

R E S O L U T I O N

WHEREAS, W.F. Chesley Real Estate, Inc. is the owner of a 25.32-acre parcel of land known as Parcel 56, Tax Map 75, Grid F-3, said property being in the 7th Election District of Prince George's County, Maryland, and being zoned R-M; and

WHEREAS, on January 28, 2002, Dee Corporation filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 1 parcel and 1 outparcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-02007 for Horizon House 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 May 30, 2002, 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 6, 2002, 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/05/02), and further APPROVED Preliminary Plan of Subdivision 4-02007, Horizon House for Parcel 1 and Outlot 1 with the following conditions:

1. Prior to signature approval of the preliminary plan:
 - a. All revision boxes shall be updated to reflect the changes made and when and by whom they were made.
 - b. The notes on the Type I Tree Conservation Plan, TCP I/05/02, shall be revised to conform to the standards for Type I TCPs.
2. Prior to the issuance of building permits for the senior housing building, the architectural plans shall contain a certification, by a professional engineer with competency in acoustical analysis, stating that the residential structures within the 65 dBA (Ldn) noise contour shown on the preliminary plan, are designed to reduce the interior noise level to 45 dBA (Ldn) or less.
3. A report regarding the local groundwater on the site shall be submitted with the Specific Design Plan. No living area of a residential structure may be placed to a depth below

grade to where it would be reasonable to believe the natural water table rises during occasional or seasonal extreme wet weather

4. The Specific Design Plan shall include a calculation of the area of Patuxent River Primary Management Area preservation area, including the area of the 100-year floodplain, all areas set aside for stormwater management facilities, and the area of any proposed impacts.
5. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the Patuxent River Primary Management Area preservation area and shall be reviewed by the Environmental Planning Section prior to certificate approval. In addition, the following note shall be placed on the plat:

"Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation is prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is permitted."
6. The following note shall be placed on the final plat:

APrior to the issuance of any permits which impact wetlands, wetland buffers, streams or Waters of the U.S., copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans shall be submitted to the M-NCPPC, Planning Department. @
7. If road improvements are required along MD 202, the existing wide asphalt shoulders shall be preserved, unless otherwise determined by SHA, to safely accommodate bicycle traffic.
8. All internal pathways and sidewalks shall be handicapped accessible and free of above-ground utilities and street trees.
9. No building permits for residential structures on proposed Parcel 1, other than those intended for senior housing, shall be issued for this subdivision until the percent capacity at all the affected school clusters are less than or equal to 105 percent or three years have elapsed since the time of the approval of the preliminary plan of subdivision; or pursuant to the terms of an executed school facilities agreement whereby the subdivision applicant, to avoid a waiting period, agrees with the County Executive and County Council to construct or secure funding for construction of all or part of a school to advance capacity. Residential permits intended for senior housing shall be exempt from this condition.
10. Development of this site shall be in conformance with the approved stormwater concept plan, Concept 8001290-1998-03, or any revisions thereto.
11. Prior to the issuance of a building permit, the following road improvements shall (a) have

full financial assurances, or (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed upon timetable for construction with the appropriate operating agency, except as waived in writing by the appropriate operating agency:

- a. Provision of a left-turn storage lane along MD 202 southbound lanes and at the proposed site access, and
 - b. Provision of two bus shelters for existing bus stops on both sides of MD 202 and in the immediate vicinity of the proposed access road.
12. Prior to signature approval, the preliminary plan shall be revised to graphically depict the ten-foot public utility easement along the public right-of-way.
 13. Development of this subdivision shall be in compliance with the approved Type I Tree Conservation Plan (TCPI/05/02). 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/05/02), 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. Type II Tree Conservation Plan shall be approved in conjunction with the Specific Design Plan.

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 north side of MD 202 (Largo Road), approximately 1,500 feet west of MD 193.
3. Environmental IssuesCThere are streams, wetlands, and floodplain on the property that are in the Patuxent River watershed. Current air photos indicate that the entire site is forested. No Historic or Scenic roads are affected by this proposal. Largo Road is a known highway noise source. The proposed use is not expected to be a noise generator. Several species listed by the State of Maryland as rare, threatened, or endangered are known to occur in the in the general region. According to the sewer service and water service maps produced by DER, the property is in water category W-3 and sewer category S-3. The soils information included in the review package indicates that the principal soils on the site are in the Adelphia, Collington, Monmouth, and Bibb soils

series.

The following text addresses previously approved environmental conditions related to the subject application.

Zoning Map Amendment A-9950

The original approval of A-9550 contained nine conditions and two considerations. The amended Basic Plan, A-9550, contains seven conditions, three of which are related to environmental issues.

1. **An acoustical analysis shall be performed as part of the Specific Design Plan to determine whether any noise mitigation is needed as a result of the property's proximity to MD 202.**

No acoustical analysis or noise study was submitted for review. However, this is not the Specific Design Plan application. The location of the 65 dBA (Ldn) noise contour on this property has been approximated by staff to occur 772 feet from the centerline of MD 202. This approximation does not consider changes in topography or other barriers that might reduce sound levels. The estimated 65 dBA (Ldn) noise contour is shown on the preliminary plan. This issue is discussed in more detail below.

2. **No living area of a residential structure may be placed to a depth below grade to where it would be reasonable to believe the natural water table rises during occasional or seasonal extreme wet weather.**

No information about ground water was submitted for review. A report regarding the local groundwater on the site should be submitted with the Specific Design Plan.

3. **No incremental factor shall be permitted for any lands or facilities which are located in floodplains, which are part or all of a stormwater management system, or which are areas required in accordance with the legislative actions implementing the Patuxent River Policy Plan.**

The site contains floodplain, areas required for implementing the Patuxent River Policy Plan, and a stormwater management facility. The issue of incremental factors will be addressed by the Development Review Division during the review of the Specific Design Plan. The Specific Design Plan should include a calculation of the Patuxent River Primary Management Area preservation area, including the 100-year floodplain, all areas set aside for stormwater management facilities, and the area of any proposed impacts.

Planning Board Resolution No. 88-157 for CDP-8708

CDP-8708 was approved for the entire Tuck Farm property and included all of the areas included in A-9950, A-9951, and A-9124. Conditions 2, 3, 4, and 6 apply to the subject property.

- 2. With the submission of the Specific Design Plan, it shall be demonstrated that noise attenuation measures, such as screening, buffering, or adequate setbacks, have been utilized to reduce external noise to 65 dBA for all structures within 350 feet of the pavement of northbound Route 202 or southbound Route 556. This demonstration should take into account ultimate road design and projected level of service.**

The Planning Board finds that the language is internally conflicted in that it requires external noise to be reduced for structures. The terms Aexternal@ and Astructures@ in this context are inconsistent with one another. Therefore, the Planning Board finds that the reasonable interpretation of this condition is that exterior noise should be reduced to 65 dBA (Ldn) for exterior activity areas, not simply for all exterior areas on the property. The applicant presented information at the hearing demonstrating that all exterior activity areas will be beyond the 65 dBA (Ldn contour). Therefore, the Planning Board finds that this condition is satisfied. A condition requiring interior noise to be reduced to 45 dBA (Ldn) or less is appropriate given the proximity of the structure to the 65 dBA (Ldn) line.

- 3. Prior to submission of the Specific Design Plan an approved 100-year floodplain study shall be obtained from the Department of Environmental Resources.**

A floodplain study, FPS #890020, was approved by the Department of Environmental Resources on April 20, 1989. The delineation of the 100-year floodplain on the Preliminary Plan of Subdivision appears to be correct. No further action is needed at this time.

- 4. Prior to the submission of any Specific Design Plan a stormwater management concept plan shall be approved.**

A stormwater management concept plan, CSD #988001290, has been approved by the Department of Environmental Resources. No further action is needed at this time.

- 6. The mature trees and bushes along the road shoulders should be protected by limits of disturbance lines on the Tuck Farm property. Where the growth along the road cannot be saved, due to road improvements, it shall be replanted, using indigenous tree species, preferably like the ones that were removed.**

This condition provides guidance for the preparation of the Tree Conservation Plan which is discussed in detail below.

Environmental Review

The plans submitted have been revised since January 18, 2002, however, the revision boxes have not been updated. Prior to signature approval all revision boxes need to be updated to reflect the changes made and when and by whom they were made.

The site contains significant natural features which are required to be protected under Section 24-130 of the Subdivision Regulations. The Patuxent River Primary Management Area (PMA) preservation area is defined in Section 24-101(b)10 of the Subdivision Regulations. The delineation of the 100-year floodplain appears to be correct. Streams and the minimum 50-foot stream buffers are shown on the plan. Jurisdictional wetlands and the minimum 25-foot wetland buffers are shown on the plan. All slopes of 25 percent or greater are shown on the plan. None of the areas on the site with highly erodible soils has a slope in excess of 15 percent. The boundary of the PMA is correctly delineated on the plan. At time of final plat, a conservation easement should be described by bearings and distances. The conservation easement should contain the Patuxent River PMA preservation area and shall be reviewed by the Environmental Planning Section prior to approval. An appropriate note should be placed on the final plat.

The current design indicates that some impacts shall occur to the PMA. Section 24-130(b)(5) of the Subdivision Ordinance requires that the PMA be preserved to the fullest extent possible. A Letter of Justification for impacts to the PMA has been submitted. As noted in the Letter of Justification, the Planning Board previously approved plans which would have resulted in an impact to 1.02 acres of the PMA. The current application proposes to reduce this impact to 0.96 acres. No further action is needed at this time.

This site is subject to the provisions of the Woodland Conservation Ordinance because the entire site is more than 40,000 square feet in size and contains more than 10,000 square feet of woodland. A Tree Conservation Plan is required. A Type I TCP and a Forest Stand Delineation (FSD) were submitted with the application. No further information is needed with regard to the FSD.

The Type I Tree Conservation Plan, TCP I/5/02, has been evaluated with regard to the

requirements of the Woodland Conservation Ordinance and Condition 6 of PGCPB Res. No. 88-157. The TCP proposes clearing 9.14 acres of the existing 22.12 acres of upland woodland and the clearing of 0.10 acres of the existing 3.20 acres of floodplain woodland. The replacement for this clearing, in addition to the woodland conservation threshold set by the Woodland Conservation Ordinance for this site, yields a minimum requirement of 6.70 acres of woodland conservation. The plan proposes to meet this requirement by preserving 9.36 acres on-site.

The TCP shows a proposed buffer along MD 202 consisting of approximately 60 feet of woodland preservation. This satisfies Condition 6 of PGCPB Res. No. 88-157. The notes on the Tree Conservation Plan are those typically used for a Type II TCP and not a Type I TCP. Staff recommends approval of TCP I/5/02 subject to the condition that the notes on the Type I Tree Conservation Plan, TCP I/05/02, shall be revised to conform to the standards for Type I TCPs.

The soils found to occur on this property include the Adelphia, Collington, Monmouth, and Bibb soils series. Adelphia soils may have a seasonably high water table and impeded drainage. Soils in the Collington series pose no significant problems for development. Monmouth series soils are highly erodible. The Bibb series is in Hydrologic Group D and may exhibit characteristics of perched water tables and poor drainage.

None of the development is proposed in the area with Bibb soils. Erosion/sediment control practices should take into account the highly erodible nature of the Monmouth soils. No further action is needed at this time.

Several species listed by the State of Maryland as rare, threatened, or endangered are known to occur in the general region. Two of these are upland plants associated with a soil type which does not occur on the subject property. One is a wetland plant associated with a wetland soil type not found on the subject property. One is a fish species found in Western Branch near this property. The Maryland Department of Natural Resources will evaluate potential impacts prior to the issuance of any permit by the State of Maryland for this site. No further action is needed at this time.

4. Community Planning The 2000 *Interim General Plan* placed this property in the Developing Tier. The 1990 *Largo-Lottsford and Vicinity Master Plan* recommends residential land use at a high urban density. A senior citizen housing symbol is shown for this site on the master plan map. Private open space is also shown on the map along the northern, western and southern boundary as a buffer from surrounding land uses.

Applicable master plan guidelines for senior housing developments (page 71) include: to provide for ample outdoor livable space to retain a sense of personal identity, intimacy, and human scale within the development, in addition to ample-sized meeting rooms and recreational activities (Specific Design Plan issue). Another guideline (page 70)

applicable to multifamily developments is to provide adequate open space at the perimeter to serve as a buffer between the development and adjacent lower density residential development.

The property was retained in the R-M Zone through the County Council approval of the *Largo-Lottsford Sectional Map Amendment* in 1990. In February 2002, the County Council approved an amendment to the Basic Plan via A-9550. The amendment allows for mid-rise (three- to four-story) residential condominiums on the property. A total of 261 dwelling units is permitted. There are no master plan issues raised by this application.

5. Parks and RecreationCThis proposal is subject to the mandatory park dedication requirements of Section 24-134 of the Subdivision Regulations. Mandatory dedication has been satisfied on this property in a previous subdivision.
6. TrailsCThe *Adopted and Approved Largo-Lottsford Master Plan* designates MD 202 as a bikeway. If road improvements are required along MD 202, the existing wide asphalt shoulders should be preserved to safely accommodate bicycle traffic. All internal pathways and sidewalks should be handicapped accessible and free of above-ground utilities and street trees.
7. TransportationCIn August 2001, staff received a traffic study in support of the basic plan amendment application. Staff reviewed the submitted traffic study and with the input from the local agencies (the Maryland State Highway Administration and the Prince George=s County Department of Public Works and Transportation), concluded that all of the intersections within the study area are projected to operate at an acceptable level-of-service (D or better) with the development of up to 261 mid-rise residential condominium units on the subject property.

The application proposes a single access along MD 202 that is directly opposite the access road serving the Largo Landing Senior Citizen Apartments. The submitted plan shows the needed 200 feet for MD 202 right-of way, as existing. The plan also shows a stub connection from Parcel 1 to the proposed Outparcel 1. Access to any future plan of development on the outparcel will be limited to this stub access. Since MD 202 is a state-maintained arterial facility, provision of a left-turn storage lane along MD202 southbound and at the proposed site access would improve the safety of all vehicular traffic in the area.

Prince George=s County public transit (The Bus) operates service along MD 202. Currently there are bus stops on both sides of MD 202 and in the vicinity of the proposed access driveway. Considering the potential for increased usage of this service with the proposed use, provision of all-weather bus shelters at these bus stops would greatly enhance the comfort and safety of the residents and visitors who would use the county bus system.

Based on these findings and staff=s analyses of the traffic data for the basic plan amendment, staff concludes that approval of the subject preliminary plan will have no adverse impact on the surrounding traffic network provided that the following improvements are bonded for construction prior to the issuance of any building permit, except upon written waiver permission provided to the applicant by the appropriate operating agency:

- a. Provision of a left-turn storage lane along MD 202 southbound lanes and at the proposed site access, and
 - b. Provision of two bus shelters for existing bus stops on both sides of MD 202 and in immediate the vicinity of the proposed access road.
8. SchoolsCThe Growth Policy and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of public school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and the *Adequate Public Facilities Regulations for Schools* (CR-23-2001).

Impact on Affected Public School Clusters

Affected School Clusters #	Dwelling Units	Pupil Yield Factor	Subdivision Enrollment	Actual Enrollment	Completion Enrollment	Wait Enrollment	Cumulative Enrollment	Total Enrollment	State-Rated Capacity	Percent Capacity	Funded School
Elementary School Cluster 2	140 mfd	0.24	33.60	7114	224	36	6.96	7414.56	6435	115.22%	Lake Arbor
Middle School Cluster 2	140 mfd	0.06	8.40	4397	201	189	6.19	4801.59	3648	131.62%	East Central
High School Cluster 2	140 mfd	0.12	16.80	12045	412	377	12.36	12863.16	10811	118.98%	Frederick Douglass addn.

Source: Prince George's County Planning Department, M-NCPPC, January 2002

The affected elementary, middle and high school cluster percent capacities are greater than 105 percent. Lake Arbor is the funded school in the affected elementary school cluster. East Central is the funded school in the affected middle school cluster. The Frederick Douglass addition is the funded school in the affected high school cluster. The total number of dwelling units for the above preliminary plan is 261. Senior citizen housing facilities are exempt from the APF test for schools. However, no condition can prohibit the applicant from constructing traditional low-rise apartments. Therefore, this subdivision should be approved with a three-year waiting period for any residential structures on proposed Parcel 1 not intended for senior housing. Proposed Outparcel 1 has not been evaluated for adequacy of public facilities. Any proposed development of proposed Outparcel 1 shall require approval of a new preliminary plan. At that time,

public school adequacy will be evaluated for the Outparcel.

9. Fire and Rescue CThe Growth Policy and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of public fire and rescue facilities.
 - a. The existing fire engine service at Kentland Fire Station, Company 46, located at 10400 Campus Way South, has a service response time of 3.17 minutes, which is within the 3.25-minute response time guideline.
 - b. The existing ambulance service at Kentland Fire Station, Company 46, has a service response time of 3.17 minutes, which is within the 4.25-minute response time guideline.
 - c. The existing paramedic service at Kentland Fire Station, Company 46, has a service response time of 3.17 minutes, which is within the 7.25-minute response time guideline.
 - d. The existing ladder truck service at Kentland Fire Station, Company 33, located at 7701 Landover Road, has a service response time of 9.42 minutes, which is beyond the 4.25-minute response time guideline.

These findings are in conformance with the *Adopted and Approved Public Safety Master Plan 1990* and the *Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities*. To alleviate the negative impact on fire and rescue services due to the inadequate service discussed above, the Fire Department requires that all residential structures be fully sprinklered in accordance with National Fire Protection Association Standard 13 and all applicable Prince George's County laws. Since this is a requirement of law, no condition is necessary.

10. Police Facilities CThe proposed development is within the service area for District II-Bowie. In accordance with Section 24-122.1(c) of the Subdivision Regulations of Prince George's County, existing county police facilities will be adequate to serve the proposed Horizon House development. This police facility will adequately serve the population generated by the proposed subdivision.
11. Health Department CThe Health Department has reviewed the application and offers no comments.
12. Stormwater Management CThe Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan, # 8001290-1998-03, was approved with conditions on February 14, 2002. It is valid through June 30, 2004. 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.

13. Public Utility EasementCThe proposed preliminary plan does not include the required ten-foot-wide public utility easement. This easement must be added to the preliminary plan prior to signature approval. It will be reflected on the final plat.
14. Shared AccessCThe preliminary plan shows an access easement from MD 202, over proposed Parcel 1, serving the proposed outparcel. While the outparcel cannot be developed without further preliminary plan approval, this arrangement is the most acceptable to staff. When the outparcel is proposed for development, staff will recommend that direct access to MD 202 be denied for safety reasons. Therefore, this access will be provided pursuant to Section 24-128(b)(9) of the Subdivision Regulations.

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

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This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Lowe, seconded by Commissioner Scott, with Commissioners Lowe, Scott, Brown and Hewlett voting in favor of the motion, and with Commissioner Eley absent, at its regular meeting held on Thursday, June 6, 2002, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 6th day of June 2002.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:JD:rmk