

R E S O L U T I O N

WHEREAS, a 25.07-acre parcel of land known as Parcels 75 and 76, Lot 1 and 2, www38@62, Lot 3 NLP 108 @100, Tax Map 116, Grid D-4, said property being in the 9th Election District of Prince George's County, Maryland, and being zoned R-80; and

WHEREAS, on October 18, 2005, Marrick Properties filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 50 lots and 1 parcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-05073 for Surratts Crossing 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 5, 2006, 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 5, 2006, 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/96/04), and further APPROVED Preliminary Plan of Subdivision 4-05073, Surratts Crossing for Lots 1-50 and Parcel A including a Variation to Section 24-130 of the Subdivision Regulations with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision the plan shall be revised as follows:
 - a. Revise general note 2 to indicate that Parcel A is also to be used for the required on-site private recreational facilities.
 - b. Indicate that the requirement for the mandatory dedication of parkland is being fulfilled with private on-site recreational facilities.
 - c. Provide a note that no direct access is proposed to Pin Oak Street.
 - d. Conform to "Applicant's Exhibit A."

- e. Locate the shallow well and any abandoned septic recovery field.
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 Stormwater Management Concept Plan 42319-2004-00 and any subsequent revisions.
4. In accordance with Section 27-445 of the Zoning Ordinance, prior to the approval of the final plat a limited detailed site plan shall be approved by the Planning Board or its designee for the homes recreational use on Parcel A. Review shall include the establishment of appropriate triggers for the construction of the recreational facilities and bonding amounts. The review shall also include appropriate fencing and landscaping for the stormwater management facility on Parcel A to ensure that it is a visual amenity for the development.
5. Prior to the approval of building permits, the applicant, his heirs, successors and/or assignees shall convey to the homeowners association 7.62± acres of open space land (Parcel 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 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.
6. Prior to the approval of 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. The applicant, his heirs, successors and/or assignees shall submit three original recreational facilities agreements (RFA) to DRD for construction of recreational facilities on homeowners land, for approval prior to the issuance of permits. The final plat shall note that the site is subject to the review of detailed site plan and subsequent RFA. 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 adopted and approved Subregion V Master Plan recommends that Brandywine Road be designated as a Class III bikeway with appropriate signage. Because Brandywine Road is a county right-of-way, the applicant and the applicant's heirs, successors, and/or assignees shall provide a financial contribution of \$210 to the Department of Public Works and Transportation for the placement of this signage. A note shall be placed on the final plat for payment to be received prior to the issuance of the first building permit. If road frontage improvements are required by DPW&T, a wide asphalt shoulder or wide outside curb lane is encouraged to accommodate bicycle traffic.
10. The applicant, his heirs, successors and/or assignees shall provide a standard sidewalk along the subject site's entire frontage of Brandywine Road, unless modified by DPW&T.
11. The applicant, his heirs, successors and/or assignees shall provide a standard sidewalk along all internal roads, unless modified by DPW&T.
12. Any abandoned well or septic system shall be pumped, backfilled and/or sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative of the Health Department prior to final plat approval.
13. Prior to the issuance of grading permits, the applicant shall submit a manifest demonstrating that the fuel storage tanks located on the property have been properly disposed of by a licensed waste company and reclamation of any contaminated soils has occurred under the direction of the Health Department.
14. The applicant shall provide private on-site recreation facilities on Parcel A, in accordance with Section 24-134 of the Subdivision Regulations. On-site facilities shall be in conformance with

the *Parks and Recreation Facilities Guidelines*.

15. Prior to the issuance of grading permits, the applicant shall submit a manifest demonstrating that the fuel storage tanks located on the property have been properly disposed of by a licensed waste company and reclamation of any contaminated soils has occurred under the direction of the Health Department.
16. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the expanded stream buffer and be reviewed by the Environmental Planning Section prior to certification. 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.”
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. Prior to signature of the preliminary plan, the Type I tree conservation plan shall be revised to:
 - a. Eliminate woodland retained on lots from contributing to the woodland conservation requirement and show that area as woodland retained but not part of any requirement on the plan and in the worksheet.
 - b. Correct the worksheet as needed.
 - c. Have the revised plan signed and dated by the qualified professional who prepared the plan.
19. 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/96/04), 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. **MD 5 at Surratts Road:** 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 through the operating agency’s access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency:

- a. Restripe an existing eastbound through lane to become a shared through/left-turn lane
 - b. Construct a new westbound shared through/left-turn lane.
21. Prior to the issuance of each building permit, the applicant shall pay to Prince George's County the following share of costs for improvements to the Brandywine Road/Surratts Road intersection and the link of Surratts Road between Brandywine Road and Beverly Lane:
 - a. A fee calculated as $\$2,057/\text{residence} \times (\text{Engineering News-Record Highway Construction Cost Index at time of payment}) / \text{Engineering News-Record Highway Construction Cost Index for March, 2003}$.
22. At the time of final plat approval, the applicant shall dedicate right-of-way along Brandywine Road of 40 feet from centerline.
23. Prior to the issuance of a grading permit for the development, a public safety mitigation fee shall be paid in the amount of \$189,000 (\$3,780 x 50 dwelling units). Notwithstanding the number of dwelling units and the total fee payments noted in this condition, the final number of dwelling units shall be as approved by the Planning Board and the total fee payment shall be determined by multiplying the total dwelling unit number by the per unit factor noted above. The per unit factor of \$3,780 is subject to adjustment on an annual basis in accordance with the percentage change in the Consumer Price Index for All Urban Consumers. The actual fee to be paid will depend upon the year the grading permit is issued.

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 in the northeast quadrant of the intersection of Brandywine Road and Surratts Road.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	R-80	R-80
Use(s)	Residential	Single-family dwellings
Acreage	25.07	25.07
Lots	3	50
Parcels	2	1
Dwelling Units:		
Detached	2 (to be razed)	50 (new)

4. **Environmental**—The Environmental Planning Section previously reviewed Preliminary Plan 4-04183 and TCPI/96/04 for the subject property. The Environmental Planning Section has reviewed the revised Preliminary Plan of Subdivision for Surratts Crossing, 4-04183, the revised forest stand delineation, and the revised Type I Tree Conservation Plan, TCPI/96/04, accepted for processing on October 10, 2005. The Environmental Planning Section supports the variation requests for impacts to sensitive environmental features for the reasons stated in this memorandum and recommends approval of 4-05073 and TCPI/96/04 subject to the conditions listed at the end of this memorandum.

This 25.07-acre property in the R-80 Zone is located in the northeast quadrant of the intersection of Brandywine Road and Surratts Road. There are streams, wetlands and 100-year floodplain on the property associated with Piscataway Creek in the Potomac River watershed. According to the “Prince George’s County Soils Survey,” the principal soils on this site are in the Aura, Beltsville, Bibb, Croom, Galestown and Sassafras series. Marlboro clay does not occur in the area. 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, rare, threatened, or endangered species do not occur in the vicinity of this property. No designated historic or scenic roads are affected by this proposal. There are no nearby sources of traffic-generated noise. The proposal is not expected to be a noise generator. This property is located in the Developing Tier as reflected in the adopted General Plan.

An approved natural resources inventory (NRI), NRI-47-05, was submitted with the application. A forest stand delineation (FSD) was submitted for review with the NRI. The FSD describes two forest stands totaling 7.10 acres and two specimen trees. All wetlands, streams and soil boundaries are shown.

Forest stand “A” covers approximately 3.74 acres in the northeastern portion of the site. The woodland is dominated by mixed hardwood trees that are in the range of 6- to 10-inches diameter at breast height. The understory includes American holly and some invasive plants. The priority preservation area of this stand is associated with the stream and wetlands.

Forest stand “B” covers approximately 3.36 acres in the northwestern portion of the site. The woodland is dominated by red maple, river birch and sweet gum that are in the range of 10- to 18-inches diameter at breast height. The understory includes American holly and some invasive

plants. The priority preservation area of this stand is associated with the stream and wetlands.

This site contains natural features that are required to be protected under Section 24-130 of the Subdivision Regulations. For the purposes of this review, these areas include all of the expanded stream buffer and any isolated sensitive environmental features.

The NRI, TCPI and preliminary plan show the stream, the 100-year floodplain, and wetlands. All areas with severe slopes and all areas with steep slopes containing highly erodible soils are appropriately patterned. A wetland report containing all necessary information was submitted with the application. The TCPI and preliminary plan show the required 50-foot stream buffers, 25-foot wetland buffers, and the expanded stream buffers. The plan appropriately refrains from placing a conservation easement on any lot.

The plan proposes impacts to environmental features that are required to be protected by Section 24-130 of the Subdivision Regulations. The design should avoid any impacts to streams, wetlands, or their associated buffers unless essential for the development as a whole. Staff will generally not support impacts to sensitive environmental features that are not associated with necessary road construction or the installation of public utilities.

Essential development includes such features as public utility lines (including sewer and stormwater outfalls), streets, and so forth, which are mandated for public health and safety; nonessential activities are those such as grading for lots, stormwater management ponds, parking areas, and so forth, which do not relate directly to public health, safety or welfare. Impacts for essential development features require variations to the Subdivision Regulations.

Two variation requests, dated March 29, 2005 were submitted. Impact 1 is for the installation of a stormwater management pond outfall. Impact 2 is for the connection of the proposed development to the existing sanitary sewer line located within the expanded stream buffer.

Impacts to these buffers are restricted 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. 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. Each variation is described individually below. However, for purposes of discussion relating to Section 24-113(a) of the Subdivision Regulations, the impacts were discussed collectively.

Section 24-113(a) of the Subdivision Regulations sets forth the required findings for approval of variation requests. Section 24-113(a) reads:

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:

The approval of the applicant's request does not have the effect of nullifying the intent and purpose of the Subdivision Regulations. In fact, strict compliance with the requirements of Section 24-130 could result in practical difficulties to the applicant that could result in the applicant not being able to develop this property.

- (1) The granting of the variation request would not be detrimental to public safety, health or welfare and does not injure other property;**

The installation of a stormwater management pond and a sanitary sewer connection are required by other regulations to provide for public safety, health and welfare. All designs of these types of facilities are reviewed by the appropriate agency to ensure compliance with the regulations. These regulations require that the designs are not injurious to other property.

- (2) The conditions on which the variations are based are unique to the property for which the variation is sought and are not applicable generally to other properties;**

The only available sanitary sewer main to serve development of this property is wholly located within an expanded stream buffer. Many other properties can connect to existing sanitary sewer without requiring a variation; however, that option is not available for this particular site. Not all properties require the use on on-site ponds to fulfill stormwater management requirements.

- (3) The variation does not constitute a violation of any other applicable law, ordinance or regulation; and**

The installation of a stormwater management pond and a sanitary sewer connection are required by other regulations. The permit review process will ensure that the proposed impacts are not a violation of any other applicable law, ordinance or regulation.

- (4) Because of the peculiar 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 the strict letter of these regulation is carried out.**

The location of the existing sewer main provides no alternative for the connection of the sanitary sewer lines that are required to serve the development. Without the sewer connection, the property could not be developed with any single-family residential structures. There are soils on the site that are not suitable for infiltration. An on-site stormwater management pond is required to develop the site at a density much less than

that permitted in the R-80 Zone.

The Planning Board approved the variation requests based on the preceding findings.

This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the gross tract area of the property is greater than 40,000 square feet and there is more than 10,000 square feet of existing woodland.

The Type I Tree Conservation Plan, TCPI/96/04, has been reviewed. The plan proposes clearing 3.24 acres of the existing 5.72 acres of upland woodland and the clearing of 0.04 acre of the existing 1.38 acres of woodland within the 100-year floodplain. The woodland conservation threshold for this site is 4.74 acres. The woodland conservation requirement has been correctly calculated as 7.28 acres. The plan proposes to meet the requirement by providing 2.35 acres of on-site preservation and 4.93 acres of off-site conservation, for a total of 7.34 acres.

The plan focuses on preserving the stream valley and avoiding encumbering individual lots with woodland conservation. Both of these design elements further the goals of the Woodland Conservation Ordinance. From a regional viewpoint, the stream is not part of a significant corridor because it is piped for a significant length not far downstream from the subject property

There is one minor change deemed necessary. The proposed woodland conservation on Lot 2 and Lot 3 is essentially isolated by clearing for the development of the lots, installation of the sanitary sewer connection, and existing sanitary sewer easement. This fragment does not contribute to the goals of the Woodland Conservation Ordinance and is an unnecessary encumbrance on the lots.

According to the Prince George's County Soils Survey, the principal soils on this site are in the Aura, Beltsville, Bibb, Croom, Galestown and Sassafra series. Aura soils only pose problems for development when associated with steep and severe slopes. Beltsville soils are highly erodible, may have a perched water table, and are in the C-hydric group. Bibb soils are associated with floodplains. Galestown and Sassafra soils pose no special problems for development. This information is provided for the applicant's benefit. A soils report may be required by the Prince George's County Department of Environmental Resources during the permit process review.

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