

R E S O L U T I O N

WHEREAS, Elizabeth J. Buck is the owner of a 210.73-acre parcel of land located on Tax Map 93A and Grids B 2 and 3 and C 2 and 3, said property being in the 3rd Election District of Prince George's County, Maryland, and being zoned R-S; and

WHEREAS, on October 13, 2003, M/I Schottenstein Homes, Inc. filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 346 lots and 21 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-03100 for Buck Property was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on January 29, 2004, 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 29, 2004, 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/30/03-01), and further APPROVED Preliminary Plan of Subdivision 4-03100, for Lots 1-346 and parcels A-U with the following conditions:

1. Prior to signature approval of the preliminary plan:
 - a. The preliminary plan shall be revised:
 - (1) To label the entire main route of the stream valley trail as the master plan trail.
 - (2) To revise the general notes to provide a list of each parcel, the acreage, and to whom the parcel or outlot is to be dedicated.
 - b. The preliminary plan and Type I TCP shall be revised:
 - (1) To show the location of the 65dBA(Ldn) noise contour as identified by the Phase I Noise Study.
 - (2) To eliminate proposed PMA impacts 13 and 14 associated with creation of proposed Lots 1-6, Block "K" and Lots 9-14, Block "E."

- c. The Type I Tree Conservation Plan shall be revised as follows:
 - (1) Eliminate the woodland clearing in the PMA associated with the grading of proposed Lots 1-6, Block "K" and Lots 9-14, Block "E."
 - (2) Revise the worksheet to reflect the reduced woodland clearing.
 - (3) Add labels to each woodland clearing area associated with the PMA and the floodplain, the exact extent of woodland clearing associated with the floodplain, the PMA outside the floodplain, and the off-site PMA impacts.
 - (4) Remove the woodland conservation areas from the proposed M-NCPPC park dedication or provide written confirmation from the Department of Parks and Recreation indicating that the woodland conservation requirements may be satisfied on the parcel to be dedicated to M-NCPPC.
 - (5) Have the revised plans signed and dated by the licensed landscape architect, licensed forester or MD DNR qualified professional who prepared the plans.
2. The following note shall be placed on the final plat:

An automatic fire suppression system shall be provided in all new buildings proposed in this subdivision, unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate.
3. Development of this property shall be in conformance with the approved Stormwater Management Concept Plan, Concept 14105-2001-00, or any approved revisions thereto.
4. Prior to the issuance of the 170th building permit, the applicant, his heirs, successors, and/or assignees shall provide the following:
 - a. Construct a ten-foot wide hiker/biker/equestrian trail along Collington Branch, including a connection to the hiker/biker trails within the stream valley park approved in the Beech Tree development. Adequate access shall be provided to the trail for park police and park maintenance staff.
 - b. The master plan trail shall be ADA-compatible and should be assured dry passage. If wet areas must be traversed, suitable structures should be constructed.
 - c. All HOA trails shall be a minimum of six feet wide and made of asphalt.
5. The applicant, his heirs, successors and/or assignees shall provide standard sidewalks along at least one side of internal public streets unless modified by the Department of Public Works and Transportation at the time of issuance of street construction permits.

6. Prior to building permits, the applicant, his heirs, successors and/or assignees shall demonstrate that a homeowners association has been established and that the common areas have been conveyed to the homeowners association.
7. At the time of final plat, the applicant, his heirs, successors and/or assignees shall convey to the homeowners association (HOA) 82.22± acres of open space land. 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 stormdrain outfalls. If such proposals are approved, a written agreement and financial guarantee shall be required to warrant restoration, repair or improvements, required by the approval process.
 - f. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to a homeowners association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by DRD prior to the issuance of grading or building permits.
 - g. Temporary or permanent use of land to be conveyed to a homeowners association for stormwater management shall be approved by DRD.
 - h. The Planning Board or its designee shall be satisfied that there are adequate provisions to assure retention and future maintenance of the property to be conveyed.
8. At the time of final plat, the applicant, his heirs, successors and or assignees shall dedicate to The Maryland-National Capital Park and Planning Commission 32.12± acres, Parcel "A." Lands to be dedicated shall be subject to the following:

- a. An original, special warranty deed for the property to be conveyed (signed by the assessment supervisor, Washington Suburban Sanitary Commission) 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 that include such property.
 - d. The land to be conveyed shall not be disturbed or filled in any way without the prior, written consent of the Department of Parks and Recreation (DPR). If the land is to be disturbed, DPR shall require that a performance bond be posted to warrant restoration, repair, or improvements made necessary or required by the M-NCPPC development approval process. The bond or other suitable financial guarantee (suitability to be judged by the General Counsel's Office, M-NCPPC) shall be submitted to DPR within two weeks prior to applying for permits.
 - e. Stormdrain outfalls shall be designed to avoid adverse impacts on 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 the 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 assigns shall submit a letter to the Subdivision Section, DRD, prior to final plat 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.
9. The park access trail at the end of 5th Street shall be a minimum of ten feet wide to provide vehicle access to the master planned trail. No building permits shall be issues for lots 14 and 15, Block B, until the park access trail is under construction.

10. The applicant, his heirs, successors and/or assignees shall submit to DPR a performance bond, letter of credit, or other suitable financial guarantee for the trail system identified in conditions 4 and 9 above in an amount to be determined by the DPR within at least two weeks prior to applying for building permits.
11. The applicant shall install “no parking” signs on one north side of 3rd Street, on the west side of 8th Street, and on the north side of 5th Street of the park access road. The location of the signs shall be reviewed and approved by DPR staff at the time of Specific Design Plan review. If the Department of Public Works and Transportation determines that parking is appropriate on these streets, they shall be widened to sixty feet of right-of-way.
12. Prior to the issuance of the grading permit, the applicant shall submit the stormwater management plan including plans for the drainage outfalls and any drainage improvements on dedicated parkland to DPR for review and approval.
13. Construction of the recreation facilities on dedicated parkland shall be completed prior to approval of the 170th building permit.
14. The applicant, his successors, and/or assignees shall provide adequate, private recreational facilities constructed in accordance with the standards outlined in the *Parks and Recreation Facilities Guidelines*, subject to the following:
 - a. A site plan shall be submitted to the Development Review Division (DRD) of the Prince George's County Planning Department, which complies with the standards outlined in the *Parks and Recreation Facilities Guidelines*.
 - b. Submission of three original, executed public Recreational Facilities Agreements (RFA) to DRD for their approval three weeks prior to a submission of a final plat. Upon approval by DRD, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.
 - c. Submission to DRD of a performance bond, letter of credit, or other suitable financial guarantee in an amount to be determined by the DRD within at least two weeks prior to applying for building permits.
 - d. The developer, his successor and/or assignees shall satisfy the Planning Board that there are adequate provisions to assure retention and future maintenance of the proposed recreational facilities on HOA property.
 - e. The private recreational facilities shall be reviewed by the Urban Design Review Section of DRD for adequacy and property siting, prior to approval of the preliminary plan by the Planning Board.
15. At the time of submittal of the Specific Design Plan, an updated geotechnical report shall be submitted addressing the proposed grading and its affect on the 1.5 safety factor line. The

existing and proposed 1.5 safety factor lines shall be clearly shown on the Specific Design Plan and on the TCPII. All proposed lots shall be located entirely outside of the 1.5 safety factor line.

16. Prior to the submittal of the Specific Design Plan, all specimen trees located within 50 feet of the limit of disturbance shall be surveyed and reevaluated for retention potential. Each specimen tree shall be shown on the SDP at its surveyed location along with its respective critical root zone.
17. Prior to the issuance of any permits that impact jurisdictional wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
18. The Forest Stand Delineation plan view shall be revised to show the location of the specific habitats and/or populations of *Carex lacustris* (river bank sedge).
19. Development of this subdivision shall be in compliance with an approved Type I Tree Conservation Plan (TCPI/30/03-01). The following note shall be placed on the Final Plat of Subdivision:

“This development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/30/03-01), 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/Tree Preservation Policy.”
20. A Type II Tree Conservation Plan shall be approved at the time of Specific Design Plan.
21. Prior to the Planning Board approval of the Specific Design Plan, all species identified by the Maryland Department of Natural Resources (DNR) Natural Heritage Program as rare, threatened or endangered that are found to occur on the site shall be surveyed and accurately located according to DNR protocol. The SDP shall be designed to eliminate any impacts to specific habitats and/or populations. Prior to approval of the SDP, the Forest Stand Delineation for the site shall be revised to show the location of the specific habitats and/or populations.
22. Prior to the submittal of the Specific Design Plan, each of the proposed PMA impacts shall be evaluated in an effort to further minimize the proposed PMA impacts. The SDP shall then be designed to further minimize proposed PMA impacts 1- 12. The off-site sewer alignment is of particular concern because the alignment as currently shown impacts PMA areas previously protected during the approval of the Beech Tree development.
23. Prior to Planning Board approval of the Specific Design Plan for the areas of lots requiring off-site sewer, the applicant shall obtain written authorization from the owners of Beech Tree allowing the proposed off-site sewer alignment through that property. In the event written authorization cannot be obtained, an alternative sewer alignment will be required in order to provide sewer service for nearly one-half of the lots proposed by this application.

24. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain all of the Patuxent River Primary Management Area except for areas of approved impacts. The following note shall be placed on the plat:

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

25. The applicant shall dedicate all rights-of-way for A-61, F-10 as identified by the Planning Department.
26. Prior to the issuance of any building permit, the following improvements shall be in place, under construction or bonded and permitted (if these improvements are fully funded in the county CIP with developer contributions, the applicant may pay a pro-rata share, in lieu of these improvements, to be determined at the Specific Design Plan stage, as proffered.)

a. At US 301/Trade Zone Avenue:

- (1) Construct a third northbound and southbound through lane along US 301.
- (2) Construct a fourth southbound through lane along US 301.
- (3) Construct an eastbound triple left turn lane along Trade Zone Avenue, the length to be determined by DPW&T/SHA, and a free-flowing right-turn lane.
- (4) Construct a northbound double left turn lane along US 301, the length to be determined by SHA.

b. At US 301/Leeland Road:

- (1) Construct a third northbound and southbound through lane along US 301.
- (2) Construct an eastbound triple left turn lane along Leeland Road for approximately 375 feet and a free-flowing right-turn lane.
- (3) Construct a fourth southbound through lane along US 301 beginning at a point approximately 500 feet north of Leeland Road and extending to a point approximately 2,600 feet south of Leeland Road (to Swanson Road).

c. At US 301/Village Drive:

- (1) Construct a third northbound and southbound through lane along US 301.
- (2) Widen Village Drive (westbound) to provide four lanes; two exclusive left-turn lanes, an exclusive through lane, and a free-flowing right-turn lane.

d. At US 301/MD 725:

- (1) Construct a third northbound and southbound through lane along US 301.
- (2) Construct a fourth southbound through lane along US 301.
- (3) Restripe westbound approach to provide a second through lane.

27. The following recreational facilities (or equivalent) shall be provided and reviewed at the time of SDP review for each phase:

Facility	Location	Completion of Construction
2 Picnic Areas	Community Building	Prior to release of 150 th BP
1 Open Play Area	US 301 Buffer	Prior to release of 25 th BP
4 Sitting Areas	1 @ Community Building	Prior to release of 150 th BP
	1 @ US 301 Buffer	Prior to release of 25 th BP
	1 @ Neighborhood "F"	Prior to release of 300 th BP
	1 @ Neighborhood "D"	Prior to release of 300 th BP
1 Tot Lot	Neighborhood "D"	Prior to release of 300 th BP
1 Multiage Play Area	Community Building	Prior to release of 150 th BP
Private Trails		In phase with development
Community Building (with meeting rooms and fitness equipment)		Prior to release of 150 th BP

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 west side of US 301, approximately one mile north of its intersection with MD 725.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	R-S	R-S
Use	Vacant	Single-family dwelling units
Acreage	210.73	210.73
Lots	0	346
Parcels	1	21
Outparcel	0	1

Detached Dwelling Units

0

346

4. **Environmental**—A review of the available information indicates that streams, wetlands, 100-year floodplain, areas of steep slopes with highly erodible soils, and severe slopes are found to occur within the limits of this application. US 301 has been identified as a transportation-related noise generator that will affect the layout this application. The soils found to occur, according to the Prince George's County Soil Survey include Collington fine sandy loam; Westphalia fine sandy loam; Sandy land, steep; and Bibb silt loam. Some components of each of these soil groups have limitations that could affect the layout of this proposed development. According to available information, Marlboro clay is 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 rare, threatened, or endangered species found to occur in the vicinity of this property. There are no designated scenic and historic roads located in the vicinity of this property. This property is located in the Collington Branch watershed of the Patuxent River basin and is in the Developing Tier as reflected in the adopted General Plan.

ENVIRONMENTAL CONDITIONS OF APPROVAL TO BE ADDRESSED AT PRELIMINARY PLAN OF SUBDIVISION

The approval of the Basic Plan included numerous conditions, many of which dealt with environmental issues that were to be addressed during subsequent reviews. The environmental conditions to be addressed during the review of this Preliminary Plan are addressed below.

BASIC PLAN, A-9952, Zoning Ordinance No. 8-2002 (Conditions)

14. **A soils investigation report, which includes subsurface exploration and a geotechnical engineering evaluation for public streets, is required at the time of subdivision.**

The preliminary information addressing the subsurface exploration submitted with CDP-0302 and 4-03100 identified the location of the Marlboro clay and the locations of the existing 1.5 safety factor without consideration of the proposed grading. Because the proposed grading could affect the final location of the 1.5 safety factor line, more information will be required once detailed grading has been proposed for this site.

At the time of submittal of the Specific Design Plan, an updated geotechnical report will need to be submitted addressing the proposed grading and its affect on the 1.5 safety factor line. The existing and proposed 1.5 safety factor lines need to be clearly shown on the Specific Design Plan and on the TCPII. All proposed lots should be located entirely outside of the 1.5 safety factor line.

17. **The Natural Reserve Areas designated in the Master Plan shall be used as a guide for Woodland Conservation during the review of the CDP. The Woodland**

Conservation Threshold shall be between 25 and 35 percent with an emphasis on the preservation of high priority woodlands and connectivity of woodland areas.

The TCPI as revised proposes a woodland conservation threshold of 25 percent, generally preserves the high priority woodlands on site, and provides connectivity of those woodlands to the Collington Branch stream valley park. See Environmental Review comments that address the Tree Conservation Plan in additional details.

18. All required woodland conservation for A-9952 shall be on site.

The TCPI as submitted proposes to satisfy all of the Woodland Conservation Ordinance requirements on the property that is the subject of this application.

19. No woodland conservation, reforestation, or afforestation areas on lots of 20,000 square feet or less in area shall be used to meet required woodland conservation.

The Type I Tree Conservation Plan, TCPI/30/03-01, as revised with this application does not propose any woodland conservation on residential lots of any size. This condition will continue to be evaluated with the submittal of all subsequent applications.

20. Stream buffers as defined in Section 24-130 of the Subdivision Regulations shall be included in woodland conservation areas to the fullest extent possible.

Although the plans as submitted have generally shown the locations of the stream buffers in accordance with Section 24-130 of the Subdivision Regulations, there is a single area on proposed Lot 37, Block "B," on which the 50-foot stream buffer and Primary Management Area (PMA) have not been accurately reflected.

The stream buffers, also referred to as the Patuxent River PMA on this site because it is in the Patuxent River watershed, have generally been included as woodland conservation areas and are protected to the fullest extent possible with the exception of three distinct areas of impacts for the sole purpose of creating 11 additional lots. Those impacts that are not necessary for the development of the subject property should be eliminated.

21. Individual specimen trees or groups of specimen trees shall be retained and shown on the Type I Tree Conservation Plan with the exception of the few Tulip Poplars marked as "in poor health" in the Forest Stand Delineation. (Exhibit 5)

The specimen trees shown on the plans will generally be retained. The specimen trees proposed for removal will be further evaluated during the review of the Specific Design Plan. Each subsequent plan will provide greater detail and allow for a better evaluation of potential specimen trees to be saved.

Prior to the submittal of the Specific Design Plan all specimen trees located within 50 feet of the limit of disturbance need to be surveyed and reevaluated for retention potential.

Each specimen tree should be shown on the SDP at its surveyed location along with its respective critical root zone.

22. The Type I Tree Conservation Plan shall have the following note:

"Woodland cleared within the Patuxent River Primary Management Area Preservation Area shall be mitigated on site at a ratio of 1:1 and shown on the Type II Tree Conservation Plan."

The required note is on the Type I Tree Conservation Plan.

23. To meet the requirements of Section 27-518(b)(11) of the Zoning Ordinance, the Forest Stand Delineation shall be revised to include the data sheets from the sample points shown on the plan and show the location, species, and a measure of vigor for all specimen trees within 50 feet of both sides of the proposed limit of disturbance.

The required information was submitted with the revised Forest Stand Delineation date-stamped as received by the Environmental Planning Section on June 5, 2003, in association with the review of the Comprehensive Design Plan, CDP-0302.

26. A wetland delineation shall be submitted with the Comprehensive Design Plan.

A Jurisdictional Determination (JD) approved by the U.S. Army Corps of Engineers was submitted with this application and was received by the Environmental Planning Section on June 19, 2003. The wetland limits as shown on the Tree Conservation Plan are in accordance with the approved limits as shown on the JD. It must be noted that although the 25-foot wetland buffer has not been shown on the plans, it is located entirely within the limits of the PMA as shown.

Prior to the issuance of any permits that impact jurisdictional wetlands, wetland buffers, streams or Waters of the U.S., the applicant will need to submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.

27. A delineation of the Patuxent River Primary Management Area Preservation Area shall be shown on the Comprehensive Design Plan.

The PMA is shown correctly on the Preliminary Plan of Subdivision.

28. Woodland cleared within the Patuxent River Primary Management Area Preservation Area shall be mitigated on-site at a ratio of 1:1 and shown on the Type II Tree Conservation Plan.

TCPI/30/03-01 addresses the 1:1 replacement of all proposed woodland clearing within the limits of the PMA.

- 29. A geologic map shall be submitted with the Comprehensive Design Plan. The map shall include at least one east-west cross-section through the site.**

During the review of the Comprehensive Design Plan, CDP-0302, a geologic map date-stamped as received by the Environmental Planning Section on September 24, 2003, was found to address this condition. No additional information is required with respect to condition # 29.

- 30. A geotechnical report shall be submitted with the Preliminary Plan of Subdivision. The geotechnical report, prepared following the guidelines established by the Environmental Planning Section and the Prince George's County Department of Environmental Resources, shall address existing slope stability, show on a plan the existing 1.5 safety factor line, recommend mitigation measures, and show on a plan the resulting 1.5 safety factor line.**

The geotechnical report submitted with the Comprehensive Design Plan and this Preliminary Plan of Subdivision was found to meet the requirements for that stage of the development process. The geotechnical report did not adequately address the slope stability issues for this site based on proposed grading because the grading shown is only conceptual in nature and is likely to change during the review of the Specific Design Plan. Therefore, a revised geotechnical report will be required during the review of the Specific Design Plan when detailed grading can be evaluated with respect to its impact on the location of the 1.5 safety factor line.

- 31. A soil map shall be submitted with the Comprehensive Design Plan. The map should clearly indicate areas of highly erodible soils on slopes of 15 percent or greater.**

The FSD and TCPI plan submitted with this application clearly show areas of 15 percent slopes or greater with soils having a K-factor of 0.35 or greater in accordance with this condition.

- 32. The Comprehensive Design Plan shall show the 65dBA(Ldn) highway noise contour for US 301 at ultimate design.**

The Phase I Noise Study submitted for review with the Comprehensive Design Plan was found to meet the requirements. However, the location of the 65dBA(Ldn) noise contour has not been shown on the plans submitted with this application.

Prior to signature approval of the Preliminary Plan of Subdivision, the Preliminary Plan and the TCPI need to be revised to show the location of the 65dBA(Ldn) noise contour as identified by the Phase I Noise Study.

ENVIRONMENTAL REVIEW OF ISSUES NOT ALREADY ADDRESSED ABOVE

Woodland Conservation

The Detailed Forest Stand Delineation (FSD) submitted with the Comprehensive Design Plan, CDP-0302, was found to generally address the requirements for an FSD. A copy of that FSD was not submitted with this application.

The Forest Stand Delineation plan view should be revised to show the location of the specific habitats and/or populations of *Carex lacustris* (river bank sedge).

This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the gross tract area is in excess of 40,000 square feet and there are more than 10,000 square feet of existing woodland on-site. A Type I Tree Conservation Plan, TCPI/30/03, was approved in conjunction with the approval of CDP-0302. The revised TCPI, date-stamped as received by the Environmental Planning Section on December 16, 2003, has been revised to address the plan refinements associated with the Preliminary Plan of Subdivision.

TCPI/30/03-01 generally addresses the requirements of the Prince George's County Woodland Conservation Ordinance. This 210.73-acre property in the R-S Zone has a net tract area of 185.22 acres and a mandated woodland conservation threshold (WCT) of 25 to 35 percent has been prepared using the 25 percent WCT for a 46.31-acre base requirement. In addition, all woodlands cleared above the WCT are subject to a ¼ : 1 replacement requirement of 13.44 acres and a 1 : 1 replacement requirement for 5.39 acres of woodland clearing in the 100-year floodplain, in the PMA, and for off-site PMA impacts. The 65.14-acre requirement is proposed to be satisfied by 64.3 acres of on-site preservation in priority retention areas and 0.75 acre of on-site reforestation, for a total of 65.05 acres of woodland conservation provided. Although this number is slightly short of the required 65.14 acres, the recommended conditions found below will correct the shortage. TCPI/30/03-01 is recommended for approval subject to the conditions included in this report.

Rare, Threatened and Endangered Species

In July 2003 a site visit was conducted to evaluate the wetlands on this property. At that time the plant species *Carex lacustris* (river bank sedge), a State of Maryland threatened species, was identified in the emergent wetlands at the western end of the property near Collington Branch. As a condition of approval of the CDP, the FSD is to be revised to show the location of the plant species *Carex lacustris*. The entire habitat of this species is within the protected areas of the site. The state has jurisdiction over this plant species and its habitat. The plans as revised have eliminated the proposed impacts to the emergent wetlands that is the habitat for these species. Prior to the issuance of any permits for this site it will be necessary to obtain State of Maryland wetland permits at which time the exact extent of this species and the proposed impacts to its habitat will need to be addressed.

Prior to the Planning Board approval of the Specific Design Plan, all species identified by the Maryland Department of Natural Resources (DNR) Natural Heritage Program as rare, threatened

or endangered that are found to occur on the site need to be surveyed and accurately located according to DNR protocol. The SDP should be designed to eliminate any impacts to specific habitats and/or populations. Prior to approval of the SDP, the Forest Stand Delineation for the site should be revised to show the location of the specific habitats and/or populations.

Patuxent River Primary Management Area

The Subdivision Ordinance, Section 24-130(b)(5), requires that the Patuxent River Primary Management Area (PMA) be preserved in a natural state to the fullest extent possible. A letter of justification that identified and addressed each of the proposed PMA impacts was submitted to the Subdivision Section and date-stamped as received by the Environmental Planning Section on December 16, 2003.

The letter of justification identifies 14 proposed PMA impact areas including four associated with road construction, seven associated with on-site stormdrain and/or sewer outfalls, one associated with the off-site sewer alignment, and two impacts associated with the grading necessary for the creation of 12 lots. Proposed impact areas 1- 3 and 5- 12 are associated with road construction or stormdrain and/or sewer outfalls. Because the proposed impacts have generally been minimized to the fullest extent possible, and the proposed impacts are supported subject to further evaluation during the review of the Specific Design Plans. Proposed impacts 13 and 14 are associated with the creation of 12 lots and are not supported.

Proposed impact 4 is associated with the construction of the off-site sewer alignment through the Beech Tree development. The impacts associated with that alignment are in excess of those approved with the Preliminary Plan of Subdivision for Beech Tree. Two major concerns are that the impacts to sensitive environmental features are excessive and the sewer alignment will result in significant changes to the previously approved Specific Design Plan and Type II Tree Conservation Plan for Beech Tree resulting in the need to revise those plans. In addition, the alignment will require written consent of the Beech Tree owners to allow this alignment. Although the alignment has generally minimized the proposed PMA, impacts there are opportunities to further minimize the extent of the proposed impacts. Therefore, the proposed impact is supported subject to further minimizing the impacts to the fullest extent possible during the review of the Specific Design Plan and coordination with the owners of Beech Tree and the revisions of all plans off site.

The Environmental Planning Section supports proposed PMA impacts 1- 12 subject to the conditions included in this report.

Water and Sewer Categories

The water and sewer service categories are W-4 and S-4 according to water and sewer maps obtained from the Department of Environmental Resources dated June 2003. This development will be served by public systems.

5. **Community Planning**—The subject property is located within the limits of the 1993 *Approved*

Master Plan and Sectional Map Amendment for Subregion VI Study Area (Planning Areas 79, 82A, 82B, 86A, 86B, 87A, 87B) in the Mount Pleasant community. The master plan land use recommendation for the property is industrial employment. However, in 2002 the District Council approved a rezoning request for this property from the E-I-A Zone to the R-S Zone. The proposed preliminary plan is consistent with the new policy established with the approval of A-9952.

The 2002 General Plan locates the property 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. With the approval of the R-S zoning, the subject property will become part of the residential component of the Mount Pleasant community. The proposed preliminary plan is consistent with the land use recommendations of the master plan and the General Plan.

6. **Parks and Recreation**—The staff of the Department of Parks and Recreation (DPR) has reviewed the above referenced preliminary plan application for conformance with the requirements of the Basic Plans A-9952, Comprehensive Design Plan CDP-0302, the adopted and approved Subregion VI master plan, the Land Preservation and Recreation Program for Prince George’s County, and current zoning and subdivision regulations as they pertain to public parks and recreation.

Prior Approvals

Basic Plan A-9952

Conditions 4, 5, 6 and 7 state:

- “4. **Land to be dedicated to the M-NCPPC for the Master Plan proposed Collington Branch Stream Valley Park, in accordance with Department of Parks and Recreation Exhibit A (Exhibit 16 (a)). The land to be conveyed to the M-NCPPC shall be subject to the conditions of the attached Exhibit “B.”**
5. **The applicant shall construct 10-foot-wide hiker/biker trail and equestrian trails along the Collington Branch, including a connection to the hiker/biker trails within the Stream Valley Park approved in the Beech Tree development. Provision shall be made for access to the trails by park police and park maintenance staff. Plans for such access shall be shown on the Comprehensive Design Plan (CDP) submission.**
6. **The trail system shall include feeder connections to all development pods, school and recreation facilities. Said trails shall be reviewed by the Department of Parks and Recreation staff, at the time of CDP review.**
7. **The applicant shall provide adequate, private recreational facilities in lieu of mandatory dedication of parkland to meet the future subdivision requirements for the proposed development. The private recreational facilities shall be constructed in**

accordance with the standards outlined in the Parks and Recreation Facilities Guidelines.”

Comprehensive Design Plan CDP-0302

Conditions 12,13,14,15,16,17 and18 state:

- 12. Land to be dedicated to the M-NCPPC for the master-planned Collington Branch Stream Valley Park shall include a100-year floodplain and floodplain buffers as shown on attached Exhibit “A.”**
 - 13. Recreational facilities on park property shall be designed and constructed in accordance with the applicable standards in the Parks and Recreation Facilities Guidelines.**
 - 14. Construction drawings for the recreational facilities on parkland shall be reviewed and approved by the Department of Parks and Recreation staff prior to SDP approval.**
 - 15. 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.**
 - 16. The handicapped accessibility of all trails shall be determined during SDP review.**
 - 17. At least one suitable vehicular access to the land being dedicated shall be provided from a primary residential street to be determined at the time of preliminary plan of subdivision.**
 - 18. All additional accesses to the parkland from development pods, school and recreation facilities shall be at least 40 feet wide, or otherwise required.**
- 25. The following recreational facilities (or equivalent) shall be provided and reviewed at the time of SDP review for each phase:**

Facility	Location	Completion of Construction
2 Picnic Areas	Community Building	Prior to release of 150 th BP
1 Open Play Area	US 301 Buffer	Prior to release of 25 th BP
4 Sitting Areas	1 @ Community Building	Prior to release of 150 th BP
	1 @ US 301 Buffer	Prior to release of 25 th BP
	1 @ Neighborhood “F”	Prior to release of 300 th BP
	1 @ Neighborhood “D”	Prior to release of 300 th BP
1 Tot Lot	Neighborhood “D”	Prior to release of 300 th BP
1 Multiage Play Area	Community Building	Prior to release of 150 th BP

**Private Trails
Community Building (with meeting
rooms and fitness equipment)**

**In phase with development
Prior to release of 150th BP**

Discussion

Staff finds that submitted Preliminary Plan can be in conformance with CDP-0302, subject to revisions. Condition 17 of the CDP requires that at least one suitable vehicle access to the parkland shall be provided from a primary residential street. The proposed preliminary plan shows the access to the parkland from a secondary residential street. The applicant proposed to install “no parking” signs on one side of 3rd Street, 8th Street and 5th Street, which will provide two unobstructed travel lines for park access. Staff reviewed and evaluated the submitted grading plan, street layout and the areas for possible vehicular access to the parkland and finds that only the area at the end of 5th street is suitable for vehicle access to the parkland because of severe slopes. Staff finds that limited parking on one side of the road (along the park access road in a 50-foot-wide right-of-way) will provide two unobstructed travel lines for park maintenance vehicles and park police.

Staff also finds that the Basic Plan Condition 5 has not been met, which states that a provision shall be made for access to the trails by park police and park maintenance staff. Staff believes that the main access trail to the master planned trail should be 10 feet wide.

Staff believes that with dedication of approximately 32 acres of parkland, the construction of the 10-foot-wide hiker/biker trail and equestrian trails along the Collington Branch, trail connectors to the neighborhoods, and provisions of the private recreational facilities on the site will meet the requirements of the Subdivision Ordinance as they pertain to parks and recreation.

Condition 25 from the Planning Board CDP approval should be carried forward.

7. **Trails**—The adopted and approved Subregion VI master plan recommends a multiuse trail along the entire length of Collington Branch through the subject site. This trail has also been approved for construction through the adjacent Beech Tree development. This trail is shown for the entire length of the stream valley within the subject site.

Additional feeder trail connections were recommended by the basic plan (A-9952) and are reflected on the proposed preliminary plan. The exact location and number of these feeder trails should be addressed at the time of review of the specific design plan (SDP). Some of the trail connections shown on the submitted preliminary plan of subdivision may have to be relocated due to environmental constraints.

The preliminary plan should be revised to label the entire main route of the stream valley trail as the master plan trail. One segment of the stream valley trail is labeled as a homeowners association (HOA) trail. The entire trail facility is intended as a master plan trail and should be correctly labeled. Only the connector trails should be considered as HOA trails.

8. **Transportation**—The Transportation Planning Section has reviewed the preliminary plan of subdivision for the above-referenced property. The District Council approved Zoning Map Amendment A-9952 with several conditions including the following:

- **At the time of preliminary plan of subdivision, the applicant shall dedicate all rights-of-way for A-61 and F-10.**

Pursuant to the Council’s conditions of approval for A-9952, the applicant presented staff with a traffic study, which was prepared in December 2002, in support of a previously submitted CDP application, as well as the subject preliminary application. The study identified the following intersections as the ones on which the proposed development would have the most impact:

EXISTING CONDITIONS		
Intersection	AM	PM
	(LOS/CLV)	(LOS/CLV)
US 301/MD 725	E/1464	E/1464
US 301/Village Drive	C/1187	C/1239
US 301/Trade Zone Avenue	C/1248	D/1425
US 301/Leeland Road	C/1198	C/1268

The study cited 13 approved background developments (including the Beech Tree subdivision) that collectively will impact the above intersections during the morning and evening peak hours. Using the “Guidelines For The Analysis Of The Traffic Impact Of Development Proposals,” the study has indicated that the proposed development of 357 single-family units will be adding 268 (54 in; 214 out) AM peak-hour trips and 321 (209 in; 112 out) PM peak-hour trips at the time of full build-out. (The plan has been reduced to the proposed 346 dwelling units.) The study also applied a growth rate of three percent per year for through traffic along US 301. With the combining of site-generated traffic, background developments, and all the CIP-funded improvements in place, the following results were determined:

TOTAL CONDITIONS**		
Intersection	AM	PM
	(LOS/CLV)	(LOS/CLV)
US 301/MD 725	C/1252	C/1279
US 301/Village Drive	D/1350	D/1345
US 301/ Leeland Road	D/1374	C/1159
US 301/Trade Zone Avenue	B/1124	C/1231
US 301/Site Entrance *	E/38.0 secs.	E/45.9 secs.

Unsignalized intersections are analyzed using the Highway Capacity Software. The results show the level-of-service and the intersection delay measured in seconds/vehicle. A level-of-service "E," which is deemed acceptable, corresponds to a maximum delay of 50 seconds/car. For signalized intersections, a CLV of 1450 or less is deemed acceptable as per the guidelines.

**** The analyses under "Total" condition assumed improvements from the CIP and the approved Beech Tree subdivision**

To provide adequate levels-of-service at the facilities mentioned above, the traffic study cited improvements along US 301 between MD 214 and MD 725, which are described in the current Prince George's County Capital Improvement Program (CIP) FY 2002- 2007 (Project FD669161). In addition to the CIP improvements, the approved Beech Tree subdivision was also conditioned to provide improvements at some of the intersections including Leeland Road at US 301. Those improvements included the followingg

US 301/Leeland Road

1. Construct a third northbound and southbound through lane along US 301.
2. Construct an eastbound triple left turn lane along Leeland Road for approximately 375 feet and a free-flowing right-turn lane.
3. Construct a fourth southbound through lane along US 301 beginning at a point approximately 500 feet north of Leeland Road and extending to a point approximately 2,600 feet south of Leeland Road (to Swanson Road).

US 301/Village Drive

1. Construct a third northbound and southbound through lane along US 301.
2. Widen Village Drive (westbound) to provide four lanes; two exclusive left-turn lanes, an exclusive through lane, and a free-flowing right-turn lane.

US 301/Trade Zone Avenue

1. Construct a third northbound and southbound through lane along US 301.
2. Construct a fourth southbound through lane along US 301.
3. Construct an eastbound triple left turn lane along Trade Zone Avenue, the length to be determined by DPW&T/SHA, and a free-flowing right-turn lane.
4. Construct a northbound double left turn lane along US 301, the length to be determined by SHA.

US 301/MD 725

1. Construct a third northbound and southbound through lane along US 301.
2. Construct a fourth southbound through lane along US 301.
3. Restripe westbound approach to provide a second through lane.

In closing, the traffic study concluded that the key signalized intersections will operate at an acceptable level-of-service (D) or better upon full build-out of the proposed development with the implementation of the improvements that are planned and funded through the Prince George's County CIP.

Upon review of the applicant's traffic study, staff concurs with its findings and conclusion. Therefore, staff concludes that the staging of development will not be an unreasonable burden on available public facilities as required by Section 24-124 of the Prince George's County Code and that adequate roads would exist if the application is approved with the transportation-related conditions included in this report.

9. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed the subdivision plan for adequacy of school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and CB-30-2003 and CR-23-2003.

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 4	Middle School Cluster 2	High School Cluster 2
Dwelling Units	334 sfd	334 sfd	334 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	80.16	20.04	40.08
Actual Enrollment	5,334	5,131	10,098
Completion Enrollment	351.84	217.62	398.87
Cumulative Enrollment	27.36	19.20	38.40
Total Enrollment	5,793.36	5,387.86	10,575.35
State Rated Capacity	5,384	4,688	8,770
Percent Capacity	107.60%	114.93%	120.59%

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

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 Interstate Highway 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 on 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.

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 staff 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.

10. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of fire and rescue facilities and concluded the following:

- a. The existing fire engine service at Marlboro Fire Station, Company 20, located at 14815 Pratt Street has a service travel time of 5.25 minutes, which is within the 5.25-minute travel time guideline for Block A, Lots 45-51; Block B, Lots 1-27; and Block D, Lots 4-9. All other lots are beyond..
- b. The existing ambulance service at Marlboro Fire Station, Company 20, located at 14815 Pratt Street has a service travel time of 5.40 minutes, which is within the 6.25-minute travel time guideline.
- c. The existing paramedic service Marlboro Fire Station, Company 20, located at 14815 Pratt Street has a service travel time of 5.40 minutes, which is within the 7.25-minutes travel time guideline.

These findings are in conformance with the 1990 *Approved Public Safety Master Plan* 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, the Fire Department requires that all residential structures be fully sprinklered in accordance with National Fire Protection Association Standard 13D and all applicable Prince George’s County laws. Since this is a matter of existing law, no condition is necessary for residential structures. However, an automatic fire suppression system shall be provided in all other new buildings proposed in this subdivision, unless the Prince George’s County Fire/EMS Department determines that an alternative method of fire suppression is appropriate.

11. **Police Facilities**—The proposed development is within the service area for Police District II-Bowie. The Planning Board’s current test for police adequacy is based on a standard for square footage in police stations relative to the number of sworn duty staff assigned. The standard is 115 square feet per officer. As of June 30, 2002, the county had 874 sworn staff and a total of 101,303 square feet of station space. Based on available space, there is capacity for additional 69 sworn personnel. Therefore, in accordance with Section 24-122.01(c) of the Subdivision Regulations, the existing county police facilities will be adequate to serve the proposed development.

12. **Health Department**—The Health Department notes that a raze permit is required for the removal of the collapsed barn near MD 301, located on proposed Parcel A, Block K, and any other structures on site. Any hazardous materials located in any structure on site must be removed and properly stored or discarded prior to structures being razed.
13. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan, # 14105-2001-00, has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. Development must be in accordance with this approved plan.
14. **Cemeteries**^{3/4} There are cemeteries on adjacent property. There are no known cemeteries on the property. However, if the applicant finds burials on the property through the development process, state law requires work to stop immediately. Work may proceed thereafter upon direction from the state.
15. **Town of Upper Marlboro**—The Town of Upper Marlboro has no comment at this time.
16. **Historic**^{3/4} The subject property is adjacent to the Pentland Hills Historic Site #79-38 and Beechwood Historic Site #79-60. Potential impacts on these historic sites from the surrounding or adjacent development have been evaluated and addressed through the review of previous development applications.

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

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Vaughns, seconded by Commissioner Eley, with Commissioners Vaughns, Eley, Squire and Hewlett voting in favor of the motion, and with Commissioner Harley absent at its regular meeting held on Thursday, January 29, 2004, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 1st day of April 2004.

Trudye Morgan Johnson
Executive Director

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By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:JD:meg