

R E S O L U T I O N

WHEREAS, Eugene and Pauline Zoglio are the owners of a 18.89 acre parcel of land known as Parcel 74, Tax Map 45 in Grid E-3, said property being in the 14th Election District of Prince George's County, Maryland, and being zoned R-R; and

WHEREAS, on November 17, 2005, Eugene and Pauline Zoglio filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 26 lots and 3 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-05105 for Zoglio 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 April 6, 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 April 6, 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/69/04), and further APPROVED Preliminary Plan of Subdivision 4-05105, Zoglio Property for Lots 1-26 and Parcels A, B, and C with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision the plan shall be revised to make the following minor technical corrections:
 - a. Include Parcel C in the general notes indicating that the land is to be conveyed to M-NCPPC, encumbered with an easement (10 feet wide) for purposes of partially fulfilling Section 4.7 of the *Landscape Manual*, D Bufferyard.
 - b. Provide the approval date of the stormwater management plan.
 - c. Add a note stating that mandatory dedication of parkland is being met by the construction of a private trail from River Run Road to MD 450, the dedication of Parcel C, and the construction of a fence barrier abutting the Marietta property (M-NCPPC) to the north.
 - d. Provide the zones and uses of all adjoining properties, including across MD 193.
2. A Type II tree conservation plan shall be approved with the limited detailed site plan. The

applicant shall submit evidence from DER that a revised stormwater management concept plan is not required. If one is required, the revised approved concept plan and approval letter shall be submitted with the Type II tree conservation plan.

3. Development of this site shall be in conformance with the Stormwater Management Concept Plan 12433-2004-00 and any subsequent revisions.
4. Prior to the approval of building permits, the applicant, his heirs, successors and/or assignees shall convey to the homeowners association (HOA) 5.93± acres of open space land (Parcels A and B). Land to be conveyed shall be subject to the following:
 - a. Conveyance shall take place prior to the issuance of building permits.
 - b. A copy of an 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 limited 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 storm drain 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. Storm drain 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. The applicant, his heirs, successors and/or assignees shall submit three original recreational facilities agreements (RFA) to DRD for construction of recreational facilities on homeowners

land, for approval prior to the submission of final plats. Upon approval by the DRD, the RFA shall be recorded among the county Land Records.

6. 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.
7. The applicant, his heirs, successors and/or assignees shall submit three original Recreational Facilities Agreements (RFA) to the Park Planning and Development Division for construction of the facilities on park property. The RFA shall be approved prior to the approval of final plats. Upon approval by PP&D the RFA shall be recorded among the county Land Records and noted on the final plat of subdivision.
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 the facilities on park property prior to the approval of building permits.
9. At the time of final plat, the applicant, his heirs, successors and/or assignees shall convey to M-NCPPC Parcel C, 7,083 square feet of land. Land to be conveyed shall be subject the following:
 - a. At the time of final plat 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, M-NCPPC, along with the final plat.
 - b. 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, sidewalls, 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 that include such property.
 - d. The land 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 land is to be disturbed, 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 (suitability to be judged by the General Counsel's Office, M-NCPPC) shall be submitted to DPR within two weeks prior to applying for grading permits.
 - e. Storm drain outfalls shall be designed to avoid adverse impacts on land 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, DPR shall review and approve the location

and design of these facilities. 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. DPR shall inspect the site and verify that land is in an 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 DPR.
 - h. The applicant shall terminate any leasehold interests on property to be conveyed to M-NCPPC.
 - i. No stormwater management facilities, or tree conservation or utility easements shall be proposed on land owned by or to be conveyed to M-NCPPC without the prior written consent of DPR. DPR shall review and approve the location and/or design of these features. If such proposals are approved by DPR, a performance bond and an easement agreement may be required prior to the issuance of grading permits.
10. The final plat of subdivision shall contain a note requiring notification of the prospective purchasers and/or tenants that this property is adjacent to the Marietta historic site and is affected by Civil War re-enactments.
11. Prior to signature approval of Preliminary Plan 4-05105, the TCPI shall be revised as follows:
- a. Identify the woodland treatment area on proposed Lot 6 as “Woodland Preserved, Not Counted” with a corresponding symbol in the legend. Show the area to the closest 1/100th of an acre.
 - b. After these revisions have been made, have the qualified professional who prepared the plan sign and date it.
12. Prior to signature approval of the preliminary plan the applicant shall submit four copies of the final version of the Phase I archeological report that addresses all of the reviewer’s comments.
13. Development of this subdivision shall be in conformance with an approved Type I Tree Conservation Plan (TCPI/69/04). The following note shall be placed on the final plat of subdivision:

“Development is subject to the restrictions shown on the approved Type I Tree Conservation Plan (TCPI/69/04), 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.”

14. The site access shall be limited to a proposed secondary street with a limited right-in/right-out access point along MD 193, as deemed acceptable, and constructed per SHA standards. This property shall not have any other street or driveway access to MD 450 or MD 193.
15. Prior to signature approval of Preliminary Plan 4-05105, revised FSD data regarding each stand's numerical priority rating and revised information in the FSD text to summarize each stand's rating regarding the features that comprise each stand in support of each stand's rating shall be submitted.
16. At the time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain all of the Patuxent River Primary Management Areas, except for the six approved areas of impacts, and shall be reviewed by the Environmental Planning Section prior to approval. The following note shall be placed on the final 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.”
17. Prior to the approval of building permits, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building permits stating that building shells of structures within prescribed noise corridors have been designed to reduce interior noise levels to 45 dBA Ldn or less.
18. Prior to the approval of the building permits for Lots 1–7, 17 and Lots 21– 26, the applicant, his heirs, successors and/or assignees shall obtain approval of a limited detailed site plan (LDSP) by the Planning Board or its designee, to address the following items:
 - a. **Historic Site Compatibility:** The Historic Preservation Section shall review architectural elevations and sight lines for Lot 17, and Lots 21 thru 26 for compatibility with the adjacent historic sites; Magruder-Brannon House (Historic Site 70-030), Bueno Vista at Wixon Farm (Historic Site 70-08) and Marietta Mansion (Historic Site 70-020). Review shall include sight lines and section drawing demonstrating the views of the elevations of dwellings viable from these sites for compatibility including siting, massing, rooflines, and proposed heights. A reduction of the height of dwellings may be required, in addition to other alterations necessary to ensure that the views from and to the historic sites are compatible. Review of the elevations of Lot 17 will not be required if the Magruder-Brannon House (Historic Site 70-030) is removed from Parcel 138. Parcel 138 is east across MD 193.
 - b. **Architecture for Lots 1-7:** Prior to building permits for Lots 1-7 the applicant shall submit sight lines for Lots 1-7 to determine if the rears or side of any dwelling is visible above the noise wall from MD 450 and MD 193. If visible (at any time of year) the

LDSP shall review the architecture and require additional features and articulation to create pleasing views from these major roadways.

19. Prior to the approval of the final plat the applicant, his heirs, successors and/or assignees shall obtain approval of a limited detailed site plan (LDSP) by the Planning Board or its designee, to address the following items described below. Prior to the approval the Historic Preservation Commission shall determine if a formal application for review for compatibility with the historic sites (to include materials) shall be heard by the HPC for (b) and (c) below. The Historic Preservation Commission may determine that the review and approval of (b) and (c) for materials and compatibility and be reviewed by the Historic Preservation Section staff. The applicant may have the option to submit one LDSP to combine the review of these items, or may file any combination.
 - a. **Recreational Facilities:** The applicant shall construct an eight-foot-wide, asphalt trail connection from River Run Road to MD 193, and along MD 193 to the existing master plan trail along MD 450. Where the trail is parallel to MD 193, it shall be located either within the SHA right-of-way or within land dedicated to the homeowners association. The LDSP shall establish appropriate bonding amounts and triggers for the timing of construction, in accordance with the *Parks and Recreational Facilities Guidelines*. The trail shall be constructed to ensure dry passage. If wet areas must be traversed, suitable structures shall be constructed. All of the above and the designs for any needed structures shall be reviewed with the limited detailed site plan.
 - b. **Marietta Mansion (70-020), Bufferyard and Fence Construction:** The applicant shall construct a fence on Parcel C (M-NCPPC) along the north property line. The LDSP shall establish appropriate bonding amounts and determine triggers for construction and shall be in accordance with the *Parks and Recreational Facilities Guidelines*. The review shall include the following:
 - (1) The applicant shall construct an eight-foot-high fence, which may include stone or brick pillars and may act as a sound barrier.
 - (2) Detailed construction drawings for fence construction on dedicated parkland shall include grading plan, landscaping plan, fence sections, and detailed and landscaping schedules shall be submitted with the submission of limited detailed site plan.
 - c. **Noise Wall (MD 450 and MD 193) on HOA Parcel:** The applicant shall construct a noise wall on Parcel B (HOA). The LDSP shall establish appropriate triggers for construction. The construction material of the noise wall shall be reviewed and determined with the site plan and be consistent with the noise walls approved in the vicinity of the site, and shall mitigate to 65 dBA.

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.

The applicant is proposing three parcels. Parcels A and B (5.93 acres) are open space parcels to be conveyed to the homeowners association and will contain the required stormwater management facilities and the required noise wall along MD 450 and MD 193. A noise wall is required to mitigate noise where the noise exceeds the state health standards of 65 dBA Ldn for outdoor activity areas along MD 450. None of the lots are adversely affected by noise associated with MD 193. The applicant has submitted a revised Phase II noise study demonstrating that the noise wall will mitigate noise levels in accordance with the State standards. Parcel C (7,083 square feet) is located along the north property line abutting the Marietta Historic Site 70-020 and is to be conveyed to The Maryland-National Capital Park and Planning Commission (M-NCPPC). Parcel C is 10 feet wide and is proposed to be improved with an eight-foot high fence to be constructed by the applicant. Marietta is the site of civil war reenactments throughout the year.

2. The subject property is located in the northwest quadrant of the intersection of MD 450 and MD 193
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	Single-family dwellings
Acreage	18.89	18.89
Lots	0	26
Parcels	1	3
Dwelling Units:		
Detached	0	26
Public Safety Mitigation Fee		No

4. **Environmental**—The Environmental Planning Section has reviewed revised plans for the above referenced preliminary plan of subdivision and a Type I Tree Conservation Plan (TCPI/69/04) stamped as received on January 11, 2006.

This site has roadway frontage along two existing arterial roads, MD 193 and MD 450. Both roads are significant traffic-noise generators. Noise impacts from these roads are documented in a Phase II noise study and have been addressed with the review of this preliminary plan. MD 193 is a four-lane, arterial road with paved shoulders. MD 450 is a major arterial road with four through

lanes and exclusive left and right turn lanes at the intersection of MD 193. Both arterials are state-maintained.

To provide noise mitigation, a noise wall is shown on Parcel B, behind Lots 1–7. At the Subdivision Review Committee meeting, the State Highway Administration representative said the noise wall must be located ten feet off the rear property lines of these lots and within a homeowners association (HOA) parcel for maintenance by the HOA. The noise wall should have a minimum of ten feet of construction area on both sides (20 feet total).

A Phase II noise barrier analysis and design study, prepared on November 30, 2004, was previously submitted, and revised again on February 23, 2006, to address staff comments. The original study contained outdated references, results, and conclusions in relation to lots in the cluster plan, including three outdated diagrams.

The current TCPI shows both the unmitigated 65 dBA Ldn ground- and upper-level noise contours in relation to these two arterial roads. The plan also shows the mitigated noise contour for a proposed noise barrier as a solid noise wall up to eight feet in height from ground level (see diagram 4 of the study). Lots 1–7 will have a noise wall as mitigation to bring the noise levels to acceptable state standards in these outdoor activity areas.

The Environmental Planning Section has previously reviewed Preliminary Plan of Subdivision 4-04130 and TCPI/69/04 for this site. The previous proposal was for a 31-lot cluster subdivision and two parcels (A and B), which the Planning Board denied (4-04130) on January 20, 2005 (PGCPB Resolution No.05-29).

Based on year 2000 air photos, the site is fully wooded. Based on available information, regulated features are associated with the site: there is a stream that bisects the site in an east-west direction, there is an area of 100-year floodplain, and severe slopes occur in various locations on the site. Two soil series are present and these include Collington fine sandy loam and Ochlockonee sandy loam. The Ochlockonee soils are prone to poor stability and high erosion events, depending on the type of structure located on it. Neither soil is considered hydric. Both soils series have K-factors of 0.28 or less. Based on available information, Marlboro clays are not found at this location.

There are no scenic or historic roads in the vicinity of the site. According to the Maryland Department of Natural Resources (DNR) Natural Heritage Program publication titled “Ecologically Significant Areas in Anne Arundel and Prince George’s Counties,” December 1997, rare, threatened and endangered species are not found at this site; however, in a September 4, 2004, letter from DNR staff, the site is identified as having forest interior dwelling species habitat. According to the approved Countywide Green Infrastructure Plan, the site has regulated and evaluation area network features located on the property. The site is in the Lottsford Branch watershed of the Patuxent River basin, the Glenn Dale Planning Area. The TCPI has been revised to show on-site woodland preservation areas that do not have gaps in their connectivity.

A signed natural resources inventory (NRI/029/05) has been submitted and reviewed. Although the site's features appear to be shown correctly on the TCPI and preliminary plan, data is missing from the detailed forest stand delineation (FSD) text regarding the numerical rating (scores for two of seven questions) for two forest stands identified at the site. Both forest stands currently have good priority ratings; however, it appears once the missing data is added to each stand's numerical ratings, both are likely to have priority retention ratings. In addition, the FSD text does not include a paragraph summarizing each stand's rating and how the rating was arrived at based on the composition of features in each stand.

Stand 1 comprises 11.11 acres and is dominated by yellow poplar. A variety of other species are associated with this stand, including American beech, white ash, Northern red oak, white oak, hickory, and red maple. Stand 2 totals 7.78 acres, is co-dominated by sweetgum and yellow poplar trees, and has a variety of other tree species associated with it. These include red maple, river birch, American elm, and tulip poplar. The stream associated with the site is within this stand. One specimen tree, a 35-inch yellow poplar, has been located at the site in proximity to the stream west of proposed River Run Road.

There are Patuxent River Primary Management Areas (PMAs) associated with the site. The natural features that are part of the PMA include the stream, a 50-foot-wide stream buffer, and 100-year floodplain. Section 24-130 of the Subdivision Ordinance requires that where a property is partially or totally within the Patuxent River watershed, the plan shall demonstrate that the PMA is preserved in a natural state to the fullest extent possible.

Six proposed impacts to the PMA for planned infrastructure improvements are proposed in the current design. These impacts include one stormwater management outfall, one stormwater management facility, two bioretention areas, one on-site roadway stream crossing, and one off-site roadway stream crossing associated with the site's overall development. All six impacts are described in a letter of justification dated October 17, 2005. These impacts appear to have been designed to minimize impacts and are unavoidable. Because all six impacts are for necessary planned infrastructure improvements in the site's overall development, these impacts are supported.

The site is subject to the provisions of the Woodland Conservation Ordinance because the site is greater than 40,000 square feet and there is more than 10,000 square feet of existing woodland.

Existing woodland at the site totals 18.89 acres, of which 1.31 acres is within the 100-year floodplain. The site's woodland conservation threshold (WCT) is 3.52 acres, or 20 percent. The proposed amount of woodland to be cleared totals 15.93 acres, 0.26 acre of which is located in the floodplain and 0.03 acre is for an off-site impact for a stream crossing. The amount of woodland conservation required is 8.21 acres. Of this requirement, the plan proposes to provide 2.96 acres of on-site preservation and 5.25 acres of off-site mitigation on another site. The revised TCPI has been reviewed and several revisions are necessary in order for the plan to be in compliance with the Woodland Conservation Ordinance.

Several types of woodland treatment areas are proposed on the plan; however, not all of these

areas have been identified with a corresponding pattern in the legend. For example, the area of 100-year floodplain should be shown as “Woodland Preserved, Not Counted” and this treatment area should be labeled to the closest 1/100th of an acre.

Proposed lots with woodland conservation areas on them have 40 feet of usable rear yard area. However, in the event these footprints increase or homebuyers select decks and bump-out features, these cleared rear yards in relation to the edge of woodland conservation areas could greatly decrease. There is a current trend toward oversized house footprints (estate-type houses).

A copy of the signed stormwater management concept plan and the concept plan approval letter have been submitted. Both the concept plan and approval letter have signature approval of June 18, 2004. This concept plan and the approval letter are for the previously proposed 31-lot cluster plan. The subject preliminary plan proposes a reduction to a 26-lot subdivision. There is a conflict between the current TCPI and the signed stormwater management concept plan in relation to proposed Lots 15 and 16 shown on the current TCPI. The concept plan does not show two lots in this area of the site. In addition, the concept plan identifies two bioretention facilities and these are labeled as such only on the TCPI coversheet and not on the two more detailed sheets. All stormwater management facilities identified on the concept plan should be labeled for their intended purpose on all sheets of the TCPI. The applicant should submit a copy of a revised stormwater management concept plan, unless not required by DER.

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 site will therefore be served by public systems.

5. **Community Planning**—The subject property is located within the limits of the 1993 *Approved Master Plan and Sectional Map Amendment for Glenn Dale-Seabrook-Lanham and Vicinity (Planning Area 70)* in the Annapolis Road Community. The master plan-recommended land use is for low-suburban residential density. The proposed land use is consistent with the master plan land recommendation, as set forth in this report.

The 2002 *Prince George’s County Approved General Plan* locates the property in the Developing Tier. One of the visions of the Developing Tier is to maintain a pattern of low- to moderate-density suburban communities. The proposed preliminary plan is consistent with the recommendations of the 2002 General Plan as set forth in this report.

6. **Parks and Recreation**—Staff of the Department of Parks and Recreation (DPR) has reviewed the submitted subdivision plans and made the following findings. The subject property is adjacent to the Marietta Historic Site owned and operated by M-NCPPC to the north. The mandatory dedication requirement for this subdivision would be 0.94 acre of parkland.

According to the *Prince George's County Landscape Manual*, Section 4.7.a. D, a bufferyard is required along the northern property line abutting the Marietta Historic Site, which requires a 50-foot building setback and 40-foot landscaped yard. The applicant proposes dedication of Parcel C (7,083 square feet) and construction of an eight-foot high ornamental fence. DPR staff recommends a limited detailed site plan for review and approval of the fence and bufferyard, which will establish the triggers for the timing of the construction of the fence.

DPR staff recommends that the fence be constructed of wood with stone or brick pillars and may be designed as a noise barrier if deemed appropriate during the review of the limited detailed site plan by DPR staff. The purpose of the fence is to provide a buffer between the backyards of the residential lots and the area of the historic site that is used for the Civil War re-enactments. DPR staff believes that the fence should be designed to blend into the historic site. Because of the location of specimen trees along and within Parcel C, the proposed fence should be located to prevent damage to the root system of existing mature trees.

The mandatory dedication of parkland requirement is being fulfilled by a combination of the parkland dedication (Parcel C), construction of the fence on Parcel C, and construction of the master-planned trail connector on the subject property to the master plan trail within the right-of-way of MD 450, as delineated on the preliminary plan of subdivision.

7. **Trails**—The Glenn Dale-Seabrook-Lanham and Vicinity Master Plan recommends two master plan trails in the vicinity of the subject site. MD 193 is designated as a Class III bikeway. The existing wide asphalt shoulders along this portion of MD 193 currently serve as this on-road bicycle facility. Wide shoulders exist along both sides of MD 193 from Lanham-Severn Road (MD 564) to MD 450. If road frontage improvements are required, staff recommends the retention of the wide asphalt shoulders or the provision of bicycle accommodations in the event that an acceleration and/or deceleration lane is added.

A Class II Trail along MD 450 is recommended in the master plan. This has already been completed along the subject site's frontage through a previous State Highway Administration (SHA) road improvement project. This trail has recently been extended east to Bowie through the current SHA road improvement project. Staff recommends the provision of a homeowners association (HOA) trail connection from proposed River Run Road to the existing master plan trail. This trail connection will accommodate pedestrian and bicycle access from the subject site to the master plan trail and to existing and planned uses along the MD 450 corridor. The existing trail along MD 450 is outside the curb and separated from the right-of-way pavement by a grass strip.

The preliminary plan proposes a trail connection extending from River Run Road to the shoulder along MD 193. At this location there is not currently a trail along MD 193. The applicant should construct approximately 310 feet of 8-foot wide trail on the shoulder of MD 193 within the right-of-way to reach the existing master plan trail on MD 450. Staff recommends the provision of a trail connection through the homeowners open space from River Run Road directly to the existing trail along MD 450. The location of the trail shown on the revised plans is acceptable.

Review of the trail construction on homeowners open space Parcel B and within the rights-of-way of MD 450 and MD 193 should be the subject of a limited detailed site plan, which would establish the triggers for timing construction of the trail.

SIDEWALK CONNECTIVITY:

There are no existing residential communities immediately adjacent to the subject site. The existing master plan trail along MD 450 will provide access from the subject site to nearby uses within the MD 450 corridor and to the Baltimore Annapolis Trail to the west. Staff supports the provision of standard sidewalks along both sides of the internal roads.

8. **Transportation**—Due to the size of the subdivision, staff has not required that a traffic study be done. Instead, staff did request the applicant to submit acceptable and less than one-year-old AM and PM peak period turning movement count for the intersection of MD 450 (Annapolis Road) and MD 193 (Glenn Dale Boulevard.). The applicant submitted the required count on December 23, 2005, which was deemed acceptable despite the fact that the reported AM and PM counting periods were two hours instead of the required three hours. The reason for accepting the submitted count was based on the result of a comparison made with available older counts, which indicated reasonable AM and PM peak-hour volumes. Therefore, the findings and recommendations outlined below are based upon a review of these materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the “Guidelines for the Analysis of the Traffic Impact of Development Proposals.”

Growth Policy—Service Level Standards

The subject property is in the Developing Tier, as defined in the General Plan for the 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 is required in the Developing Tier.

Unsignalized intersections: *The Highway Capacity Manual* procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

Staff Analysis of Traffic Impacts

The intersection of MD 193 and MD 450 is determined to be the critical intersection for the subject property. This intersection is the nearest signalized intersection to the site and would serve almost all of the site-generated traffic. The submitted AM and PM peak-hour counts

indicate that the critical intersection operates at Level-of-Service (LOS) A, with a critical lane volume (CLV) of 872 during the AM peak hour. During the PM peak hour, the intersection also operates at LOS A with a CLV of 937.

There are no funded capital projects at this intersection in the county Capital Improvement Program (CIP). The state has recently completed an improvement that would involve the reconstruction and widening of MD 450 between MD 193 and Stonybrook Drive in the City of Bowie. There are approximately 22 approved, and mostly unbuilt, developments that would affect the intersection. With background growth added, the critical intersection would operate as follows: AM peak hour—LOS C, with a CLV of 1,171; PM peak hour—LOS C, with a CLV of 1,298.

With the development of 26 residences, the site would generate 20 AM (4 in and 16 out) and 24 PM (16 in and 8 out) peak-hour vehicle trips. With the site traffic added, the critical intersection would operate as follows: AM peak hour—LOS C, with a CLV of 1,180; PM peak hour—LOS D with a CLV of 1,310. Therefore, the critical intersection operates acceptably under existing, background and total traffic.

The site is adjacent to MD 450 and MD 193. Both roadways are planned arterial facilities, and adequate right-of-way consistent with master plan recommendations exists along both facilities. Therefore, no further dedication is required of this plan.

Access to the site has been very carefully reviewed to ensure that no individual lot will have direct access to either MD 450 or MD 193. Access to all 26 proposed lots will be via a proposed secondary street with a limited right-in/right-out access point along MD 193, as deemed acceptable, and constructed per SHA standards. This property should not have any other street or driveway access to MD 450 or MD 193.

Based on the preceding findings, adequate transportation facilities will exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code.

9. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this preliminary plan for the impact on the 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 2	Middle School Cluster 2	High School Cluster 2
Dwelling Units	26 sfd	26 sfd	26 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	6.24	1.56	3.12
Actual Enrollment	6327	7218	10839
Completion Enrollment	132	112	223
Cumulative Enrollment	2.88	4.20	9.48
Total Enrollment	6468.12	7335.76	11074.60
State Rated Capacity	6339	6569	8920
Percent Capacity	102.04%	111.67%	124.15%

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 \$7,412 and \$12,706 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.

This project meets the 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 Zoning 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 Glenn Dale, Company 18, using the *Seven Minute Travel Times and Fire Station Locations Map* provided by the Prince George’s County Fire/EMS Department.

The Fire Chief has reported that the current staff complement of the Fire/EMS Department is 704 (101.73 percent), which is above the staff standard of 657, or 95 percent, of authorized strength of 692 as stated in CB-56-2005.

The Fire Chief has reported by letter dated December 1, 2005, that the department has adequate equipment to meet the standards stated in CB-56-2005.

11. **Police Facilities**—The Prince George’s County Planning Department has determined that this preliminary plan is located in Police District II. The standard for calls response 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 beginning with January 2005. The preliminary plan was accepted for processing by the Planning Department on November 17, 2005.

Reporting Cycle	Date	Emergency Calls	Nonemergency
Acceptance Date	01/05/05-10/05/05	11.00	24.00
Cycle 1	01/05/05-11/05/05	10.00	24.00
Cycle 2			
Cycle 3			

The Police Chief has reported that the staff complement of the Police Department is 1,302 sworn officers, which is within the standard of 1,278 officers, or 90 percent, of the authorized strength of 1,420 as stated in CB-56-2005, which was required at the time of acceptance of this application.

The response time standards of 10 minutes for emergency calls and 25 minutes for nonemergency calls were met within the first monthly cycle. In accordance with Section 23-122.01 of the Subdivision Regulations, all applicable tests for adequacy of police facilities have been met.

12. **Health Department**—The Health Department has reviewed the proposed preliminary plan of subdivision and has no comment to offer.
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, 12433-2004-00, 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 the approved plan.
14. **Lot Size Averaging**—The applicant has proposed to utilize the lot size averaging (LSA) provision provided for in Section 24-121(a)(12) of the Subdivision Regulations.

Section 27-423 of the Prince George’s County Zoning Ordinance establishes the zoning requirements for lot size averaging.

- 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).**

The applicant proposes 26 lots; 13 of the proposed lots meet or exceed 20,000 square feet. 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: The applicant has proposed 13 lots between 15,000 square feet and 20,000 square feet. The lots are generally located internal to the subdivision abutting the common open space parcel that contains the environmental feature on Parcel A and B. This relationship does not adversely affect the expanded buffer and protects the feature by creating a large buffer adjacent to the expanded buffer. The area of the lots above 15,000 square feet that would normally be in private ownership will be in the homeowner's association ownership and will not be available to the individual property owner to disturb.

- 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.**

Comment: Four of the 13 lots between 15,000 square feet and 20,000 square feet are abutting other properties. These properties are owned by M-NCPPC and are parkland; there are no abutting residential lots. Two of the lots are abutting the Marietta Mansion Historic Site 70-020, to the north, and have provided the opportunity to propose the 10-foot-wide strip of land to be conveyed to M-NCPPC for the placement and construction of a fence, by the applicant, along the entire property line with that historic site and maintain a reasonable lot yield. The other two lots are located along the southwest property line and abut vacant parkland in an area that is generally undevelopable due to the configuration and slopes of the parkland in that vicinity and provide an appropriate transition.

- 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.**

Comment: Seven of the 13 lots between 15,000 square feet and 20,000 square feet are abutting the environmental feature on Parcel A. The lots sizes allow for the placement of dwellings without any disturbance to the expanded buffer. This provides homeowners open space abutting this feature on Parcel A, providing an appropriate transition from the lots to the natural features of this site and its extension onto the abutting property to the west.

The Planning Board approved the applicant's proposal to utilize the LSA provision for the development of this property.

15. **Historic**—A Phase I archeological survey was completed by the applicant and the draft report, "A Phase I Archaeological Investigation of the Zoglio Residential Property Prince George's County, Maryland, Preliminary Plan 4-05105," was submitted on January 9, 2006. The report was reviewed and no further archeological investigation is required at the subject property. Four copies of the final version of the report that addresses all of the reviewer's comments should be submitted prior to signature approval of the preliminary plan.

This preliminary plan application includes 18.89± acres on the northwest corner of the intersection of MD 450 (Annapolis Road) and MD 193 (Glenn Dale Road). The application proposes 26 lots and 3 parcels organized around two cul-de-sac streets.

The subject property is located on the southern property line of Marietta (Historic Site 70-020), also listed in the National Register of Historic Places, on the western property line of Buena Vista at Wixon Farm (Historic Site 70-081), and directly across MD 193 from the Magruder-Brannon House (Historic Site 70-030).

Marietta is a two-and-one-half story, side-gabled brick plantation house and is a classic example of the traditional house in the Federal Style, built by Gabriel Duvall. Buena Vista at Wixon Farm is a two-part frame gable-roof plantation house and is distinguished by its Greek Revival style trim. It was built in 1856 for William T. Duvall.

In 2001 Buena Vista house was moved to its present location (HAWP 9-01) and in 2002 the HPC approved a new 4.7-acre environmental setting at the Wixon Farm. The Magruder-Brannon House is an asymmetrical, T-shaped, two-story frame cross-gabled house embodying characteristics of an early twentieth-century farm residence. The contract purchasers of the Magruder-Brannon House have conceptual approval from the Historic Preservation Commission to relocate the historic house to a lot on this property. However, a formal application with the HPC was not filed. Staff has advised the applicant that the lot that the applicant proposed to relocate the Magruder-Brannon House to was most likely insufficient in size to provide an appropriate environmental setting and the bufferyards required by the *Landscape Manual* (4.7) without a significant loss of lots. Staff advised the applicant that review and approval by the HPC for a new environmental setting for the Magruder-Brannon House on this site should be obtained prior to the Planning Board. As a result, the applicant has submitted a letter dated March 24, 2006, (Negy to Chellis) of their intent not to relocate the historic house to this property.

The subject property shares a property boundary with the Marietta environmental setting and the Buena Vista at Wixon Farm property; the *Prince George's County Landscape Manual* requires that a 50-foot building setback and a 40-foot landscape buffer be retained or planted on the developing property wherever it adjoins a historic site. The preliminary plan of subdivision accurately reflects these required bufferyards for planning purposes. Staff should review siting,

massing and rooflines of the houses that will be visible from these historic properties.

At the Planning Board hearing on April 6, 2006 the applicant proffered, at the request of Mr. Wixon the owner of Buena Vista at Wixon Farm (Historic Site 70-081), to extend the fence required on Parcel C behind Lots 20 and 21 abutting the Wixon Property. The applicant and Mr. Wixon had requested that the fence be located on Lots 20 and 21 to be maintained by the homeowners of those lots, or be contained in an easement to be maintained by the HOA. The Planning Board specifically determined that a fence constructed by the applicant for Mr. Wixon was not to be located on this site, on Lots 20 and 21. That any private agreement between Mr. Wixon and the applicant to construct a fence would be carried out, outside the purview of the Planning Board and should be constructed on the Wixon Property and not be a burden to the homeowners of this site, either individual lot owners or the HOA. In addition, the Board directed these additional findings to ensure that the applicant at a later date did not propose the construction of a fence on Lot 20 or 21 for fulfillment of the *Landscape Manual*. The preliminary plan demonstrates that the required D Bufferyard along the Wixon Property is being provided with the landscaping being fulfilled with 100% onsite woodland conservation and is not to include a fence constructed by the applicant.

The subject property is directly across Glenn Dale Road from the Magruder-Brannon House; therefore Historic Preservation staff should review siting, massing and rooflines of the houses that will be visible from the Magruder-Brannon House, and care should be taken with buffering these lots where they front on Glenn Dale Road if the historic house remains at its present location.

In order to protect the views from the Magruder-Brannon House and the Wixon Farm Property, the applicant should provide sight lines/section drawings indicating the view from the historic sites to the proposed houses on Lots 17 and 21–26 of the developing subdivision. The goal of these drawings shall be to ensure that the new houses are compatible. If at the time of review of the building permit for Lot 17, the Magruder-Brannon House has been relocated, review of sight line for compatibility would not be required.

16. **Historic Preservation Commission Review**-In addition to the additional findings contained in Finding 15 of this decision regarding the with Wixon Property, the Planning Board directed that the limited detailed site plan for the fencing on Parcel C to be conveyed to (M-NCPPC), and eventually part of the Marietta Mansion Site and the noise wall required on Parcel B along MD 450 and MD 193 shall be reviewed by the Historic Preservation Commission (HPC) for compatibility with the historic sites. The Planning Board has directed that the Historic Preservation Commission should determine if the limited detailed site plan should be reviewed as a formal application by HPC or the HPC may determine that the fencing on Parcel C and B (noise fence) can be reviewed at the staff level by the Historic Preservation staff.

The Planning Board has also determined that because of the proximity to the three historic sites and the visibility of the noise fence along MD 450 and MD 193 the fence as part of the review of the limited detailed site plan should be carefully reviewed for compatibility to the historic sites, as indicated above. Staff advised the Planning Board that the current vision for the noise wall along

the Marietta Mansion Historic Site would be a brick or stone pillared fence with board on board or other material spanning the pillars. The Department of Parks has agreed that review by the HPC and/or Historic Preservation Section staff would be appropriate for compatibility. Notwithstanding the vision articulated to the Planning Board, the limited detailed site plan will determine the construction materials of the fencing.

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 Eley, seconded by Commissioner Clark, with Commissioners Eley, Clark, Vaughns and Parker voting in favor of the motion, and with Commissioner Squire absent at its regular meeting held on Thursday, April 6, 2006, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 4th day of May 2006.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator