

R E S O L U T I O N

WHEREAS, Washington Homes of Maryland is the owner of a 0.5473-acre parcel of land known as Parcel J, on Tax Map 84 in Grid C-2, said property being in the 3rd Election District of Prince George's County, Maryland, and being zoned R-R; and

WHEREAS, on December 27, 2007, Washington Homes of Maryland, LLC filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 1 lot; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-07092 for Rustic Ridge 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 March 13, 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 March 13, 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/72/04-01), and further APPROVED Preliminary Plan of Subdivision 4-07092, Rustic Ridge for Lot 145 with the following conditions:

1. Prior to signature approval of the preliminary plan, the TCPI shall be revised to eliminate the previous qualified professional's signature and the previous approval block.
2. 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/072/04-01), or as modified by the Type II tree conservation plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved tree conservation plan and will make the owner subject to mitigation under the Woodland Conservation Ordinance. This property is subject to the notification provisions of CD-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.”

3. 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 45dBA (Ldn) or less.
4. Development of this site shall be in conformance with stormwater management concept plan 45188-2007-00 (approved December 18, 2007) and any subsequent revisions.

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 west of Largo Road (MD 202) and west of Norwich Place.
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 Residential
Acreage	.54	.54
Lots	0	1
Parcels	1	0
Public Safety Mitigation Fee		No

4. **Community Planning**—This application is not inconsistent with the 2002 General Plan Development Pattern policies for the Developing Tier. This site is located in the Developing Tier. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial centers, and employment areas that are increasingly transit serviceable. The 1993 approved master plan and sectional map amendment for the Subregion VI Study Area recommended retaining the property in the R-E Zone.
5. **Environmental**—Streams, wetlands and 100-year floodplain are not found to occur within the limits of this application. A transportation-related noise generator, MD 202, has been identified to the west of the property. The soils found to occur, according to the Prince George's County Soil Survey, include Adelphia fine sandy loam, Collington fine sandy loam, and Donlonton fine sandy loam. The soils in the Donlonton soil series have limitations with respect to the high water tables and impeded drainage. According to available information, Marlboro clay is not found to occur on this property. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program publication entitled "Ecologically Significant Areas in Anne Arundel and Prince George's Counties," December 1997, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. There are no designated scenic

and historic roads located adjacent to this property. This property is located in the Collington Branch watershed of the Patuxent River basin and in the Developing Tier as reflected in the 2002 approved General Plan.

2005 Approved Countywide Green Infrastructure Plan Conformance

According to the 2005 *Approved Countywide Green Infrastructure Plan*, the entire site is located within a gap area of the network. The M-NCPPC property located to the east side of this site contains an evaluation area. Old Largo Road and MD 202 are located west of the site; because MD 202 creates a break in the gap, it would not be practicable to implement the 2005 *Approved Countywide Green Infrastructure Plan* at this location. Given the lack of sensitive environmental features, the woodland on this site is not a priority area for preservation.

Environmental Review

The preliminary plan application has a staff-signed natural resources inventory (NRI) that was included with the application package. The NRI (NRI/074/05) contains all of the required information. The forest stand delineation (FSD) text identifies one 3.86-acre stand dominated by white oak, sweetgum, yellow poplar, and American beech. The shrub layer within this stand consists of shadbush, red maple, and white oak. The herbaceous layer contains Japanese honeysuckle, Virginia creeper, greenbrier, and blueberry species. A total of ten specimen trees were identified on this site. The NRI correctly reflects the information described in the FSD text.

This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the site has a previously approved tree conservation plan (TCP). This plan has been revised to eliminate the proposed stormwater management pond and add a lot. A revision to a previously approved Type I Tree Conservation Plan (TCPI/72/04) was submitted with the preliminary plan application and has been reviewed. The woodland conservation threshold for this site has been correctly calculated as 1.12 acres (20 percent of the net tract). The submitted TCPI proposes to clear the entire site in order to provide positive drainage and meet the woodland conservation requirements by providing 2.89 acres of off-site mitigation. Because the site is very flat, it is important that positive drainage be obtained. The TCP illustrates that the specimen trees that might be able to be retained are in poor condition. Staff supports the proposal to meet the woodland conservation requirements off site.

Since the previous approval of the original TCPI, the revised TCPI has been signed by a different qualified professional but the old signature was not removed and the old approval block was not removed. These technical errors need to be corrected prior to signature approval. Prior to signature approval of the preliminary plan, the TCPI should be revised to eliminate the previous qualified professional's signature and the previous approval block. A note detailing the restrictions of the approved tree conservation plan and the Woodland Conservation Ordinance should be placed on the final plat of subdivision.

This property is located on the east side of Old Largo Road, which is adjacent to MD 202, a master plan expressway. A traffic noise impact analysis dated January 22, 1996, was included in the application. The study is too old and does not apply to the subject property. The Environmental Planning Section noise model predicts the location of the 65 dBA Ldn noise contour to be 228 feet from the centerline of MD 202. The noise contour is correctly shown on Lots 141 and 145.

The TCPI shows that the proposed structure on Lot 145 and its associated rear outdoor activity area will be within the 65 dBA Ldn noise contour. In conformance with the Maryland state standards, noise must be mitigated to 65 dBA Ldn in the outdoor activity area of this lot and to 45 dBA Ldn or less in the interior building. Additional mitigation for the rear outdoor activity area for Lot 145 is not required because the location of the proposed structure will mitigate traffic-related noise in that area to 65 dBA Ldn or less. Proper construction materials must be used to reduce interior noise levels to 45 dBA Ldn or less. Certification by a professional engineer with competency in acoustical analysis should be placed on the building permits stating that the building shells of structures within prescribed noise corridors have been designed to reduce interior noise levels to 45dBA (Ldn) or less.

Water and Sewer

The property is located within water and sewer category 3. Water and sewer line extensions are required to service the proposed subdivision and must be approved by the Washington Suburban Sanitary Commission before approval of a final plat. This development will be served by public systems.

6. **Parks**—In accordance with Section 24-134(a)3(d) of the Prince George's County Subdivision Regulations, the Department of Parks and Recreation, Park Planning and Development Division finds that the subject property is exempt.
7. **Trails**—The 1993 approved Subregion VI master plan and sectional map amendment designates MD 202 (Largo Road) as a master plan bicycle facility. The master plan map seems to indicate that this facility moves off onto Old Largo Road in some places. However, staff is of the opinion that the intent of the master plan is to have MD 202 as a continuous bicycle facility. This is clear on page 204 of the master plan where Recommendation 6 is that MD 202 be a bike route from White House Road to Upper Marlboro. Old Largo Road is parallel to MD 202 but is not continuous and, therefore, is not suitable as a bike route. The Maryland State Highway Administration (SHA) has implemented bikeway signage, shoulders, and pavement markings along MD 202. The area around the subject site consists of large lots with open section roads and no sidewalks. There are no master plan trails issues.
8. **Transportation**—MD 202 (Largo Road) is immediately adjacent to the site. This roadway is listed in the 1993 approved Subregion VI master plan as a four-lane expressway with 150 to 200 feet of right-of-way. Old Largo Road (CO 3428) is a county-maintained primary residential roadway adjacent to MD 202. Driveway access to the site is planned from Old Largo Road, which

is a state-owned two-lane roadway. SHA has no objection to the proposed direct access to the subject site.

Based on the Planning Board adopted *Guidelines for the Analysis of the Traffic Impact of Development Proposals*, the two-lot single-family development will generate 1 AM peak-hour trip, and 1 PM peak-hour trip. The subject property is located within the Developing Tier as defined in the *Prince George's County Approved General Plan*. As such, the subject property is evaluated according to the following standards:

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

Unsignalized intersections: The *Highway Capacity Manual* procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed 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.

Pursuant to provisions in the guidelines, the Planning Board may find that traffic impact of small developments is *de minimus*. A *de minimus* development is defined as one that generates five trips or fewer in any peak period. Regarding on-site circulation of traffic, staff has no issues.

Transportation Staff Conclusions

Because the subject application is considered to be *de minimus*, the Transportation Planning Section concludes that adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code if the application is approved.

- 9. **Police**—The subject property is located in Police District II. The response time standards are 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 December 27, 2007.

Reporting Cycle	Previous 12 Month Cycle	Priority Calls	Nonpriority Calls
Acceptance Date December 27, 2007	11/06 - 11/07	10 minutes	15 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 on December 31, 2007. The Police Chief has reported that the department has adequate equipment to meet the standards stated in CB-56-2005. Pursuant to CR-69-2006, Prince George's County Council and the County Executive suspended the provisions of Section 24-122.01(e)(1)(A, B) regarding sworn police personnel staffing levels.

10. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(B)-(E) of the Subdivision Ordinance. Public Facilities staff have determined that this preliminary plan is within the required seven-minute response time for the first due fire station Marlboro Company 20, using the Seven-Minute Travel Times and Fire Station Locations Map provided by the Prince George's County Fire/EMS Department. Pursuant to CR-69-2006, Prince George's County Council and the County Executive suspended the provisions of Section 24-122.01(e)(1)(A, B) regarding sworn fire and rescue personnel staffing levels. The Fire Chief has reported that the department has adequate equipment to meet the standards stated in CB-56-2005.
11. **School**—The Historic Preservation and Public Facilities Planning Section has reviewed this preliminary plan for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Ordinance and CB-30-2003 and CR-23-2003 and concluded the following.

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 4	Middle School Cluster 2	High School Cluster 2
Dwelling Units	1 DU	1 DU	1 DU
Pupil Yield Factor	.24	.06	.12
Subdivision Enrollment	.24	.06	.12
Actual Enrollment	3,933	6,782	10,542
Completion Enrollment	165	117	234
Cumulative Enrollment	179.28	70.26	140.76
Total Enrollment	4,277.52	6,969.32	10,916.88
State-Rated Capacity	4,140	6,356	10,254
Percent Capacity	103.32	109.64	106.46

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

Prince George's 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. Prince

George's County Council bill CB-31-2003 allows 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 Historic Preservation and Public Facilities Planning Section finds that this project meets the adequate public facilities policies for school facilities contained in Section 24-122.02, CB-30-2003 and CB-31-2003 and CR-23-2003.

12. **Stormwater Management**—A stormwater management concept plan, 45188-2007-00, was approved by the Department of Public Works and Transportation on December 18, 2007, and it expires on December 18, 2010. A copy of the stormwater management concept plan (45188-2007-00) and the associated letter were submitted. The plan shows water quality will be addressed by the creation of dry wells. Water quantity controls are not required for the subject site. No additional information is required with regard to stormwater management. Some of the soils found on this property have seasonally high water tables and impeded drainage that may contribute to wet or damp basements if adequate drainage is not addressed. The concept approval letter states, "At the time of building permit review, please provide the reviewer with a geotechnical report to determine the underground water table per CB-94-2004." The Department of Public Works and Transportation is responsible for enforcing this regulation. Development of the site must be in accordance with this approved preliminary plan and any revisions.
13. **Department of Health**—The Environmental Engineering Program has reviewed the preliminary plan of subdivision for the Rustic Ridge property and has no comments to offer.
14. **Archeology**—A Phase I archeological survey is not recommended on the above-referenced 0.54-acre property located on the east side of Largo Road and north of Town Farm Road in Upper Marlboro, Maryland. This plan proposes to resubdivide Parcel J into Lot 145 to become a buildable lot. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates that the probability of archeological sites within the subject property is low. The current house on the property was built between 1938 and 1965. However, the applicant should be aware that there is one prehistoric and historic archeological site of unknown date, 18PR396, located within a one-mile radius of the subject property. In addition, there are there is one county historic resource, Bowie-Johnson House (PG:79-001), within a one-mile radius of the subject property.

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

15. **Historic Preservation**—There is no effect on historic resources for this proposed preliminary plan of subdivision.

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.

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This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Cavitt, seconded by Commissioner Vaughns, with Commissioners Cavitt, Vaughns and Parker voting in favor of the motion, and with Commissioners Squire and Clark absent at its regular meeting held on Thursday, March 13, 2008, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 3rd day of April 2008.

Oscar S. Rodriguez
Executive Director

By Frances J. Guertin
Planning Board Administrator

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