

R E S O L U T I O N

WHEREAS, Lansdale and Anne M. Sasscer are the owners of a 29.46-acre parcel of land known as Parcel 24 in Tax Map 109 in Grid C-3, said property being in the 15th Election District of Prince George's County, Maryland, and being zoned R-A; and

WHEREAS, on September 9, 2006, Mid Atlantic Builders filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 11 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-06025 for Sasscer Property 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 December 7, 2006, 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 December 7, 2006, 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/48/06), and further APPROVED Preliminary Plan of Subdivision 4-06025, Sasscer Property for Lots 1-11 with the following conditions:

1. Prior to the issuance of permits, a Type II tree conservation plan shall be approved.
2. Development of this site shall be in conformance with the Stormwater Management Concept Plan 23266-2006-00 and any subsequent revisions.
3. 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/48/06), 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 Woodland Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005.”

4. Prior to the issuance of any permits which impact wetlands, wetland buffers, streams or Waters of the U.S., copies of all federal and state wetland permits, evidence that approval conditions have

been complied with, and associated mitigation plans shall be submitted to the M-NCPPC, Planning Department.

5. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the Patuxent River Primary Management Area Preservation Area and the adjacent afforestation areas, and shall be reviewed by the Environmental Planning Section prior to certificate approval. In addition, 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 permitted."

6. Prior to the issuance of a grading permit for the development, a public safety mitigation fee shall be paid in the amount of \$41,580.00, (\$3,780 x 11 dwelling units). Notwithstanding the number of dwelling units and the total fee payments noted in this condition, the final number of dwelling units shall be as approved by the Planning Board and the total fee payment shall be determined by multiplying the total dwelling unit number by the per unit factor noted above. The per unit factor of \$3,780 is subject to adjustment on an annual basis in accordance with the percentage change in the Consumer Price Index for all urban consumers. The actual fee to be paid will depend upon the year the grading permit is issued.

BE IT FURTHER RESOLVED, that the findings and reasons for the decision of the Prince George's County Planning Board are as follows:

1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.
2. The subject property is located on south side of South Osborne Road, opposite Beagle Drive. The site is undeveloped with the exception of a barn and has been cleared for agriculture. Wooded areas are found along the streams associated with Charles Branch. Land to the west and south are undeveloped farmland in the R-A Zone. Properties to the north and east are developing with single-family residences in the R-A and R-R Zones.

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

Zone Use(s)	EXISTING	PROPOSED
	R-A Agricultural Fields & Tobacco Barn	R-A Single-family Dwellings
Acreage	29.46	29.46
Lots	0	11
Parcels	1	0
Dwelling Units:		
Detached	0	11
Public Safety Mitigation Fee		Yes

4. **Environmental**—There are streams, wetlands, and 100-year floodplains found on this property associated with the Charles Branch of the Patuxent River watershed. According to the Prince George’s County Soil Survey, the soils found on this property are in the Bibb, Fallsington, Marr, and Westphalia series. Marlboro clays are not found to occur in the vicinity of this property. There are no transportation-related noise issues associated with this application. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program Merlin website, rare, threatened, or endangered species are not found to occur in the vicinity of this property. Although South Osborne Road is a designated scenic road, the limits of the designated scenic area of this road are not associated with the portion adjacent to the subject site. This site contains expansive regulated areas, evaluation areas and network gaps within the Countywide Green Infrastructure Plan. The site is in the Developing Tier according to the 2002 General Plan.

Natural Resources Inventory

The preliminary plan application has a staff signed Natural Resources Inventory (NRI/19/05) that was included with the application package. The site contains streams, wetlands, 100-year floodplain, and slopes greater than 25 percent. The Patuxent River Primary Management Area (PMA) has been correctly delineated. The site contains one forest stand totaling 13.54 acres, described as an immature bottomland hardwood forest dominated by red maple, tulip poplar, and sweetgum. There are 15 specimen trees on-site. The PMA has been correctly shown on all associated plans.

The NRI has been revised to correctly reflect the existing tree line to be distinct from non-wooded areas. Although South Osborne Road is a designated scenic road, the limits of the designated scenic portion of this road are not associated with the portion adjacent to the subject site.

Environmental Impacts

The on-site stream is part of the primary corridor of the Charles Branch Watershed. According to the Countywide Green Infrastructure Plan, the property has an extensive regulated area, as well as evaluation areas, and network gaps within the green infrastructure network. Regulated areas are those areas containing sensitive environmental features such as streams and wetlands, and are generally protected under Section 24-130 of the Subdivision Regulations. Evaluation areas may also contain environmentally sensitive features including rare and sensitive habitat such as interior forests. Network gaps comprise areas that are critical to the connection of the regulated and evaluation areas and are targeted for restoration to support the overall and functioning connectivity of the green infrastructure network.

The TCPI provides for the full protection of the regulated area with the exception of two necessary impacts. Preservation of the evaluation areas and network gaps have been limited to those areas within the PMA associated with the main stem of Charles Branch, and the expanded buffer associated with the isolated wetland. Based on the proposed preservation areas and afforestation areas, the TCPI is in general conformance with the Countywide Green Infrastructure Plan; however, there are some non-wooded areas within preserved portion of the evaluation areas that should be considered for afforestation in order to provide the necessary functioning connectivity as intended by the plan. Woodland conservation and proposed impacts are further discussed below.

Woodland Conservation

This site is subject to the provisions of the Woodland Conservation Ordinance because it is larger than 40,000 square feet in size and contains more than 10,000 square feet of woodlands. Because of the extensive regulated areas, evaluation areas, and network gaps on this site, all woodland conservation must be met on site.

The Type I Tree Conservation Plan (TCPI/48/06) proposes clearing 0.31 acres of the existing 3.72 acres of upland woodland and 0.07 acres of the 9.82 acres of floodplain woodland. The woodland conservation threshold has been correctly calculated as 9.09 acres. Because the acreage of woodland on the net tract is less than the threshold, the woodland on the net tract becomes the new woodland conservation threshold. The total requirement of the site based on the existing woodland and the proposed clearing is 4.02 acres. The plan proposes to meet the requirement by preserving 2.72 acres of existing woodland and planting 2.07 acres for a total of 4.79 acres. Additionally, approximately 9.75 acres of woodland in the 100-year floodplain will be retained. Areas of proposed planting include the non-wooded portions of the PMA. Each of the proposed lots will have appropriately sized useable rear outdoor areas unencumbered by woodland conservation.

Patuxent River Primary Management Area

Streams, wetlands, 100-year floodplain, and severe slopes in excess of 25 percent are found on this property. These features along with their respective buffers comprise the Patuxent River Primary Management Area (PMA). The Subdivision Ordinance, Section 24-130(b)(5) requires that the PMA be preserved in a natural state to the fullest extent possible. All disturbances not essential to the development of the site as a whole are prohibited within stream and wetland buffers. Essential development includes such features as stormwater pond outfalls, public utility lines, road crossings, and so forth, which are mandated for public health and safety.

Requests were submitted for the proposed impacts. Both impacts are for the installation for a storm drain. Impact 1 is 3,634 square feet and is located between proposed Lots 3 and 4. Impact 2 is 500 square feet and is located north of proposed Lot 10. These impacts are essential to the development of the site. The TCPI must be revised to reflect the limits of disturbance for the impact located north of proposed Lot 10.

Soils

The soils found to occur on this property include the Bibb, Fallsington, Marr, and Westphalia series. The Bibb soils are in the D-hydric group and are subject to high water table, flood hazard, poor drainage, poor stability, and frost action. The Westphalia soils are in the B-hydric group and are highly erodible. This information is provided for the applicant's benefit. No further action is needed as it relates to this preliminary plan of subdivision review. A soils report may be required by the Prince George's County Department of Environmental Resources during the permit process review.

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 and the property will, therefore, be served by public systems. A change to categories W-3 and S-3 will be required prior to approval of the final plat.

5. **Community Planning**—The property is within the limits of the 1993 *Subregion VI Study Area Master Plan* for the Rosaryville area of Planning Area 82A, which recommends the site for rural residential land use (up to 0.7 average dwelling units/acre). The applicant's proposal for 11 single-family detached lots on this property is consistent with the master plan recommendation.

The 2002 General Plan locates this property 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 consistent with the 2002 General Plan Development Pattern policies for the Developing Tier.

6. **Parks and Recreation**—In accordance with Section 24-134(a) of the Subdivision Regulations the subject application is exempt from mandatory dedication of parkland requirements because the lots are over one acre in area.
7. **Trails**—The Adopted and Approved Subregion VI Master Plan recommends a hiker-equestrian trail along the eastern edge of the subject site. However, this linkage has been provided via other nearby properties.

The master plan recommends a network of hiker-equestrian trails linking to the existing trail network and equestrian facilities at the nearby Rosaryville State Park. The master plan identified equestrian users as a major user of suitably constructed trails in the area. The trails proposed to serve the equestrian facilities in this area include walking, jogging, and riding trails which, although in public use, are not owned by the government and for which the users normally provide the maintenance (Subregion VI Master Plan, page 201). This trail easement may be located within the sewer easement currently reflected on the submitted plan.

Sidewalk Connectivity

Existing roads in the vicinity of the subject site are open section with no sidewalks. Due to the large lot sizes proposed on the subject site, no sidewalk construction is recommended.

8. **Transportation**—The application is a preliminary plan of subdivision for a residential development consisting of 11 single-family detached dwellings. The proposed development would generate 8 AM (1 in, 7 out) and 10 PM (7 in, 3 out) peak hour vehicle trips as determined using *The Guidelines for the Analysis of the Traffic Impact of Development Proposals*. The property is located in the southern side of Osborne Road, and adjacent to the Windsong subdivision.

The traffic generated by the proposed preliminary plan would impact the intersections of:

MD 223 and Marlboro Pike-Osborne Road

This intersection is 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 table below identifies the intersection on which the proposed development would have the most impact:

EXISTING CONDITION		
Intersection	AM	PM
	LOS/CLV	LOS/CLV
MD 223 and Marlboro Pike-Osborne Road (Signalized)	D/1312	C/1195

Staff's research of background developments revealed six (6) developments that could potentially affect the referenced intersection. With the inclusion of trips from these developments, the analysis revealed the following results:

BACKGROUND CONDITION		
Intersection	AM	PM
	LOS/CLV	LOS/CLV
MD 223 and Marlboro Pike-Osborne Road (Signalized)	D/1448	D/1358

Citing the trip generation rates from the *guidelines*, the proposed development would generate 8 AM (1 in, 7 out) and 10 PM (7 in, 3 out) peak hour vehicle trips. By combining site-generated trips with background traffic, the results are as follows:

TOTAL CONDITION		
Intersection	AM	PM
	LOS/CLV	LOS/CLV
MD 223 and Marlboro Pike-Osborne Road (Signalized)	D/1450	D/1359

The results of the analyses showed that adequate transportation facilities would continue to exist if this application is approved. Regarding site layout and on-site circulation, staff has no issue. The plan shows future dedication of 40 feet from centerline of Osborne Road. Staff supports this dedication.

Transportation Staff Conclusion

The Transportation Planning Section concludes that adequate access roads will exist as required by Section 24-124 of the Prince George's County Code if the application is approved.

- 9. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this preliminary plan for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and CB-30-2003 and CR-23-2003 and concluded the following.

Finding

Impact on Affected Public School Clusters

Affected School Clusters	Elementary School Cluster 2	Middle School Cluster 2	High School Cluster 2
Dwelling Units	11 sfd	11 sfd	11 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	2.64	0.66	1.32
Actual Enrollment	3,965	7,218	10,839
Completion Enrollment	176	112	223
Cumulative Enrollment	1,192.08	304.86	610.8
Total Enrollment	5,335.72	7,635.52	11,674.12
State Rated Capacity	4,140	6,569	8,920
Percent Capacity	128.88%	116.24%	130.88%

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

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. Council bill CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts are \$7,671 and \$13,151 to be paid at the time of issuance of each building permit.

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

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 fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(B)-(E) of the Subdivision Ordinance.

The Prince George’s County Planning Department has determined that this preliminary plan is within the required seven-minute response time for the first due fire station Marlboro, Company 45, using the Seven-Minute Travel Times and Fire Station Locations Map provided by the Prince George’s County Fire Department.

Pursuant to CR-69-2006, Prince George’s County Council and the County Executive suspended the provisions of Section 24-122.01(e)(1)(A, B) regarding sworn police and fire and rescue personnel staffing levels.

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

11. **Police Facilities**—The preliminary plan is located in Police District V.

The response standard is 10 minutes for emergency calls and 25 minutes for nonemergency calls. The times are based on a rolling average for the preceding 12 months. The preliminary plan was accepted for processing by the Planning Department on September 29, 2006.

Reporting Cycle	Date	Emergency Calls	Nonemergency
Acceptance Date	08/05/05-08/05/06	11.00	20.00
Cycle 1	09/05/05-09/05/06	12.00	20.00
Cycle 2			
Cycle 3			

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 and fire and rescue personnel staffing levels.

The applicant may enter into a mitigation plan with the county and file such a plan with the Planning Board. The Planning Board may not approve this preliminary plan until a mitigation plan is submitted and accepted by the county.

12. **Health Department**—A raze permit must be obtained through the Department of Environmental Resources prior to the removal of the existing barn. Any hazardous materials located in the barn must be removed and properly stored or discarded prior to the barn being razed.
13. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan, CSD 15265-2006-00, has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. Development must be in accordance with this approved plan. Copies of the stormwater management concept approval letter and plan have been submitted.
14. **Historic**—Phase I archeological investigations were recommended for this property in a referral dated October 13, 2006. The reasons were as follows:
 - a. This 29.68±acre tract is part of the land associated with Solitude (Historic Site 82A-038).
 - b. The Planning Board has issued a directive that the possible existence of slave quarters and slave graves, as well as archeological evidence of the presence of Native American peoples, must be considered in the review of development applications, and that potential means for preservation of these resources should be considered. Because this property was historically part of the Solitude plantation, a Phase I archeological survey will be required.
 - c. Aerial photos and the plan submitted show a standing structure on the subject property. The 1938 aerial photo also shows two other structures located on the subject property. The 1965 aerial photo shows a circular driveway leading to the structure at the location of the building delineated on the plan.
 - d. Historic Site 82A-38 (Solitude) is located along South Osborn Road north of this property.
 - e. South Osborn Road is listed as an historic and scenic road.

A Phase I report was submitted to the Historic Preservation Section of the Planning Department on November 7, 2006. The report is under review.

If it is determined that potentially significant archeological resources exist in the project area, prior to Planning Board approval of the final plat of subdivision, the applicant should provide a plan for:

- a. Evaluating the resource at the Phase II level, and possibly Phase III level; or
- b. Avoiding and preserving the resource in place.

Section 106 review may also require archeological survey for state or federal agencies. Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effects of their undertakings on historic properties to include archeological sites. This review is required when federal monies, federal properties, or federal permits are required for a project.

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.

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This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Squire, seconded by Commissioner Clark, with Commissioners Squire, Clark, Eley and Vaughns voting in favor of the motion, and with Commissioner Parker absent at its regular meeting held on Thursday, December 7, 2006, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 11th day of January 2007.

R. Bruce Crawford
Executive Director

By Frances J. Guertin
Planning Board Administrator