

R E S O L U T I O N

WHEREAS, Land and Commercial, Inc. is the owner of a 36.26-acre parcel of land known as Parcel 46, Tax map 145 in Grid D-2, said property being in the 11th Election District of Prince George's County, Maryland, and being zoned R-R; and

WHEREAS, on August 24, 2004, Land and Commercial, Inc. filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 37 lots, 1 outlot, 1 parcel and 1 outparcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-04094 for Missouri Acres 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 20, 2005, 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 20, 2005, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED the Type I Tree Conservation Plan (TCPI/76/95-01), and further APPROVED Preliminary Plan of Subdivision 4-04094, Missouri Acres for Lots 1-37, Parcel A, Outlot A and Outparcel A including a Variation to Section 24-130 with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision the plan shall be revised as follows:
 - a. Label the rights-of-way of C-610 (west of Street A intersection) and C-613 as parcels to be conveyed to the HOA and ultimately to DPW&T upon demand. The final plat shall indicate that said demand may not occur until abutting right-of-way have been obtained.
 - b. Conform to Staff Exhibit A.
 - c. Label outparcel as Parcel C.
2. Prior to the issuance of permits, a Type II tree conservation plan shall be approved.

3. Development of this site shall be in conformance with the approved Stormwater Management Concept Plan and any subsequent revisions.
4. Prior to the issuance of building permits, the applicant, his heirs, successors and/or assignees shall convey to the homeowners association (HOA) 1.9 ± acres of open space land (Parcel A), in accordance with Staff Exhibit A. Land to be conveyed shall be subject the following:
 - a. Conveyance shall take place prior to the issuance of building permits.
 - b. A copy of unrecorded, special warranty deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division (DRD), Upper Marlboro, along with the final plat.
 - c. All waste matter of any kind shall be removed from the property, prior to conveyance, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section, or the entire project.
 - d. The conveyed land shall not suffer the disposition of construction materials, soil filling, discarded plant materials, refuse or similar waste matter.
 - e. Any disturbance of land to be conveyed to a homeowners association shall be in accordance with an approved 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.
5. 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.
6. Prior to the approval of the final plat, a limited detailed site plan (LDSP) shall be approved by the Planning Board or its designee for the construction of private on-site recreational facilities on

Parcel A, establishing appropriate bonding amounts and determining triggers for construction, in accordance with the *Parks and Recreation Facilities Guidelines*. The LDSP shall ensure that the SWM facility is designed and landscaped as a visual amenity to the site. A determination shall be made at that time if Outlot A is to be conveyed to the HOA. If so, the LDSP shall include the review of landscaping and/or an entrance feature, if proposed.

7. The applicant, his heirs, successors and/or assignees shall submit three original recreational facilities agreements (RFAs) to DRD for construction of recreational facilities on homeowners land for approval prior to the submission of final plats. Upon approval by DRD, the RFA shall be recorded among the County Land Records.
8. The applicant, his heirs, successors and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for the construction of recreational facilities on homeowners land, prior to the issuance of building permits.
9. The applicant, his heirs, successors and/or assignees shall provide a standard sidewalk along the subject site's frontage of Missouri Avenue and both sides of the internal public street, with the concurrence of the Department of Public Works.
10. Prior to approval of the final plat of subdivision and/or any disturbance occurring on this property, the applicant shall demonstrate that this property has not been part of the early family landholdings or shall submit a Phase I archeological investigation, and if determined to be needed by Planning Department staff, a Phase II and Phase III investigation. If necessary, the final plat shall provide for the avoidance and preservation of the resources in place or shall include plat notes to provide for mitigating the adverse effect upon these resources. All investigations must be conducted by a qualified archeologist and must follow *The Standards and Guidelines for Archeological Investigations in Maryland* (Schaffer and Cole: 1994) and must be presented in a report following the same guidelines.
11. Building permits for any lot having its sole frontage on and that proposes direct access to C-610 or Missouri Avenue will demonstrate driveways with turn-around capabilities.
12. Prior to signature approval of the preliminary plan, the Detailed Forest Stand Delineation plan shall be revised as follows:
 - a. Add a north arrow.
 - b. Correct the source of the soils information to the Soil Survey of Prince George's County.
 - c. Correctly label "slopes over 15%" as "steep slopes (15 to 25%) on highly erodible soils" in the legend and ensure that the areas delineated are correct.
 - d. Remove the PMA delineation.
 - e. Provide a letter from the Maryland Department of Natural Resources or include a statement

regarding the presence of rare, threatened or endangered species on the site.

- f. Remove the term intermittent from the legend as a characteristic of various streams.
 - g. Add the stream which crosses the eastern portion of the site.
 - h. Show the 100-year floodplain and identify the source of the 100-year floodplain delineation in the notes.
 - i. Remove the labels “intermittent” and “Waters of the US” and use the label “stream.”
 - j. Revise the plan to show the existing Forest Interior Dwelling Bird Species Habitat (FIDS), associated buffers, and add the graphic symbols to the legend.
 - k. Have the revised plan and text signed and dated by the qualified professional who prepared it.
13. Prior to signature approval of the Type I Tree Conservation Plan, the FIDS habitat and FIDS buffer shall be revised to maximize the amount of FIDS habitat retained and minimize to the greatest extent possible impacts to the FIDS buffer habitat.
14. Prior to signature approval, the TCPI shall be revised as follows:
- a. Calculate the woodland in the master planned rights-of-way as cleared on this worksheet.
 - b. Provide a lot-by lot table for on-site woodland conservation which indicates the amount of existing woodlands, proposed clearing, and woodland conservation provided on each lot.
 - c. Revise the size of the conceptual house footprints to an average of 3,000 square feet in size.
 - d. Revise the conceptual grading to accommodate the enlarged house pads.
 - e. Revise the lot layout and the woodland conservation areas to provide a minimum clear area of 20 feet from the sides and a minimum clear area of 40 feet from the rear of the conceptual house pads and for side-loaded garages, provide 20 feet from the edge of the driveways.
 - f. Remove woodland conservation from master planned rights-of-way and count it as woodland cleared.
 - g. Correctly delineate the expanded stream buffer.
 - h. Revise the woodland conservation worksheet to reflect all required revisions.

- i. Have the plan signed and dated by the qualified professional who prepared it.
15. The following note shall be placed on the Final Plat of Subdivision:

“Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/76/95-01), 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.”
16. Prior to the issuance of any permits which impact 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.
17. Prior to signature approval of the preliminary plan, an approved 100-year floodplain study shall be submitted. If individual lots do not contain sufficient net tract area to meet the zoning requirements, they shall be deleted.
18. At time of final plat the approved 100-year floodplain delineation shall be shown along with the required 25-foot-wide building restriction line. The plat shall be reviewed by the Environmental Planning Section prior to approval.
19. At time of final plat, bearings and distances shall describe a conservation easement. The conservation easement shall contain the expanded stream buffer except for the single area of impact approved and shall be reviewed by the Environmental Planning Section prior to approval of the final plat. The following note shall be placed on the plat:

“Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.”
20. Prior to signature approval of the preliminary plan, a signed and approved stormwater concept plan and letter shall be submitted, which reflects the proposed lot layout and the proposed master planned rights-of-way.
21. Prior to issuance of any building permits, the applicant shall construct per DPW&T standards adequate sidewalk(s) along Missouri Avenue from the proposed access road to its intersection with Brandywine Road and install appropriate crosswalks, unless modified by DPW&T. Off site sidewalk construction is subject to available right-of-way.
22. Prior to issuance of any building permits, and if deemed necessary by SHA, the applicant, his heirs, successors or assignees shall submit a traffic signal warrant study for the intersections of US 301 with Missouri Avenue, and Missouri Avenue and Brandywine Road (MD381) and to

install the traffic signal, if deemed needed by SHA

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 Missouri Avenue approximately 900 feet north of its intersection with Brandywine Road (MD 381).
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	R-R	R-R
Use(s)	Vacant	Vacant
Acreage	36.26	36.26
Lots	0	37
Outparcel	0	1
Outlot	0	1
Parcels	1	1
Dwelling Units:		
Detached	0	37

4. **Environmental**—The site is fully wooded. There are streams, wetlands, 100-year floodplain and their associated buffers on the property. The soils found on this property include Bibb, Elkton and Leonardtown. These soils have limitations with respect to impeded drainage, erodibility or seasonally high water tables. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program 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 lot. No adverse noise impacts from transportation-related sources are anticipated related to this proposal. No designated historic or scenic roads are affected by this proposal. The property is located in the Mattawoman Creek subwatershed, in the Potomac River basin watershed

Environmental Review

This 36.26-acre property in the R-R Zone has 35.41 acres of existing woodland areas in three identified forest stands. Stand 1, totaling 11.23 acres, is a mature, bottomland, mixed-hardwood

forest dominated by willow oak, red maple, and sweetgum with an average diameter at breast height (DBH) of 15 inches, and all specimen trees were identified in this stand. The Forest Structure Analysis Sheet indicates that this stand has a structural value of 14, which is a “good” rating. Stand 1 contains significant environmental features (wetlands, streams, and specimen trees) and is classified as a Priority 1 retention area.

Stand 2, totaling 14.09 acres, is an even-aged, mixed-hardwood forest dominated by sweet gum, Virginia pine, and red maple with an average DBH of 10 inches. No specimen trees were identified in this stand. The majority of the stand generally lacks significant environmental features and warrants preservation only to the extent practicable.

Stand 3, totaling 10.09 acres, is a mixed-hardwood forest dominated by white oak and Virginia pine and has an average DBH of 12 inches. The Forest Stand Analysis Sheet indicates that Stand 3 has a “good” rating. Because Stand 3 lacks significant environmental features, it is classified as a Priority 2 Save Area and should be preserved only to the extent practicable.

The FSD plan dated July 27, 2004, requires revisions to meet the minimum requirements. A north arrow must be added to the plan sheet to provide orientation. The plan cites as a source the Soil Survey of Charles County. This should be corrected to the Soil Survey of Prince George’s County as stated in the text. The terms “Waters of the U.S.” and “intermittent” should be removed from the legend and replaced with the term “stream.” All streams that are not ephemeral are regulated. The stream crossing the eastern portion of the site must also be shown. Slopes between 15 percent and 25 percent are only of interest if they are located on highly erodible soils, and the legend label should be corrected. The Patuxent River Primary Management Area, which is not applicable to the Potomac River basin, should be removed from the plan. The 100-year floodplain should be identified on the plan and added to the legend, and a note should indicate the source of the 100-year floodplain delineation. No information has been provided with regard to the identification of rare, threatened and endangered species habitat. The FSD text does not identify who prepared it, nor is it signed or dated by a qualified professional.

There is a Forest Interior Dwelling Species (FIDS) habitat located on the subject property. The FIDS habitat is a sensitive wildlife habitat area, and its delineation along with the 300-foot-wide buffer is necessary for to a determination of priority woodlands in the preparation of a Type I Tree Conservation Plan.

To assist the Environmental Planning Section in completing this evaluation, the FSD should be revised to graphically illustrate areas of forest interior woodland habitat and the 300-foot-wide buffers. Where existing woodlands extend to the property line, the delineation of the existing tree line outside of the subject property should be expanded from 100 feet to 300 feet. This expanded off-site tree line allows for edge effect from outside to be evaluated. To conduct the delineation, the applicant should start with the existing tree line and measure into the woodland 300 feet to establish the buffer. The remaining area should then be identified as “FIDS Habitat.”

FIDS habitat is a high priority area for preservation. The area within the 300-foot-wide FIDS buffer is considered moderate to high priority for woodland conservation. Within the 300-foot

buffer, clearing should be minimized and fragmentation of the existing forest should be avoided. The FIDS habitat should be retained and preserved to the greatest extent possible.

After the FIDS Habitat and the FIDS buffer have been shown on the plans, the clearing and grading for proposed uses within the buffer should be revised to minimize the disturbance to the fullest extent possible and preserve the FIDS habitat. This information was requested for review in a September 9, 2004, memorandum. This information has not been provided and is not shown on the plans.

This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the property is greater than 40,000 square feet gross tract area, there are more than 10,000 square feet of existing woodland, and more than 5,000 square feet of woodland clearing is proposed. A revised Type I Tree Conservation Plan (TCPI/76/95-01) was submitted with the revised preliminary plan application on November 19, 2004.

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