T.

The subject property is impacted by two master plan collector facilities (C-610 and C-613), each with 80 feet of total rights-of-way (ROW) width. In addition, Missouri Ave is a planned primary residential street with 60 feet of total ROW width. The revised plan shows acceptable alignment for the two proposed master plan collector facilities. The plan indicates a full 80 feet of dedication for C-610 from Missouri Avenue to proposed Street B, and the required 60 feet dedication to the eastern limits of the property. The full 80 feet dedication is shown for C-613. The applicant has agreed to construct C-610 from Missouri Avenue to proposed Street B in accordance with DPW&T standards. Since the remaining portion of C-610 and C-613 is not needed at this time, the applicant is proposing to show the required rights-of-ways for these roadways as part of HOA land, with a note on the plat indicating the required rights-of-way will be dedicated upon demand to DPW&T. DPW&T may require the required fee-in-lieu contribution for construction of these facilities.

Adequate access roads will exist as required by Section 24-124 of the Prince George's County Code.

9. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of 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	36 sfd	36 sfd	36 sfd
Pupil Yield Factor	0.24	0.06	0.12

Subdivision Enrollment	8.64	2.16	4.32
Actual Enrollment	4206	4688	8866
Completion Enrollment	112.80	69.06	136.68
Cumulative Enrollment	88.32	25.02	50.04
Total Enrollment	4415.76	4784.24	9057.04
State Rated Capacity	4215	5114	7752
Percent Capacity	104.76%	93.55%	116.83%

Source: Prince George's County Planning Department, M-NCPPC, December 2004

County Council bill CB-31-2003 establishes a school facilities surcharge in the amount of \$7,000 per dwelling if a building is located between I-495 and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$12,000 per dwelling for all other buildings.

The school surcharge may be used for the construction of additional or expanded school facilities and renovations to existing school buildings or other systemic changes.

The Historic Preservation and Public Facilities Planning Section staff finds that this project meets the 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 and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of public facilities and concluded the following:

- a. The existing fire engine service Brandywine Fire Station, Company 40, located at 14201 Brandywine Road has a service travel time of 2.13 minutes, which is within the 5.25-minute travel time guideline.
- b. The existing ambulance service at Brandywine Fire Station, Company 40, located at 14201 Brandywine Road has a service travel time of 2.13 minutes, which is within the 6.25-minute travel time guideline.
- c. The existing paramedic service at Brandywine Fire Station, Company 40, located at 14201 Brandywine Road has a service travel time of 2.13 minutes, which is within the 7.25-minute travel time guideline.

The proposed subdivision will be within the adequate coverage area of the nearest existing fire/rescue facilities for fire engine, ambulance and paramedic services. The above findings are in conformance with the standards and guidelines contained in the *Approved Public Safety Master Plan* (1990) and the *Guidelines for the Analysis of Development Impact on Fire and Rescue*

Facilities.

11. **Police Facilities**—The proposed development is within the service area for Police District V-Clinton. The Planning Board’s current test for police adequacy is based on a standard for square footage in police stations relative to the number of sworn duty staff assigned. The standard is 115 square feet per officer. As of January 2, 2004, the county had 823 sworn staff and a total of 101,303 square feet of station space. Based on available space, there is the capacity for an additional 57 sworn personnel. This police facility will adequately serve the population generated by the proposed subdivision.
12. **Health Department**—The Health Department has no comments.
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 has not yet been approved. Prior to signature approval the applicant should submit a copy of the approved stormwater management plan and approval letter. Development must be in accordance with this approved plan. DER has indicated that the stormwater management approval is forthcoming, and that Parcel A is acceptable for the facility.
14. **Lot Size Averaging**—The applicant has proposed to utilize the lot size averaging (LSA) provision provided in Section 24-121(a)(12) of the Subdivision Regulations for this property located in the R-R Zone.

The site is approximately 36.26 acres in the R-R Zone. Section 27-423 of the Prince George’s County Zoning Ordinance establishes the zoning requirements for lot size averaging. Specifically, in the R-R Zone:

- A. The maximum number of lots permitted is equal to the gross acreage divided by the largest minimum lot size in the zone (20,000 square feet).
- B. At least 50 percent of the lots created shall equal or exceed the largest minimum lot size in the zone (20,000 square feet).

For this 36.26 acres located in the R-R Zone, the applicant proposes 37 lots; 34 of the proposed lots meet or exceed the minimum requirement or 91 percent. Therefore, the proposed subdivision meets the minimum zoning ordinance standards for lot size averaging.

Further, Section 24-121(a)(12) requires that the Planning Board make the following findings in permitting the use of lot size averaging:

- A. **The subdivision design provides for better access, protects or enhances historic resource or natural features and amenities, or otherwise provides for a better environment than that which could be achieved by the exclusive use of standard lots.**

Comment: Staff believes that the use of lot size averaging in this case provides a better environment than that which could be achieved utilizing conventional R-R zoning standards. The applicant has proposed only four of the 37 lots to be between 15,000 and 20,000 square feet in size. Because of the street curvature, Lots 26-29, located on the south side of the internal Street B, fan out from the rear lot lines and have 53 percent more street frontage than what would normally be associated with standard lots in the R-R Zone. Lots in the R-R Zone have a minimum street frontage requirement of 70 feet. The lot size averaging lots, Lots 26-29, have an average of 120 feet of street frontage. The appearance of these lots from the internal public street is consistent with the conventional R-R lots across the street. Utilizing lot size averaging in this unique circumstance provides a more uniform streetscape and creates a better environment than that which could be achieved utilizing conventional lot sizes.

B. The subdivision design provides for an adequate transition between the proposed lot sizes and locations of lots and the lots, or lot size standards, of any adjacent residentially zoned parcels.

Because of the significant environmental features of the site, the applicant is compelled by Section 24-130 of the Subdivision Regulations to protect these features and provide larger lots along the perimeter of the site. These protections are not a result of the use of lot size averaging but are a result of code conformance.

C. The subdivision design, where applicable, provides for an adequate transition between the proposed natural features of the site and any natural features of adjacent parcels.

The plan provides for an adequate transition between the proposed natural features of the site and any natural features of adjacent parcels as discussed above.

Staff supports the applicant's proposal to utilize the LSA provision for the development of this property because the use of lot size averaging results in a better environment than that which could be achieved with the exclusive use of conventional lots.

15. **Historic**—The Planning Board has determined that the proximity of the site to historic resources must be considered in the review of development applications and that potential means for preservation of these resources should be considered. Review of Historic Preservation office files indicates that there may be archeological resources of the antebellum period in the area of the subject site. The property is in close proximity to the National Register historic house associated with the William W. Early family. It is possible the site has documentary and archeological resources that should be investigated.

Subsequent to the writing of the staff report, and prior to the Planning Board public hearing, the applicant indicated that they had evidence that the property was never part of the land holdings of the Early family. To allow additional time to address this issue, staff recommended a revision to

Condition 10 that would allow the applicant to present their evidence to the Historic Preservation staff which could result in the requirement for the Phase I Archeological investigation unnecessary. However, if the applicant does not provide evidence to the satisfaction of the Historic Preservation staff, a Phase I Archeological investigation will be required prior to the approval of the final plat.

Prior to approval of the final plat and/or any disturbance occurring on this property, the applicant should submit a Phase I archeological investigation to the Planning Department staff for review and concurrence, and if determined to be needed, a Phase II and Phase III investigation. If necessary, the final plat should provide for the avoidance and preservation of the resources in place and should provide appropriate plat notes ensuring the mitigation of any adverse effect upon these resources. All investigations must be conducted by a qualified archeologist and must follow *The Standards and Guidelines for Archeological Investigations in Maryland* (Schaffer and Cole: 1994) and must be presented in a report following the same guidelines.

16. **Outlot A** - One outlot and one outparcel are proposed. Outlot A (8,477 square feet) is located at the southeast intersection of C-610 and Missouri Avenue. The applicant has proposed to convey Outlot A to the abutting property owner of Parcel 221. If the owner of Parcel 221 declines the conveyance of Outlot A at the time of final plat, Outlot A should be conveyed to the homeowners association (HOA) and could be utilized for landscaping and an entrance feature.
17. **C-610 and C-613** - The preliminary plan has gone through significant layout changes. Primarily due to the impact of two mater plan rights-of-way, C-610 and C-613, that are located on this property. The applicant has designed the subdivision to accommodate both of these facilities. Partial dedication of C-610 would occur to the intersection of the proposed internal Street A. The remainder of C-610 would be placed in a homeowner's common open space parcel that could be conveyed to the Department of Public Works and Transportation (DPW&T) upon demand for the implementation of C-610. C-613 is located across the eastern end of the site, through existing wetlands. The applicant is also proposing to place this right-of-way into a homeowners open space parcel that could be dedicated to DPW&T upon demand.

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 Squire, seconded by Commissioner Harley, with Commissioners Squire, Harley, Vaughns and Hewlett voting in favor of the motion, and with Commissioner Eley absent at its regular meeting held on Thursday, January 20, 2005 in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 10th day of February 2005.

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Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:WC:rmk