

R E S O L U T I O N

WHEREAS, Land & Commercial, Inc. is the owner of a 19.87-acre parcel of land known as Parcel 47, Tax Map 45 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 April 11, 2008, Land & Commercial, Inc. Profit Sharing Plan filed an application for approval of a Preliminary Plan of Subdivision (Staff Exhibit #1) for 18 lots and 1 parcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-07099 for Missouri Acres, Section 2 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 June 19, 2008, for its review and action in accordance with Article 28, Section 7-116, Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

WHEREAS, the staff of The Maryland-National Capital Park and Planning Commission recommended APPROVAL of the application with conditions; and

WHEREAS, on June 19, 2008, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED the Type I Tree Conservation Plan (TCPI/76/95-02), and further APPROVED Preliminary Plan of Subdivision 4-07099, Missouri Acres, Section 2, for Lots 1-18 and Parcel A with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the following technical corrections shall be made:
  - a. Add "wetland" to the site notes under environmental constraints.
  - b. Remove the note regarding an access easement to Missouri Avenue from Parcel A.
  - c. Revise the lot table to provide the contiguous net lot area fronting Street A, and contiguous net lot area west of C-613, for each lot, if applicable.
  - d. Provide a note that includes the stormwater management plan number and approval date.
  - e. Provide WSSC easements.

- f. Provide a note that the existing property is known as Parcel 47, and Lots 13-16, Block A (PM 224@38).
  - g. Provide frontage on the internal public street for Parcel A. Generally, locate a minimum 20-foot-wide fee-simple access on the south side of proposed Lots 18 and 19 to Turning Wood Court.
  - h. Correct the general notes to reflect that the site is Parcel 47 not Parcel 45.
  - i. Dimension the setback at the front building line where the lot is 80 feet wide. Label the lot width as such, not as 80-foot setback.
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 Stormwater Management Concept Plan, No. 23-2008-00 and any subsequent revisions.
  4. The applicant shall provide a standard sidewalk along both sides of all internal roads, unless modified by DPW&T.
  5. Prior to the approval of building permits the applicant and the applicant's heirs, successors and/or assignees shall demonstrate that a homeowners association has been established. The association shall include both Section I and Section II of Missouri Acres.
  6. The applicant and the applicant's heirs, successors and/or assignees shall submit three (3) original Recreational Facilities Agreements (RFA) to Development Review Division (DRD) for construction of additional recreational facilities on homeowners land (Parcel A), for approval prior to the submission of final plats. Upon approval by the DRD, the RFA shall be recorded among the County Land Records.
  7. The applicant and the applicant's 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.
  8. Prior to the approval of the final plat, a revision to the approved limited detailed site plan (LDSP-06044) shall be approved by the Planning Board or its designee for the construction of additional private on-site recreational facilities on Parcel A (PM 224@37) and shall establish appropriate bonding amounts and additional triggers for construction. The facilities shall be provided in accordance with the *Park and Recreation Facilities Guidelines*. The LDSP shall continue to ensure that the stormwater management facility is designed and landscaped as a visual amenity to the site.

9. Prior to the issuance of building permits, the applicant and the applicant's heirs, successors and/or assignees shall convey to the homeowners association (HOA) 5.7 ± acres of open space land (Parcel 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 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.
  - i. Further subdivision of this land is strictly controlled.
10. Development of this subdivision shall be in compliance with an approved Type I Tree Conservation Plan (TCPI/76/95). 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), 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 Ordinance. This property is subject to the notification provisions of CB-60-2005. Copies of all approved Tree Conservation Plans for the subject property are available in the offices of the Maryland-National Capital Park and Planning Commission, Prince George's County Planning Department."

11. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the delineated expanded buffer 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."
12. Prior to signature approval of the preliminary plan, a copy of the approved Stormwater Management Concept Plan shall be submitted.
13. The applicant and the applicant's heirs successors, and/or assignees, shall provide adequate, private recreational facilities in accordance with the standards outlined in the *Park and Recreation Facilities Guidelines*.
14. Prior to final plat the applicant shall work with the Historic Preservation Section to develop a street name for public Street A that more closely reflect the historic significance of the property and the vicinity.
15. The detailed site plan for Parcel A shall include the review and approval of interpretive signage that discusses the role of midwives in 20<sup>th</sup> century African American communities. The wording and the sign location shall be offered to the by Historic Preservation staff for comment. The trigger for demonstration of the instillation of the sign shall be determined at the time of review of the detailed site plan.
16. **US 301 and Missouri Avenue:** Prior to the issuance of any building permit within the subject property, the applicant shall submit an acceptable traffic signal warrant study for both intersections (US 301 northbound and southbound) of US 301 and Missouri Avenue to the State Highway Administration (SHA). The applicant should utilize a new 12-hour count, and should analyze signal warrants under total future traffic as well as existing traffic at the direction of SHA. If a signal or other traffic control improvements are deemed warranted at that time, the applicant shall bond the signal with SHA prior to the release of any building permits within the subject property, and install it at a time when directed by that agency. The performance of a new study may be waived by SHA if SHA determines in writing that an acceptable recent study has been conducted.

been conducted.

17. Light poles will utilize dark sky techniques such as full optic cut off, unless modified by the Department of Public Works and Transportation.

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 east side of Missouri Avenue, approximately 2,500 feet south of US 301 on the west side of Missouri Avenue approximately 900 feet north of its intersection with Brandywine Road (MD 381) in Brandywine.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

Zone Use(s)	<b>EXISTING</b>	<b>PROPOSED</b>
	R-R Vacant	R-R Single-family dwelling units
Acreage	19.87	19.87
Lots	4	18
Parcels	1	1
Dwelling Units:		
Detached	0	18
Public Safety Mitigation Fee		No

4. **Environmental**—The Environmental Planning Section has reviewed the revised Preliminary Plan of Subdivision and Type I Tree Conservation Plan stamped as accepted on May 19, 2008.

The Environmental Planning Section has reviewed the subject property as Natural Resources Inventory NRI/020/07; parts of the property as Preliminary Plan 4-04094 and TCPI/76/95; and parts of the subject property as Preliminary Plan 4-95111 and TCPI/76/95-01.

The site is fully wooded and there are streams, wetlands, 100-year floodplains and their associated buffers on the property. The soils found on this property include 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, there are no rare, threatened, or endangered species found to occur in the vicinity of the property, but forest interior dwelling species (FIDS) habitat may be present. No adverse noise impacts from transportation are anticipated related to this proposal and there are no

this proposal and there are no designated historic or scenic roads abutting the site. The property is located in the Mattawoman Creek subwatershed, in the Potomac River basin watershed. The site contains Regulated Areas and Evaluation Areas as identified in the *Approved Countywide Green Infrastructure Plan*.

### **Master Plan Conformance**

In the *Approved Master Plan and Sectional Map Amendment for Subregion V Planning Areas (81A, 81B, 83, 84, 85A and 85B)* (September 1993), the Environmental Envelope section contains guidelines for future development. The following guidelines have been determined to be applicable to the current project. The text in **BOLD** is the text from the master plan and the plain text provides comments on plan conformance.

- 1. An open space and conservation network, based on existing soil conditions, slopes, watercourses, vegetation, natural ecological features, and estimated future population needs, should be established and maintained.**

**Comment:** The preliminary plan and Type I TCP proposes homeowners association parcels that will protect the streams and wetland systems, and tracts of contiguous woodland in conformance with the Countywide Green Infrastructure Plan.

- 2. Developers shall be encouraged to utilize the Comprehensive Design Ordinance, the cluster provisions and site plan review provisions of the subdivision regulations and other innovative techniques that ensure responsible environmental consideration.**

**Comment:** The development of this site as proposed ensure responsible environmental consideration.

- 3. Land dedicated in accordance with the subdivision regulations for the provision of needed recreational facilities should not consist solely of floodplains or other parts of the Natural Reserve Area.**

**Comment:** The plan does not propose land dedication for recreational facilities. Provision of private recreational facilities are proposed on Parcel A in Section 1.

- 4. The responsibility for environmentally sound development practices should apply equally to private and public interests; decisions concerning the selection and use of properties should be based on environmental considerations.**

**Comment:** Section 24-130 of the Subdivision Regulations, the Woodland Conservation and Tree Preservation Ordinance and preservation of the designated elements of the Countywide Green Infrastructure Plan will focus development in an environmentally sound manner.

- 5. Developers shall be encouraged to capitalize on natural assets through the retention**

**and protection of trees, streams and other ecological features.**

**Comment:** The preliminary plan and TCPI address the preservation of natural assets, and limits impacts to existing natural features.

**6. Woodlands associated with floodplains, wetlands, stream corridors and steep slopes shall be given priority for preservation.**

**Comment:** This guideline is a standard practice for all tree conservation plans, which has been applied in the submitted TCPI.

**7. To the extent practicable, large contiguous tracts of woodland should be conserved in both upland and bottomland situations in order to reduce forest fragmentation, maximize woodland interiors, and reduce the edge/area ratio.**

**Comment:** This guideline is a standard practice for all tree conservation plans. The Type I Tree Conservation Plan and the preliminary plan maintain the connectivity of preserved woodlands.

**8. The Natural Reserve Areas, containing floodplain and other areas unsuitable for development, should be restricted from development except for agricultural, recreational and similar uses. Land grading should be discouraged. When disturbance is permitted, all necessary conditions should be imposed.**

**Comment:** Application of Section 24-130 of the Subdivision Regulations ensures that only necessary impacts to sensitive environmental features are permitted. The applicant is not proposing any impacts to the expanded buffer.

**9. All development proposals should provide effective means for the preservation and protection of Natural Reserve Areas, the development plans for lands containing open space and conservation areas should specify how and by whom these areas will be maintained.**

**Comment:** Conservation easements will be placed on the regulated features found on-site at time of final plat.

**10. Limited development should be permitted in Conditional Reserve Areas, based on the significant physiographic constraints and natural processes of the land.**

**Comment:** The Subregion V Master Plan does not identify any areas of Conditional Reserve on the subject property; however, the Countywide Green Infrastructure Plan superseded the master plan for these designations when it was adopted in 2005. The site contains Regulated and Evaluation Areas that provide connectivity of existing woodlands on designated conservation parcels.

11. **In the Perceptual Liability Areas, land uses such as schools, residences, nursing homes, and libraries that are sensitive to noise intrusion, air pollution and other characteristics of excessive vehicular traffic should be protected by suitable construction techniques and by the enforcement of legally mandated standards.**

**Comment:** No specific Perceptual Liability Areas were identified by the master plan in this area.

12. **Developers shall be encouraged to include careful site planning and construction techniques which are designed to reduce the adverse impact of point and nonpoint source noise that exceeds the State's current maximum allowable levels for receiving land uses.**

**Comment:** No adverse point or nonpoint source noise has been identified with this proposal.

13. **Farming conservation measures such as diversions, terraces, and grassed waterways in conjunction with contour strip cropping and crop rotations should be implemented.**

**Comment:** No farming is proposed with this plan.

14. **Citizens, developers and others should be encouraged to seek current information on the area's sensitive environmental condition, and on all aspects of related regulatory systems and functional programs from the appropriate local, State and Federal agencies.**

**Comment:** Information available at PGATLAS.com provides generalized information regarding sensitive environmental features of the region and the Natural Resource Inventory (NRI) submitted provides detailed information regarding the subject property.

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

According to the Countywide Green Infrastructure Plan, the entirety of the subject property is within designated Regulated and Evaluation Areas. Application of the Subdivision Ordinance ensures conformance with that plan.

#### **Environmental Review**

A signed Natural Resources Inventory (NRI) was submitted with the current application for the portion of the application which was not part of Missouri Acres, Section 1.

**Comment:** No further information is required with regard to the NRI.



This property is subject to the provisions of the Prince George's County Woodland Conservation and Tree Preservation 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 Type I Tree Conservation Plan (TCPI/76/95-02) was submitted with the preliminary plan application which provides an expanded TCP plan which includes both Sections 1 and 2 of Missouri Acres.

The revised Tree Conservation Plan (TCPI/76/95-02) has been reviewed. The minimum requirement for this site is 8.16 acres (20 percent of the net tract area) plus additional acres due to clearing, for a total minimum requirement of 14.37 acres. The TCPI proposes to meet the requirement with 14.37 acres of on-site preservation.

A master-planned road crosses the property and the TCP does not propose woodland conservation within the right-of-way, because woodland conservation is not allowed to be placed within a proposed right-of-way. No other revisions to the TCPI are necessary.

Nontidal wetlands, streams, and 100-year floodplains are found to occur on this property. These features and the associated buffers comprise the expanded stream buffer on the subject property in accordance with Section 24-101(b)(10) of the Subdivision Ordinance.

The Subdivision Ordinance mandates that the expanded stream buffer be preserved to the fullest extent possible. No impacts are proposed to the expanded stream buffer. The soils found on this property are Elkton and Leonardtown. 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 (DER) may require a soils study addressing the soil limitations with respect to the construction of homes.

#### **Water and Sewer Categories**

The water and sewer service categories are W-3 and S-3 according to water and sewer maps obtained from the DER dated June 2003, and will therefore be served by public 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, which calls for about one dwelling unit per acre, is consistent with the recommendations of the master plan and General Plan.

6. **Parks and Recreation**—The preliminary plan has been reviewed for conformance to the previously approved Preliminary Plan 4-04094, the approved Master Plan and Sectional Map Amendment for Subregion V, the Land Preservation and Recreational Program for Prince George’s County, current subdivision regulations and existing conditions in the vicinity of the proposed development.

This preliminary plan is an addition to an approved subdivision known as Missouri Acres Section 1, (29 lots) the residents of Section 2, (14 new lots; 18 total) of Missouri Acres (4-07099) will become members of the same homeowner’s association as the existing Missouri Acres Section 1 Subdivision. The Planning Board required private on-site recreational facilities on Parcel A (PM 224@37) in Section 1 of Missouri Acres for the fulfillment of the mandatory dedication of parkland (24-134). DSP-06044 was approved on December 5, 2006 which requires that the applicant provide a playground, six benches and two picnic tables.

At Subdivision Review Committee meeting on May 2, 2008, for the subject application the applicant requested that they fulfill the requirements of Section 24-134(a) for the mandatory dedication of parkland for Section 2 by complementing the approved private recreational facilities on site. Since this meeting, the Urban Design Section has determined that the homeowner’s parcel containing the playground is large enough to accommodate additional facilities. DPR staff is in agreement that additional facilities is appropriate in this case to meet the required park dedication requirements to serve the residents of this community, and should be approved by a revision to the limited detailed site plan.

7. **Trails**—Missouri Avenue is open section with no sidewalks. The subject application includes no road frontage along this road. Subdivisions in the immediate vicinity have a variety of road cross sections, with some roads having sidewalks along both sides and other roads having no sidewalks. Staff recommends sidewalks along both sides of all internal roads, consistent with previously approved 4-04094.

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.

8. **Transportation**—The applicant proposes a residential development consisting of 18 single-family detached lots. The subdivision includes an area of four recorded lots that were reviewed and created pursuant to Preliminary Plan of Subdivision 4-04094; therefore, this plan would create a net of 14 lots. Due to the size of the subdivision, staff did not require a traffic study. The staff did request traffic counts for the purpose of making an adequacy finding, and traffic counts dated May 2008 were provided by the applicant and analyzed. 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

“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 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 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 US 301 and Missouri Avenue is determined to be the critical intersection for the subject property. Due to the spacing of the northbound and southbound roadbeds for US 301, the critical intersection actually operates as two separate intersections, and will therefore be analyzed as two intersections. The existing conditions at the study intersections are summarized as follows:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
	US 301 Northbound and Missouri Avenue	570.1*	721.2*	--
US 301 Southbound and Missouri Avenue	45.1*	+999*	--	--
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the <i>Guidelines</i> , delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.				

There are no funded projects within the study area in either the County Capital Improvement Program (CIP) or the State Consolidated Transportation Program (CTP) that would affect the future capacity of the critical intersection. Six approved but unbuilt developments that would directly affect the critical intersection were identified. Annual through traffic growth of 2.1 percent per year was added to account for development and traffic growth in the general area. With

With background growth added, the following results are obtained:

<b>BACKGROUND TRAFFIC CONDITIONS</b>				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
	US 301 Northbound and Missouri Avenue	870.2*	+999*	--
US 301 Southbound and Missouri Avenue	101.1*	+999*	--	--
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the <i>Guidelines</i> , delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.				

A residential subdivision consisting of 14 net single family detached lots is proposed. This amount of development would generate 11 AM (2 in and 9 out) and 13 PM (9 in and 4 out) peak-hour vehicle trips. The site was analyzed with the following trip distribution:

- 20% - North toward Dyson Road
- 25% - Northeast along US 301
- 35% - South along Missouri Avenue
- 20% - Southwest along US 301

Given this trip generation and distribution, staff has analyzed the impact of the proposal, and the following results are obtained:

<b>TOTAL TRAFFIC CONDITIONS</b>				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
	US 301 Northbound and Missouri Avenue	891.7*	+999*	--
US 301 Southbound and Missouri Avenue	103.7*	+999*	--	--
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the <i>Guidelines</i> , delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.				

It is determined that the critical pair of intersections operates unacceptably as 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 needed signals if they are deemed warranted by the appropriate operating agency. The warrant study is, in itself, a more

detailed study of the adequacy of the existing unsignalized intersections. Therefore, the transportation planning staff would recommend that a signal warrant study be completed at these intersections.

### **Plan Comments**

The “Subregion V Master Plan” shows a collector facility, designated as C-613, crossing the subject property from southeast to northwest. The subject plan, while delineating the future right-of-way on the plan, has not proffered any action to preserve the potential right-of-way.

Procedurally, staff sent referrals for the purpose of determining the feasibility of reservation for portions of the subject site. In order to place any property or portion of a property in reservation, the Planning Board must have an affirmative report from a public agency that could potentially acquire the property, along with a map showing the boundaries and area of the proposed reservation and an estimate of the time required to complete the acquisition.

Neither the County Department of Public Works and Transportation (DPW&T) nor the State Highway Administration (SHA) provided the necessary referrals on the reservation. The current C-613 facility is described in the “Subregion V Master Plan” as being a relocation of MD 381, no direct discussions have occurred with SHA about corridor preservation along this facility, and SHA has not indicated any willingness to pursue the development of this facility. While DPW&T may provide a sufficient response to obtain reservation, as a matter of record DPW&T referrals have never provided more than general support of the reservation process. The Planning Board found that a nexus did not exist between the dedication of C-613 and the development of this property, and did not find that the operating agency had provided sufficient evidence to demonstrate that if the Planning Board placed the right-of-way in reservation that they could purchase it within that time frame. Therefore, the right-of-way was not identified for dedication or reservation.

It is noted that the adjacent site, reviewed as Preliminary Plan of Subdivision 4-04094, placed portions of C-613 and another collector facility within outparcels to be held by the homeowners association and conveyed to a public agency upon demand. With regard to that property, the rights-of-way connected to a public street to be built by the applicant; furthermore, the rights-of-way were not placed on lots, but upon area planned to become homeowners open space. On this site, the right-of-way does not connect to any existing roadway or a roadway that will be constructed, and portions of the right-of-way are on planned lots. The SHA or the DPW&T has not requested the dedication of these rights-of-way.

### **Transportation Conclusions**

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

9. **Schools**—The Special Projects Section has reviewed this preliminary plan for impact on school

facilities in accordance with Section 24-122.02 of the Subdivision Ordinance and CR-23-2003 and found 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	17 DU	17 DU	17 DU
Pupil Yield Factor	.24	.06	.12
Subdivision Enrollment	4.08	1.02	2.04
Actual Enrollment	3,898	5,968	9,696
Completion Enrollment	148.8	90	181
Cumulative Enrollment	214.32	66.78	114.36
Total Enrollment	4,265.2	6,125.8	9,993.4
State Rated Capacity	3,771	6,114	10,392
Percent Capacity	113.10%	100.19%	96.16%

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

County Council bill CB-31-2003 establishes a school facilities surcharge in the amounts of: \$7,000 per dwelling if a building is located between Interstate 495 and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority ; or \$12,000 per dwelling for all other buildings. Council bill CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts are \$7,870 and \$13,493 to be paid at the time of issuance of each building permit.

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

The Special Projects Section finds that this project meets the adequate public facilities policies for school facilities contained in Section 24-122.02, CB-31-2003 and CR-23-2003.

10. **Fire and Rescue**—The Special Projects Section has reviewed this subdivision plan for adequacy of fire and rescue services in accordance with Section 24-122.01(a)(2), Section 24-122.01(d) and Section 24-122.01(e)(1)(B)-(E) of the Subdivision Ordinance.

- a. Special Projects staff have determined that this preliminary plan is within the required 7-

minute response time for the first due fire station **Brandywine Company #40**, using the *7 Minute Travel Times and Fire Station Locations Map* provided by the Prince George’s County Fire/EMS Department.

- b. 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) and (B) regarding sworn fire and rescue personnel staffing levels.
- c. The Fire/EMS Chief has reported that the Fire/EMS Department has adequate equipment to meet the standards stated in CB-56-2005.

11. **Police Facilities**—The subject property is located in Police District V. The response standard time is 10 minutes for priority calls and 25 minutes for nonpriority calls. The times are based on a rolling average for the proceeding 12 months. The preliminary plan was accepted for processing by the Planning Department on April 11, 2008.

Reporting Cycle	Previous 12 Month Cycle	Priority Calls	Non-priority Calls
Acceptance Date April 11, 2008	3/07 - 3/08	10 minutes	12 minutes
Cycle 1			
Cycle 2			
Cycle 3			

The response time standards of 10 minutes for priority calls and 25 minutes for nonpriority calls were met April 25, 2008. The Police Chief has reported that the Police 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) and (B) regarding sworn police personnel staffing levels.

- 12. **Health Department**—The Environmental Engineering Program has reviewed the preliminary plan of subdivision for Missouri Acres, Section 2 and has no comments to offer.
- 13. **Stormwater Management**—The Department of Public Works and Transportation (DPW&T), Office of Engineering, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan, No. 23-2008-00 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.
- 14. **Historic**—Phase I archeological survey was completed on the 19.87-acre Missouri Acres, Section 2 Property in March 2008. A draft report, *A Phase I Intensive Archaeological Survey of the Missouri Acres Residential Subdivision, Section 2, Missouri Avenue, Brandywine, Prince George’s County, Maryland Preliminary Plan #4-07099*, has been received by the Historic Preservation

Preservation Section and was reviewed on June 5, 2008. Two 20<sup>th</sup> century domestic archeological sites, 18PR935 and 18PR936, were identified in the survey. Neither site contained intact subsurface cultural deposits that could provide information on the history of Prince George's County. Due to the lack of intact deposits and limited research potential of sites 18PR935 and 18PR936, no further archeological work was recommended. Staff concurs with the report's findings that no further archeological work is necessary on the Missouri Acres, Section 2 Property. However, archival research revealed that the two-acre parcel in the southeastern corner of the Missouri Acres, Section 2 property was purchased by Lucy Henson, an African American midwife, in 1926. It is recommended that an interpretive sign be developed that discusses the role of midwives in 20<sup>th</sup> century African American communities and placed on the property on Parcel A, where the signage will be accessible to the residents.

15. **Background**—The subject property is located on Tax Map 145, in Grid D-2. The property is zoned R-R, is 19.87 acres and comprised from a combination of an acreage parcel and four record lots. The applicant is proposing to resubdivide the property into 18 lots and one parcel (14 net new lots). The existing Parcel 47 (17.96 acres) is an acreage parcel never having been the subject of a record plat. The configuration of Parcel 47 is the result of a lot line adjustment deed with Parcel 45. That "Boundary Line Adjustment Deed" was recorded in land records in Liber 28847 folio 733 on October 26, 2007. Lots 13 thru 16, Block A were recorded in land records in Plat Book PM 224@38 on November 6, 2007. The lots are pursuant to the approval of Preliminary Plan 4-04094 (PGCPB Resolution 05-17) for Missouri Acres Section 1 which was for the approval of 37 lots. The conditions of approval of the preliminary plan resulted in a reduction of lots and the final platting of 29 lots

The proposed subdivision is Section 2 and an extension of Missouri Acres Section 1. The proposed subdivision will extend from an internal public street from Section 1. The applicant is proposing to extend a public street north from the north side of Turning Wood Court (PM 224@38), and terminate in a cul-de-sac. The applicant is proposing 18 lots along the proposed public street, which includes the resubdivision of Lots 13 thru 16, Block A.

Missouri Acres Section 1 was approved by the Planning Board with conditions of approval that required that the applicant provide private on site recreational facilities to serve the residents. Subtitle 27 requires a limited detailed site plan for private recreational facilities, however a detailed site plan is not required for the entire subdivision. Subsequent to the approval of the preliminary plan the applicant filed Detailed Site Plan DSP-06044 for the construction of the required private recreation facilities on Parcel A (1.89 acres). The DSP was approved by the Planning Boards designee on December 5, 2006 in accordance with the *Park and Recreation Facilities Guidelines* and includes a tot lot, six benches and two picnic tables at the intersection of Turning Wood Court and Burl Court in Section 1. The recreational facilities are required to be constructed prior to the issuance of the 25<sup>th</sup> building permit in Section 1. As a part of the review of the limited DSP, staff reviewed the remainder of Parcel A for additional landscaping to ensure the stormwater management area was designed as a visual amenity to the site.

For the fulfillment of mandatory dedication of parkland (Section 24-134) and discussed further in



the parks section of this report, the applicant will provide additional complementary on-site recreational amenities to serve the additional lots proposed with this subdivision on Parcel A. The Urban Design Section has determined that there is adequate land area to provide additional amenities on Parcel A (PM 224@37). A possible future trail connection around the stormwater management pond and/or the construction of a gazebo may provide amenities that would serve other age groups within the community. Through the review of the revision of the approved detailed site plan appropriate additional facilities and siting can be determined.

16. **Lighting**—At the Planning Board hearing the Board addressed issues raised by the community regarding light pollution and the impact of traditional street lights. The Planning Board added a condition requiring “dark sky techniques” be utilized with full optic cut off, unless modified by the Department of Public Works and Transportation. This condition is intended to bring to the attention of the DPW&T this issue and encourage DPW&T to utilize full-optic cut off light fixtures were appropriate.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board’s action must be filed with Circuit Court for Prince George’s County, Maryland within thirty (30) days following the date of notice of the adoption of this Resolution.

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Squire, seconded by Commissioner Cavitt, with Commissioners Squire, Cavitt, Vaughns and Parker voting in favor of the motion, and with Commissioner Clark absent at its regular meeting held on Thursday, June 19, 2008, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 10th day of July 2008.

Oscar S. Rodriguez  
Executive Director

By Frances J. Guertin  
Planning Board Administrator