

PGCPB No. 03-18 (C)

File No. 4-02069

C O R R E C T E D R E S O L U T I O N

WHEREAS, Maryland Homes is the owner of a 61.46 acre parcel of land known as Parcels 16, Lot 5, Tax Map 164, Grid F-1, said property being in the 11th Election District of Prince George's County, Maryland, and being zoned R-R; and

WHEREAS, on August 20, 2002, Maryland Homes KC, L.L.C. filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 77 lots and 8 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-02069 for Rosewood Estates 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 January 30, 2003, 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 January 30, 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/40/02), and further APPROVED Preliminary Plan of Subdivision 4-02069, Maryland Homes for Lots 1-77 and Parcels A-H with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the plan shall be revised as follows:
 - a. The preliminary plan and the Type I Tree Conservation Plan shall be revised to show the symbol for the expanded stream buffer in the legend.
 - b. Written verification that the Department of Parks and Recreation accepts the woodland conservation proposed on their property shall be submitted to the Planning Department.
 - c. Locate all existing well and septic systems.
 - d. The precise amount, in square feet, of 25 percent or greater slopes shall be reflected in the site notes. These notes shall also reflect the amount, if any, of these slopes that are to be disturbed.

*Denotes Correction

Underlining indicates new language

[Brackets} indicate deleted language

2. No building permits shall be issued for this subdivision until the percent capacity, as adjusted pursuant to the School Regulations, at all the affected school clusters are less than or equal to 105 percent, or 6 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.
3. At the time of final plat approval, the applicant shall dedicate a right-of-way along McKendree Road as shown on the submitted plan. Improvements within the right-of-way shall be determined by DPW&T.
4. **US 301/MD 5/McKendree/Cedarville Roads:** Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction, and (c) have an agreed-upon timetable for construction with the SHA/DPW&T. Reconstruct the eastbound McKendree Road approach to the intersection in order to provide exclusive right-turn, exclusive through, and exclusive left-turn lanes in accordance with SHA requirements. These improvements shall also include any signal, signage, and pavement marking modifications which are determined to be necessary.
5. The applicant and/or the applicant's heirs, successors or assignees shall contribute toward and participate in the construction of certain additional off-site transportation improvements as identified hereinafter. These improvements shall be funded and constructed through the formation of a Road Club which will include the applicant, the Montgomery Wards Brandywine Distribution Center, the Brandywine Commerce Center, the Mattawoman-Brandywine Commerce Center, the Brandywine Business Park, the Brandywine/301 Industrial Park, the Hampton CDZ, and other property owners in the area designated as Employment Area "C" in the *Subregion V Master Plan*, as well as any properties along US 301/MD 5 between T.B. (the intersection of US 301 and MD 5 in Prince George's County) and Mattawoman Creek, and any other properties for which participation is deemed necessary by the Planning Board.

For development of the subject property, the applicant's sole funding responsibility toward the construction of these off-site transportation improvements shall be the payment of the following:

A fee calculated as \$1,472 per dwelling unit gross square foot X (the most recent FHWA Highway Construction Cost Composite Index four-quarter average available at the time of building permit application) / (FHWA Highway Construction Cost Composite Index for first quarter, 1993)

Payment is to be made in trust to the Road Club escrow agent and shall be due, on a pro rata basis, at the time of issuance of building permits. Prior to issuance of any building permit(s), the applicant shall provide written evidence to M-NCPPC that the required payment has been made.

The off-site transportation improvements to be constructed are set forth below. Construction of these improvements shall occur in the numerical sequence in which they appear. Each improvement shall be constructed if and only if sufficient funds for engineering, full design, and construction have been deposited into the Road Club escrow account by Road Club members or said funds have been provided by public agencies. The off-site transportation improvements shall

PGCPB No. 03-18(C)

File No. 4-02069

Page 3

include:

- a. Widen US 301/MD 5 from a four-lane road to a six-lane road beginning at Timothy Branch (north of Cedarville Road) and extending northerly to the US 301/MD 5 interchange (at T.B.). The construction shall be in accordance with presently-approved SHA plans.
 - b. Install a traffic signal at the A-63/Cedarville Road intersection, provided said signal is deemed warranted by DPW&T.
 - c. Make minor widening/striping improvements to the US 301/MD 5 interchange ramps.
 - d. Widen US 301 from a four-lane road to a six-lane road beginning at the T.B. interchange (US 301/MD 5) and extending northerly to a point approximately 2,500 feet north of MD 381.
 - e. Reconstruct the traffic signal at US 301/MD 381.
 - f. Install a traffic signal at the MD 381/A-63 intersection, provided said signal is deemed warranted by DPW&T and SHA.
 - g. Provide a grade separation at the point the Spine Road crosses US 301 northeast of T.B.
 - h. Reconstruct the traffic signal at MD 5/Brandywine Road.
 - i. Construct an interchange in the area of US 301/MD 5 and Cedarville/McKendree Roads.
 - j. Construct an interchange in the area of MD 5 and A-63 north of T.B.
 - k. Construct A-63 as a six-lane arterial roadway (where off-site) between the US 301/MD 5/Cedarville Rd./McKendree Rd. intersection and MD 5 north of T.B.
 - l. Widen US 301/MD 5 from a six-lane road to an eight-lane road beginning at the T.B. interchange (US 301/MD 5) and extending southerly to Mattawoman Creek.
 - m. Widen MD 5 from a four-lane road to a six-lane road beginning at the T.B. interchange (US 301/MD 5) and extending northerly to a point approximately 2,500 feet north of the planned intersection with A-63.
6. The final plat of subdivision shall reflect a note that access to Lot 1, Block A, and Lot 10, Block B, shall be denied from McKendree Road.
 7. In addition to the normal requirements of a Detailed Site Plan, special consideration should be given to landscaping the rear of Lot 11 to ensure appropriate views from surrounding lots. Additionally, special consideration should be given to appropriate landscaping, bufferyards and entrance features on the lots and at the road entrances along McKendree Road.

PGCPB No. 03-18(C)

File No. 4-02069

Page 4

8. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the expanded stream buffer except for approved impacts and shall be reviewed by the Environmental Planning Section prior to certificate approval. 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."
9. The following note shall be placed on the final plat of subdivision:

"All applications for permits affecting streams, wetlands, and/or wetland buffers shall contain a copy of the approved federal and/or state permits."
10. The public recreational facilities on land to be conveyed to M-NCPPC shall include the 8-foot-wide Master Plan Trail as shown on Department of Parks and Recreation (DPR) Exhibit "A."
11. The trail shall be constructed in accordance with the applicable standards in the *Parks and Recreation Facilities Guidelines*. The exact location of the trail shall be determined at the time of Detailed Site Plan review and approved by DPR.
12. The developer shall obtain all necessary permits and right-of-way from appropriate agencies to construct the Master Plan Trail.
13. Building permits shall not be approved for the residential lots adjoining the parkland containing the Master Plan Trail until trail is under construction.
14. All trails shall be constructed to assure dry passage. If wet areas must be traversed, suitable structures shall be constructed. Designs for any needed structures shall be reviewed by DPR.
15. Detailed construction drawings for trail construction including grading plan and sections shall be submitted to DPR for review and approval prior to submission of the application for the Detailed Site Plan.
16. Three original, executed Recreational Facilities Agreements (RFA) shall be submitted to DPR for approval, three weeks prior to a submission of a final plat. Upon approval by DPR, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.
17. Submission to DPR of a performance bond, letter of credit or other suitable financial guarantee, in an amount to be determined by DPR, within at least two weeks prior to applying for building permits.
18. At the time of final plat, the applicant, his heirs, successors and/or assignees shall convey 2.08± acres of cluster open space land (Parcels C & D) to M-NCPPC, subject to the following:
 - a. An original, special warranty deed for the property to be conveyed (signed by the WSSC

Assessment Supervisor) shall be submitted to the Subdivision Section of the Development Review Division, The Maryland-National Capital Park and Planning Commission (M-NCPPC), along with the Final Plat.

- b. M-NCPPC shall be held harmless for the cost of public improvements associated with land to be conveyed, including but not limited to, sewer extensions, adjacent road improvements, drains, sidewalks, curbs and gutters, and front-foot benefit charges prior to and subsequent to Final Plat.
 - c. The boundaries and acreage of land to be conveyed to M-NCPPC shall be indicated on all development plans and permits which include such property.
 - d. The land to be conveyed shall not be disturbed or filled in any way without the **prior written consent** of the Department of Parks and Recreation (DPR). If the land is to be disturbed, DPR shall require that a performance bond be posted to warrant restoration, repair or improvements made necessary or required by the M-NCPPC development approval process. The bond or other suitable financial guarantee (suitability to be judged by the General Counsel's Office, M-NCPPC) shall be submitted to DPR within two weeks prior to applying for grading permits.
 - e. Storm drain outfalls shall be designed to avoid adverse impacts on land to be conveyed to or owned by M-NCPPC. If the outfalls require drainage improvements on adjacent land to be conveyed to or owned by M-NCPPC, DPR shall review and approve the location and design of these facilities. DPR may require a performance bond and easement agreement prior to issuance of grading permits.
 - f. All waste matter of any kind shall be removed from the property to be conveyed. DPR shall inspect the site and verify that it is in acceptable condition for conveyance, prior to Final Plat approval.
 - g. No stormwater management facilities, or tree conservation or utility easements shall be proposed on lands owned by or to be conveyed to M-NCPPC without the prior written consent of DPR. DPR shall review and approve the location and/or design of these features. If such proposals are approved by DPR, a performance bond and an easement agreement may be required prior to the issuance of grading permits.
 - h. The applicant, his successors and/or assignees shall submit a letter to the Subdivision Section indicating that the Department of Parks and Recreation has conducted a site inspection and found the land to be dedicated to M-NCPPC in acceptable condition for conveyance. The letter shall be submitted with the final plan of subdivision.
19. At the time of final plat, the applicant, his heirs, successors and/or assignees shall convey to the homeowners association (HOA) 31.08± acres of cluster open space land (Parcels A, B, E, F, G and H). 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 detailed site plan or shall require the written consent of DRD. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement and storm drain outfalls. If such proposals are approved, a written agreement and financial guarantee shall be required to warrant restoration, repair or improvements, required by the approval process.
 - f. Storm drain outfalls shall be designed to avoid adverse impacts on land to be conveyed to a homeowners association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by DRD prior to the issuance of grading or building permits.
 - g. Temporary or permanent use of land to be conveyed to a homeowners association for stormwater management shall be approved by DRD.
 - h. Storm drain outfalls shall be designed to avoid adverse impacts on adjacent land, owned by or to be conveyed to The Maryland-National Capital Park and Planning Commission (M-NCPPC). If the outfalls require drainage improvements on land to be conveyed to or owned by M-NCPPC, the Department of Parks and Recreation (DPR) shall review and approve the location and design of these facilities. DPR may require a performance bond and easement agreement prior to issuance of grading permits.
 - i. There shall be no disturbance of any adjacent land that is owned by, or to be conveyed to, M-NCPPC, without the review and approval of DPR.
 - j. 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.
20. For all structures that must obtain a raze permit from the Department of Environmental Resources, any hazardous materials in these structures must be removed prior to the razing of the structures. Once removed, these materials must be properly discarded or labeled and stored in an appropriate manner.
21. Prior to approval of the final plat of subdivision, the existing drilled well serving the trailer at 16110 McKendree Road must be backfilled and sealed in accordance with Code of Maryland Regulations (COMAR) 26.04.04 by a licensed well driller once it is disconnected. The septic tank must be pumped by a licensed scavenger and crushed or backfilled.

PGCPB No. 03-18(C)

File No. 4-02069

Page 7

22. The well and septic system serving the house at 16206 McKendree Road (Lot 11) may remain in use if it is appropriately contained within the boundaries of the lot. If not, prior to approval of the final plat of subdivision, a plan for the proper abandonment of those utilities and the connection to public water and sewer shall be approved by the Health Department.
23. Development of this subdivision shall be in compliance with the approved Type I Tree Conservation Plan (TCPI/40/02). 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/40/02), 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.”
24. A Type II Tree Conservation Plan shall be approved in conjunction with the required Detailed Site Plan.
25. The required Detailed Site Plan shall be approved by the Planning Board prior to the approval of the final plat of subdivision.

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 along the north edge of McKendree Road, approximately 1,000 feet west of US 301.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

PGCPB No. 03-18(C)

File No. 4-02069

Page 8

	EXISTING	PROPOSED
Zone	R-R	R-R
Use(s)	Residential	Residential
Acreage	61.46	61.46
Lots	1	77
Parcels	1	8
Dwelling Units:		
Detached	1 (to remain)	77 (total)

Cluster Development Data as proposed by Applicant

Zone	R-R
Gross Tract Area	61.46± acres
Area with Slopes Greater than 25%	.94 acres
Area within Preliminary 100-year Floodplain	20.01 acres
Cluster Net Tract Area	40.51± acres
Minimum Lot Size Permitted	10,000 sq.ft.
Minimum Lot Size Proposed	10,000 sq.ft.
Number of Lots Permitted	81
Number of Lots Proposed	77
Flag lots proposed	0
Cluster Open Space Required	13.74± acres
2/3 of Required Open Space to be Located Outside of the 100-Year Floodplain and Stormwater Management Facilities	9.16± acres
Cluster Open Space Proposed Outside of the 100-Year Floodplain and Stormwater Management Facilities	13.15 ± acres
Cluster Open Space Provided	33.16± acres
Mandatory Dedication Required	0± acres
Mandatory Dedication Proposed	Facilities (See Finding 5)

PGCPB No. 03-18(C)

File No. 4-02069

Page 9

Total Open Space Required (Cluster plus Mandatory Dedication)	13.74 ± acres
Total Open Space Provided	33.16± acres
Open Space to be Conveyed to Homeowners' Association	31.08± acres
Open Space to be Conveyed to M-NCPPC	2.08± acres
Open Space to be Conveyed to Prince George's County	0.0 acres
Slopes Exceeding 25% in grade	.94 acres
25% of Steep Slopes	.24 acres
Area of Steep Slopes to be Disturbed	.13 acres

<u>Modification in Dimensional Standards Permitted in Cluster</u>		<u>Standard in Zone</u>	<u>Modification Allowed Proposed</u>	
27-443.2(c)	Net Lot Coverage	25%	30%	30%
27-442(d)	Lot Width at Bldg. Line	80'	75'	75'
	Lot Frontage Along Street Line	70'	50'	50'
	Lot Frontage Along Cul-de-sac	60'	50'	50'

4. **Cluster Findings**^{3/4} The design for the proposed cluster subdivision meets the purposes and criteria for approval of cluster developments in the R-R Zone found in Subtitles 27-Zoning and 24-Subdivision of the Prince George's County Code. The following findings are required in accordance with Section 24-137 of the Subdivision Regulations:

a. **Individual lots, streets, buildings and parking areas will be designed and situated in conformance with the provisions for woodland conservation and tree preservation set forth in Subtitle 25 of the Prince George's County Code, and in order to minimize alteration of the historic resources or natural site features to be preserved.**

Comment: The proposed tree conservation plan is recommended for approval. Lots are concentrated within the three natural land bays on the site with tree preservation interspersed throughout. The existing home on proposed Lot 11, while no longer considered a historic resource, is to be preserved.

- b. **Cluster open space intended for a recreational or public use, conservation purposes, or as a buffer for a historic resource is appropriate, given its size, shape, topography and location, and is suitable for the particular purposes it is to serve on the site.**

Comment: Cluster open space is provided on-site for tree preservation, buffering, and

trail purposes. Appropriate parkland will be established and improved with a trail. This land is suitable for park purposes.

- c. **Cluster open space will include irreplaceable natural features located on the tract (such as, but not limited to, stream beds, significant stands of trees, steep slopes, individual trees of significant size, and rock outcroppings).**

Comment: There are significant stands of trees and wetlands located throughout the site. The proposed plan includes preservation of these trees and wetlands.

- d. **Cluster open space intended for recreational or public use will be easily accessible to pedestrians; and the means of access will meet the needs of the physically handicapped and elderly.**

Comment: The applicant proposes internal trail connections from the end of cul-de-sac streets that will connect to the main trail in the proposed parkland. The connections are in the form of an eight-foot-wide trail in one location and an easement that will link the two major land bays containing over 85 percent of the proposed lots.

- e. **Cluster open space intended for scenic value will achieve this purpose through the retention of irreplaceable natural features described above; or where such natural features do not exist, such techniques as berms planted with trees and the use of landscaping material may be required to eliminate visual monotony of the landscape.**

Comment: The central portion of the site is wooded and will essentially remain undisturbed. This will enhance the scenic value of the land as viewed from the lots and the trail system.

- f. **Diversity and originality of lot layout and individual building design, orientation, and location will achieve the best possible relationship between development and the land.**

Comment: The applicant proposes to cluster the lots around three major roads terminating in seven cul-de-sacs. This minimizes the amount of pavement needed and greatly increases the ability to preserve trees on-site. This represents the best possible relationship between the development and the land. The alternative of conventional

development on this site is not appropriate because it could lead to more tree clearing and off-site tree preservation.

- g. **Individual lots, buildings, parking areas, and streets will be arranged, designed, situated, and oriented so as to harmoniously relate to surrounding properties, to improve the view from dwellings, and to lessen the area devoted to motor vehicle access and circulation.**

Comment: The detailed site plan required at the next stage of development can help provide a focus on the relationship of the proposed lots to the surrounding properties. This focus should seek to assure this harmonious relationship. Areas devoted to motor vehicle access and circulation are minimized by concentrating development in the

foreground and preserving land in the rear.

- h. **Individual lots, buildings, parking areas, and streets will be so situated and oriented as to avoid the adverse effects of shadows, noise, and traffic on, and afford privacy to, the residents of this site.**

Comment: Privacy is provided in this plan; there are no back-to-front orientations. Effects of shadow and noise are not presented.

- i. **Not more than one-fourth (1/4) of any of the land having slopes greater than twenty five percent (25%) will be removed or altered, and then only when the slopes are isolated, small, or otherwise occur as insignificant knolls, so that the design of the development or cluster open space will not be adversely affected.**

Comment: The slopes in excess of 25 percent are located in areas where no significant grading is proposed. The plan, however, needs to demonstrate that this requirement has been met.

- j. **Appropriate landscape screening techniques will be employed at each entrance to the subdivision and along adjoining existing streets, so as to assure the compatibility of the appearance of the cluster subdivision with that of surrounding existing and planned residential development not approved for cluster development, and to provide an attractive appearance from streets. Individual lots shall also be appropriately landscaped in such a manner as to provide an attractive appearance.**

Comment: All of the three entrances will be enhanced by significant open space features which comprise the majority of the site frontage along McKendree Road. Entrance features may be placed in the homeowners open space; if they are proposed, details should be examined at the time of detailed site plan.

5. **Environmental**— The Environmental Planning Section reviewed the revised Preliminary Plan of Subdivision for Rosewood Cluster and TCPI/40/02.

The current air photo indicates that more than one-half of the site is wooded. This site contains streams, wetlands, and 100-year floodplain associated with Mattawoman Creek in the Potomac River watershed. The *Subregion V Master Plan* indicates that there are substantial areas designated as Natural Reserve on the site. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program, publication titled “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. This property contained a historic resource. McKendree Road is designated in the *Subregion V Master Plan* as a historic road. According to the Sewer Service and Water Service maps produced by DER, the property is in categories S-4 and W-4. There are no adverse noise impacts from off-site sources or activities. According to the Prince George’s County Soil Survey the principal soils on the site are in the Beltsville, Bibb, Croom, Galestown, Iuka, and Sassafras soils series. No Marlboro clay has been identified on this site. The site is in the Developing Tier according to the *General Plan*.

This site is subject to the provisions of the Woodland Conservation Ordinance because the entire site is more than 40,000 square feet in area and contains more than 10,000 square feet of woodland. A Tree Conservation Plan is required.

The Forest Stand Delineation (FSD) has been reviewed. The FSD is based on 16 sample points, identifies six stands totaling 39.54 acres, and shows the location, species, size, and vigor of seven specimen trees. The plan clearly shows soils boundaries which conform with the Prince George's County Soils Survey, a 100-year floodplain, wetlands and all of the streams on the site. The FSD meets the requirements of the Woodland Conservation Ordinance.

The Type I Tree Conservation Plan (TCP) has been reviewed. The plan proposes clearing 15.86 acres of the existing 23.10 acres of upland woodland and 0.93 acre of the existing 15.40 acres of floodplain woodland. Based upon the woodland conservation threshold and proposed clearing, the worksheet correctly calculates the required woodland conservation as 13.97 acres. The plan proposes on-site preservation of 5.88 acres, on-site afforestation/reforestation of 5.22 acres, and off-site conservation of 2.87 acres.

The plan shows that clearing of priority woodland areas has been minimized to that required for essential development of the site. Afforestation areas include currently unwooded expanded stream buffer areas and floodplain, in keeping with the *Woodland Conservation and Tree Preservation Policy Document*.

After consultation with the Maryland Department of the Environment, the applicant proposes a novel afforestation area. The existing excavated pond will be breached to allow greater connection to the nearby stream. Stormwater from the site will be directed into the former pond, which will be converted into a forested bioretention area. The Environmental Planning Section applauds this innovative design as furthering woodland conservation, stormwater management and habitat creation.

One of the criteria for approval of a cluster subdivision is that the development provide for a total environment better than what would be achieved under standard regulations. The TCPI proposes to meet a considerable amount of the requirements of the Woodland Conservation Ordinance off-site. The subject property has a substantial floodplain area that cannot be used for any residential development. The TCP proposes afforestation of unwooded floodplain to the greatest extent possible. The development envelopes have minimized impact to all of the existing priority woodland on site. It is doubtful that a conventional R-R subdivision could have achieved this outcome.

A portion of the proposed woodland conservation area is on land proposed to be dedicated to the Department of Parks and Recreation. Prior to certification of the Type I Tree Conservation Plan the Department of Parks and Recreation must agree in writing to this woodland conservation.

This site contains natural features that are required to be protected under Section 24-130 of the Subdivision Regulations. The *Subregion V Master Plan* indicates that there are substantial areas designated as Natural Reserve on the site. As noted on page 136 of the *Subregion V Master Plan*:

“The Natural Reserve Area is composed of areas having physical features which exhibit severe constraints to development or which are important to sensitive ecological systems. Natural Reserve Areas must be preserved in their natural state.”

The *Subregion V Master Plan* elaborates on page 139:

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

To be in conformance with the *Subregion V Master Plan*, the proposal must preserve the Natural Reserve to the greatest extent possible. For the purposes of this review, the Natural Reserve includes the expanded stream and isolated wetlands and wetlands buffers.

Wetlands and the required minimum 25-foot wetland buffers are shown on the plans. A wetlands study has been reviewed and the boundary verified on a field visit on September 10, 2002. Streams have been located on this property and the required minimum 50-foot stream buffers are shown. The 100-year floodplain as shown on the plan appears to meet requirements. A 25-foot building restriction line from the floodplain, as required by Section 24-129 of the Subdivision Regulations, is shown. An expanded stream buffer is shown and meets the requirements of Section 24-130 of the Subdivision Regulations.

The plan proposes impacts to stream buffers and wetland buffers. Impacts to these buffers are prohibited by Section 24-130 of the Subdivision Regulations unless the Planning Board grants a variation to the Subdivision Regulations in accordance with Section 24-113. That section states, in part:

Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon evidence presented to it in each specific case that:

- (1) The granting of the variation will not be detrimental to the public safety, health, or injurious to other property;*
- (2) The Conditions on which the variation is based are unique to the property for which the variation is sought and are not applicable generally to other properties;*
- (3) The variation does not constitute a violation of any other applicable law, ordinance, or regulation;*

- (4) *Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if strict letter of these regulations is carried out;*

There are nine variation requests grouped by their specific impact and a discussion pertaining to the required findings. Even if approved by the Planning Board, the applicant will need to obtain federal and state permits prior to the issuance of any grading permit. The additional permit review will assure that the impacts are minimized and that there will be no detrimental effects to public safety, health, or welfare, or be injurious to other property.

Variation requests RD#1 and RD#2 are for the construction of a main access road for the site and will impact wetlands, a stream, a wetland buffer, and an expanded stream buffer. This street is required for access to approximately one-third of the buildable land on the property. This connection will serve to improve the public safety, health and welfare of the community and will not be injurious to other property. Because of the unique location of existing McKendree Road and the location of the stream and the wetlands, there is no practicable alternative. This request is intended to fulfill existing regulations regarding adequate transportation. The proposal is not a violation of any other applicable law, ordinance or regulation because state and federal permits are required prior to construction. The Environmental Planning Section supports variation requests RD#1 and RD#2 because the evidence presented clearly shows that the findings required by Section 24-113 of the Subdivision Regulations can be made.

Variation request RD#3 is for the construction of a main access road for the site and will impact wetlands, a stream, a wetland buffer, and an expanded stream buffer. This street is required for access to approximately one-third of the buildable land on the property. The connection will upgrade an existing stream crossing for a farm road to meet the standards established by the Prince George's County Department of Public Works and Transportation for a public street. This connection will serve to improve the public safety, health and welfare of the community and will not be injurious to other property. Because of the unique location of existing McKendree Road and the location of the stream and the wetlands, there is no practicable alternative. This request is intended to fulfill existing regulations regarding adequate transportation. The proposal is not a violation of any other applicable law, ordinance or regulation because state and federal permits are required prior to construction. The Environmental Planning Section supports variation request RD#3 because the evidence presented clearly shows that the findings required by Section 24-113 of the Subdivision Regulations can be made.

Variation requests HB#1, HB#2 and HB#3 are for the construction of a public hiker-biker trail shown on the *Subregion V Master Plan* and will impact wetlands, a stream, a wetland buffer, and an expanded stream buffer. The Department of Parks and Recreation has chosen this particular alignment because it coincides with an existing AT&T fiber optic cable easement that has previously impacted the environmental features. There are no practicable alternatives for this trail that would create less impact and provide safety for the users of the trail. The proposal is not a violation of any other applicable law, ordinance or regulation because state and federal permits are required prior to construction. The Environmental Planning Section supports variation requests HB#1, HB#2 and HB#3 because the evidence presented clearly shows that the findings required by Section 24-113 of the Subdivision Regulations can be made.

Variation request SD#1 is for the construction of a stormwater management pond outfall that will impact the expanded stream buffer. This pond is necessary to control stormwater on the development. This request is intended to fulfill existing regulations regarding stormwater management. The proposal is not a violation of any other applicable law, ordinance or regulation because state and federal permits are required prior to construction. The single outfall has been located to minimize impacts to the extended stream buffer. The Environmental Planning Section supports variation request SD#1 because the evidence presented clearly shows that the findings required by Section 24-113 of the Subdivision Regulations can be made.

Variation request SS#1 is for the connection of the proposed development to an existing sewer line and will impact an expanded stream buffer. A sewer is required to serve the development and the sewer infrastructure has been designed to utilize the road crossings addressed in variation requests RD#1, RD#2, and RD#3; however this additional impact to create the sewer system for the property is needed because of the configuration of the property and the location of the stream buffer. The proposal is not a violation of any other applicable law, ordinance or regulation because state and federal permits are required prior to construction. The Environmental Planning Section supports variation request SS#1 because the evidence presented clearly shows that the findings required by Section 24-113 of the Subdivision Regulations can be made.

Variation request W#1 is for the construction of a walkway that will impact a wetland buffer. This walkway is designed to integrate the eastern and western sections of the subdivision and provide a connection to the public hiker-biker trail. The design details will be reviewed again with the required Detailed Site Plan. At that time, minimization of impacts through design will be addressed. The proposal is not a violation of any other applicable law, ordinance or regulation because state and federal permits are required prior to construction. The Environmental Planning Section supports variation request W#1 because the evidence presented clearly shows that the findings required by Section 24-113 of the Subdivision Regulations can be made.

McKendree Road is designated in the *Subregion V Master Plan* as a historic road. While the Master Plan proposes that the existing rural roadway be upgraded to primary residential street standards in a 60-foot-wide right-of-way, there are historic characteristics that should be identified and preserved as part of the proposed subdivision.

The *Design Guidelines and Standards for Scenic and Historic Roads* provides guidance for the review of applications that could result in the need for roadway improvements. The manual currently states that when a scenic or historic road is adjacent to a proposed subdivision “. . . a team [to include M-NCPPC staff] will complete a study of the scenic or historic roads around or within the subject site which will include an inventory of scenic and historic features and an evaluation of features most worthy of preservation.” The application includes a visual inventory that meets requirements for review.

The proposed structures on Lot 1, Block A, and Lots 10 and 11, Block B, will have the greatest impact on the existing character of McKendree Road. The use of landscaped bufferyards will mitigate this impact.

According to the Prince George's County Soil Survey the principal soils on the site are in the Beltsville, Bibb, Croom, Galestown, Iuka, and Sassafras soils series. Bibb soils are in hydrologic group D and have limitations of flood hazard, high water table and poor drainage. Croom soils

have a K factor of 0.43, and may present an erosion problem on steep slopes. Iuka soils tend to have limitations of high water table and poor drainage. No Marlboro clay has been identified on this site. Galestown and Sassafras soils pose no special problems for development.

The wetlands report notes that the ponds are not connected to the stream and are the result of local groundwater. The plans note that the lower pond has a water surface elevation of about 180 feet mean sea level. High groundwater is problematic for both foundations and basements. This information is provided for the applicant's benefit. No further action is needed as it relates to this Preliminary Plan of Subdivision review. A soils report may be required by the Prince George's County Department of Environmental Resources during the permit process review.

6. **Community Planning**— The 2002 General Plan placed this property in the Developing Tier, part of a possible future Center. The subject property is located in Planning Area 85A, in the Brandywine Community. The 1993 *Subregion V Master Plan* recommended the following variety of land uses for the subject property: Low Suburban residential (southwest part), High Suburban Residential (northwest part), Stream Valley Park (center sections), and Employment-Office, Light Manufacturing, Business Park (east part).

This property is in an area that was subject to a special study by the community as part of the Subregion V master planning effort, known as the Brandywine Special Study Area (BSSA). This participatory planning effort was facilitated by the Planning Department and a consultant hired to help manage the process. The master plan land use recommendations are based primarily on the advice of the community, which was presented in the form of a vision for the area (pp.83-88 of the plan text).

In making land use recommendations, natural features and major transportation facilities were often used as boundaries for different land use recommendations. In the case of the subject property, streams and existing or proposed roadways defined several different orientations. The central and southeastern portion of the site is characterized by streams and associated woodlands or wetlands which are recommended for public stream valley parks and trails. Although shown as wetland or floodplain with valuable woodland on the BSSA map, if the proposed residential area can be built, it will not affect future development potential in the BSSA. Moreover, it conforms with the existing R-R zoning.

The northeast portion of this site adjoins properties along the MD5/US 301 corridor which are oriented to employment and commercial uses. Rather than cross the stream and wetlands to reach McKendree Road, it was recommended that the northern part of this property be combined with northern neighbors for access and employment land use development. The unanticipated stream crossing and proposed reorientation of this area to the south for residential land use reduces the potential for employment land uses in this immediate area, but is not significant relative to the amount of other commercial and employment development planned in the Brandywine area.

The western portion of the property was recommended for low- to medium-density residential uses. This proposal for single-family residential lots along this western side of the property closely conforms to the land use concepts for the BSSA. The opportunity for some higher density

residential proposals to the north is dependent on future land assemblages and rezoning the applicant's development concepts.

The BSSA was placed in the R-R Zone as a base density zoning category either for development or submission of future zoning applications in accordance with the higher intensity recommendations of the master plan.

The proposed residential subdivision either complies or does not seriously conflict with the long-range land use recommendations of the *Subregion V Master Plan* for the Brandywine Special Study Area and is not inconsistent with the *General Plan*.

7. **Parks and Recreation**—In accordance with Section 24-134(a)(4) of the Subdivision Regulations, the Park Planning and Development Division recommends the provisions of the public and private recreational facilities (trails) to meet mandatory dedication requirements, subject to the standard conditions regarding the implementation of those facilities and the transfer of land to M-NCPPC.
8. **Trails**—The *Adopted and Approved Subregion V Master Plan* recommends a hiker-biker-equestrian trail along the Timothy Branch through the subject property. The plan provides for conveyance of two parcels of cluster open space land to M-NCPPC that will contain this trail to be constructed by the applicant. In addition to the provision of the main trail, the applicant will construct a trail connection between the first cul-de-sac off the westernmost road and the first cul-de-sac off the easternmost road, and provide an easement for the possible construction of a trail between the last cul-de-sac off the western most road and the main M-NCPPC trail.
9. **Transportation**—The Transportation Planning Section reviewed the subject application. The subject property consists of approximately 61.46 acres of land in the R-R Zone. The applicant proposes a residential subdivision consisting of 77 single-family detached residences.

The applicant has submitted a traffic study dated September 2002. The findings and recommendations outlined below are based upon a review of these materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*. Comments from the county Department of Public Works and Transportation (DPW&T) and the State Highway Administration (SHA) are included with the backup for this report.

Growth Policy - Service Level Standards

The subject property is located within the Developing Tier, as defined in the *General Plan* for Prince George's County. As such, the subject property is evaluated according to the following standards:

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

Unsignalized intersections: The Highway Capacity Manual procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding,

PGCPB No. 03-18(C)

File No. 4-02069

Page 18

the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

The applicant has prepared a traffic impact study in support of the application using new counts taken in February 2002. Consistent with other approved developments within the Brandywine area, the traffic consultant has determined that adequate transportation facilities in the area can be attained with the payment of a pro rata share toward major improvements in the vicinity. The traffic impact study prepared and submitted on behalf of the applicant analyzed the following intersections:

US 301/MD 5/McKendree Road/Cedarville Road
 McKendree Road/east site entrance (planned/unsignalized)
 McKendree Road/middle site entrance (planned/unsignalized)
 McKendree Road/west site entrance (planned/unsignalized)

The following conditions exist at the critical intersections:

EXISTING TRAFFIC CONDITIONS			
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)
US 301/MD 5/McKendree/Cedarville Roads	1,247	1,790	C F
McKendree Road/east site entrance	planned		-- --
McKendree Road/middle site entrance	planned		-- --
McKendree Road/west site entrance	planned		-- --
*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> , an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations.			

The list of nearby developments is long, and it includes nearly 10.2 million square feet of industrial space that has been approved but unbuilt for several years. In addition to all of the approved development that has been assumed, the study includes a factor of 2.5 percent annually to account for growth in through traffic. The traffic study assumes no funded capital projects in the area. Given these assumptions, the following background traffic conditions were determined:

PGCPB No. 03-18(C)

File No. 4-02069

Page 19

BACKGROUND TRAFFIC CONDITIONS			
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)
US 301/MD 5/McKendree/Cedarville Roads	1,818	1,958	F F
McKendree Road/east site entrance	planned		-- --
McKendree Road/middle site entrance	planned		-- --
McKendree Road/west site entrance	planned		-- --
*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> , an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations.			

The application is a plan for a residential subdivision consisting of 78 single-family detached residences. The proposed development would generate 59 AM (12 in, 47 out) and 70 PM (46 in, 24 out) peak hour vehicle trips as determined using *The Guidelines for the Analysis of the Traffic Impact of Development Proposals*. The site was analyzed using the following trip distribution:

McKendree Road from the northwest:	10%
US 301/MD 5 from the north:	70%
US 301/MD 5 from the south:	20%

With site traffic, the following operating conditions were determined:

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
US 301/MD 5/McKendree/Cedarville Roads	1,850	1,985	F	F
McKendree Road/east site entrance	9.6*	9.9*	--	--
McKendree Road/middle site entrance	9.5*	9.7*	--	--
McKendree Road/west site entrance	9.8*	10.0*	--	--
*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> , an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations.				

The traffic analysis identifies severe inadequacies at the US 301/MD 5/McKendree/Cedarville Roads intersection. In reviewing other nearby properties, the transportation staff has noted ongoing issues regarding poor traffic service levels in this area, and the Planning Board has acted on a number of nearby cases. Reference is made here to the attached memorandum prepared on December 4, 1990. This memorandum documents the assumptions regarding the Brandywine Road Club and its potential member properties, and establishes the improvements which are required in the area for Adequate Public Facilities.

According to the attached memo, no geographic limits for the Road Club membership have been defined, but includes property owners within Employment Area "C," property owners along US 301/MD 5 between T.B. and Mattawoman Creek, and the Brandywine Village M-A-C property, along with any adjacent properties to these, as current or prospective members of the Road Club. The subject property is within the vicinity of US 301/MD 5 and adjacent to the Brandywine Village M-A-C property (which has since been rezoned).

The December 4, 1990, memorandum sets forth the improvements associated with prospective Road Club members. Because the facilities affected by the subject site are identical to those affected by the Brandywine Village property (A-9878), the subject site should pay a fee similar to the fee that was required of the approved Brandywine Village property. In that case, a payment of \$1,472 per detached residence was determined to be a fair payment, and the same amount should be required of the subject property. In accordance with the findings made in the Brandywine Village case, this payment covers the subject property's portion of the cost of widening US 301/MD 5, constructing a future interchange at US 301/MD 5/Cedarville/McKendree Roads, and constructing a future interchange at MD 5/Spine Road. With these improvements in place and with payment of the Brandywine Road Club pro rata share, the Planning Board may find that transportation facilities are adequate.

In order to ensure that adequate funding is available in the future to construct the facilities needed

to provide adequacy, the County Council, in a May 21, 1991 letter, requested that cost estimates and future pro rata payments include an inflation factor.

SHA largely agreed with the findings of the traffic study. However, SHA also determined that Road Club and/or SHA funding of major improvements would be far in the future, and asked that the Planning Board require the applicant to construct the eastbound McKendree Road approach at US 301/MD 5 with exclusive right-turn, exclusive through, and exclusive left-turn lanes. This is currently a two-lane approach, with the through and left turn shared. With the adjacent WaWa commercial site providing additional right-of-way along McKendree Road at this location, there is not likely to be a right-of-way issue. Staff believes that the SHA request is reasonable.

DPW&T had no comments on the traffic study as submitted.

McKendree Road is an arterial roadway transitioning to a collector at this location. As the right-of-way expansion is contemplated to occur primarily south of the existing roadway, the right-of-way dedication shown on the plan is acceptable. Lot 1, Block A, and Lot 10, Block B, will have frontage on both McKendree Road and internal subdivision streets. Access to these lots should be solely from the internal subdivision streets. A planned major collector facility, General Lafayette Boulevard (C-502 on the *Subregion V Master Plan*), passes near the northwestern corner of the subject property. Transportation staff has reviewed this alignment extensively in connection with efforts to coordinate the in-house horizontal alignment with actual areas of dedication. While the alignment is very near the corner of this site, there is no impact to the site.

Based on the preceding findings, 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 with the conditions listed in the Recommendation section of this report.

10. **Schools**— The Historic Preservation and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of public facilities in accordance with Section 24-122.02 of the Subdivision Regulations and the *Adequate Public Facilities Regulations for Schools* (CR-23-2001) and concluded the following. These findings are subject to change in accordance with the provisions of CR-23-2001 and CR-38-2002.

PGCPB No. 03-18(C)

File No. 4-02069

Page 22

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 5	Middle School Cluster 3	High School Cluster 3
Dwelling Units	76 sfd	76 sfd	76 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	18.72	4.68	9.36
Actual Enrollment	4452	4598	8393
Completion Enrollment	180	66	132
Wait Enrollment	20	15	29
Cumulative Enrollment	0	5.94	11.88
Total Enrollment	4670.24	4689.50	8575
State Rated Capacity	4175	5114	7752
Percent Capacity	111.86%	91.70%	110.62%
Funded School	N/a	N/a	Surrattsville addn.

Source: Prince George's County Planning Department, M-NCPPC, January 2003

The affected elementary and high school cluster percent capacities are greater than 105 percent. There is no Funded School in the affected elementary school cluster. The Surrattsville addition is the Funded School in the affected high school cluster. Therefore, this subdivision can be approved with a six-year waiting period. Based on this information, staff finds that the subdivision may be approved subject to conditions, in accordance with Section 24-122.02.

11. **Fire and Rescue**— The Historic Preservation and Public Facilities Planning Section reviewed the subdivision plans for adequacy of public facilities.
 - a. The existing fire engine service at Brandywine Fire Station, Company 40, located at 14201 Brandywine Road, has a service travel time of 5.82 minutes, which is beyond the 5.25-minute travel time guideline.
 - b. The existing ambulance service at Brandywine Fire Station, Company 40, located at 14201 Brandywine Road, has a service travel time of 6.25 minutes, which is within the 6.25-minute travel time guideline for Block B, Lots 1,10; and Block C, Lots 1-23. All other lots are beyond.
 - c. The existing paramedic service at Brandywine Fire Station, Company 40, located at 14201 Brandywine Road, has a service travel time of 7.00 minutes, which is within the 7.25-minute travel time guideline.

The above 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. In order to alleviate the negative impact on fire and rescue services due to the inadequate service discussed, the Fire Department recommends that a fire suppression system be installed in all residential structures in accordance with National Fire Protection Association Standard 13D and all applicable Prince George's County laws. Since this is a requirement of law, no condition is necessary.

12. **Police Facilities**— The proposed development is within the service area for District V-Clinton. In accordance with Section 24-122.1(c)(1)(A) and (B) of the Subdivision Regulations of Prince George's County, the staff concludes that the existing county police facilities will be adequate to serve the proposed Rosewood Estates Cluster development. This police facility will adequately serve the population generated by the proposed subdivision.
13. **Health Department**— The Division of Environmental Health reviewed the subject application and offered a number of comments primarily relating to the existing structures and well and septic systems on the property that need to be removed or located.
14. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, determined that on-site stormwater management is required. A Stormwater Management Concept Plan, #31504-2001-00, was approved with conditions on December 24, 2002, to ensure that development of this site does not result in on-site or downstream flooding. This approval is valid through December 24, 2005. Development must be in accordance with this approved plan.
15. **Cemeteries**¾ The Site Notes contained on the preliminary plan indicate that there are no known cemeteries on the subject property.
16. **Urban Design**¾ The Urban Design Section noted a number of design issues with the originally submitted plan. The applicant revised the plan to address the majority of those concerns. The required Detailed Site Plan (DSP) should be approved prior to the final plat of subdivision. In addition to the normal requirements of a DSP, special consideration should be given to landscaping the rear of Lot 11 to ensure appropriate views from surrounding lots. Additionally, special consideration should be given to appropriate landscaping, bufferyards and entrance features on the lots and at the road entrances along McKendree Road.

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.

PGCPB No. 03-18(C)

File No. 4-02069

Page 24

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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, Eley and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, January 30, 2003, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 13th day of February 2003.

Trudye Morgan Johnson
Executive Director

By Frances J. Guerin
Planning Board Administrator

TMJ:FJG:AH:rmk