

R E S O L U T I O N

WHEREAS, Donna and Ernest Howard are the owners of a 5.53-acre parcel of land known as Parcels 10 and 11, Tax Map 84 in Grids C-1 and C-2, said property being in the 3rd Election District of Prince George's County, Maryland, and being zoned R-R; and

WHEREAS, on November 7, 2005, Applied Civil Engineering filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 10 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 04-05100 for Mozen Estates was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on January 26, 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 26, 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/45/05), and further APPROVED Preliminary Plan of Subdivision 4-05100, for Lots 1-10 with the following conditions:

1. 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/10/03), 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 Ordinance.”

2. Prior to signature approval of the preliminary plan and Type I tree conservation plan, Phase II noise study shall be submitted for review. The Phase II noise study shall address how the noise has been mitigated to 65 dBA Ldn in outdoor activity areas and 45 dBA Ldn interior levels.

3. Prior to the approval of building permits, certification by a professional engineer with

competency in acoustical analysis shall be placed on the building permits stating that building shells of structures within prescribed noise corridors have been designed to reduce interior noise levels to 45 dBA Ldn or less.

4. Subject to approved Stormwater Management Concept Approval 36054-2005-00 and any revisions.
5. The existing deep and shallow wells found within the confines of the above-referenced property must be backfilled and sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative of the Health Department as part of the raze permit. The location of the shallow well should be located on the preliminary plan.
6. Once the house and trailer are vacated, the abandoned septic tanks serving both residences must be pumped out by a licensed scavenger and either removed or backfilled in place as part of the grading permit.
7. A raze permit is required prior to the removal of any of the structures on site. A raze permit can be obtained through the Department of Environmental Resources, Office of Licenses and Permits. Any hazardous materials located in any structures on site must be removed and properly stored or discarded prior to the structures being razed and the wells and septic systems properly abandoned before the release of the grading permit.
8. Prior to signature approval of the preliminary plan, the TCPI shall be revised to show the configuration of the proposed house location and type for Lot 2 as is shown in the noise study stamped as received on January 23, 2006. In addition, the noise mitigation measures shall be provided for the outdoor activity area in the rear of Lot 2 in a combination that results in a barrier at least 6 feet in height from end to end.
9. Prior to approval of the final plat of subdivision, the applicant, his heirs, successors and or assignees shall pay a fee-in-lieu of parkland dedication.
10. 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 bikeway signage. A note shall be placed on the final plat for payment to be received prior to the issuance of the first building permit.
11. Prior to signature approval of the preliminary plan, the Natural Resources Inventory, NRI/123/05, shall be revised to eliminate Parcel 10 from the subject site and adjust the plan quantities with respect to the forest stand boundary, forest stand acreage, and gross acreage of the site. The FSD text shall be revised to reflect the forest stand acreage.

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 subject property is located in the southeast intersection of Old Largo Road and Hollow Log Drive.
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)	Residential	Residential (single family)
Acreage	5.06	5.06
Lots	0	10
Parcels	1	1
Dwelling Units:		
Detached	1	10
	(To be removed)	

Public Safety Mitigation Fee

No

4. **Environmental**—The Environmental Planning Section has reviewed the revised Preliminary Plan of Subdivision for Mozen Estates, 4-05100, and the revised Type I Tree Conservation Plan, TCPI/45/05, stamped as received December 30, 2005. The Environmental Planning Section recommends approval of Preliminary Plan 4-05100 and Type I Tree Conservation Plan TCPI/45/05 subject to conditions.

Background

The Environmental Planning Section has no records of any previous applications for this property. This preliminary plan proposes 10 lots in the R-R Zone. Parcel 10 has been eliminated from the application. The details of this are discussed in the Environmental review.

Site Description

This 5.06-acre property in the R-R Zone is on the east side of Old Largo Road and the south side of Hollow Log Drive. There are no streams, wetlands or 100-year floodplains on the property. The site eventually drains into Collington Branch in the Patuxent River watershed. According to the "Prince George's County Soils Survey" the principal soils on this site are in the Croom and Sassafras series. Marlboro clay does occur on a small portion of this site. 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 scenic or historic roads will be affected by the proposed development. Old Largo Road is a nearby source of traffic-generated noise. This property is located in the Developing Tier as reflected in the approved General Plan.

Environmental Review

As revisions are made to the plans submitted, the revision boxes on each plan sheet shall be used to describe what revisions were made, when, and by whom.

The preliminary plan application has a signed Natural Resources Inventory (NRI/123/05) that was included with the application package. The revised TCPI and the preliminary plan correctly reflect the required information shown on the NRI; however, revisions to the NRI are required.

It appears as though Parcel 10 has been eliminated from the preliminary plan application. Elimination of this area from the application will affect the calculations of the amount of existing woodlands on the site. A revised NRI and FSD text are required to reflect the corrected gross acreage and forest stand acreage of the site.

According to the Countywide Green Infrastructure Plan, the southern portion of the property is within a network gap area. The properties flanking the southeast area of this site are also designated network gaps that have been developed and cannot be reasonably restored in the future. Based upon this analysis, there are no priority woodlands on-site.

Prior to signature approval of the preliminary plan, the Natural Resources Inventory, NRI/123/05, should be revised to eliminate Parcel 10 from the subject site and adjust the plan quantities with respect to the forest stand boundary, forest stand acreage, and gross acreage of the site. The FSD text should also be revised to reflect the forest stand acreage.

Largo Road is a master plan expressway and is to the west of Old Largo Road. Adequate protection and screening from traffic nuisances should be provided. Noise should be mitigated to 45 dBA Ldn or less in the interior of residential-type uses and to 65 dBA Ldn or less for outdoor activity areas for residential-type uses. The unmitigated 65 dBA Ldn ground level noise contour is not shown on the submitted preliminary plan and TCPI.

The noise model used by the Environmental Planning Section predicts that the 65 dBA Ldn ground level noise contour is approximately 196 feet from the centerline of Largo Road. The submitted plan correctly shows the location of the 65 dBA Ldn contour. The revised TCPI and preliminary plan show one residential lot, proposed Lot 2, entirely within the noise contour. This lot must be removed, or noise mitigation structures, such as earthen berms, plant materials, or fencing must be provided. If noise mitigation is proposed, the proposed mitigation shall be shown on the TCPI in a parcel and a Phase II Noise Study shall be submitted to address how noise has been mitigated to 65 dBA Ldn in outdoor activity areas and 45 dBA Ldn in interior levels.

Prior to signature approval of the preliminary plan and Type I Tree Conservation Plan, the plans should be revised to either eliminate Lot 2 and provide all residential units and their associated outdoor activity areas outside the 65 dBA Ldn noise contour, or the plans shall be revised to provide noise mitigation measures in a homeowners association parcel, in conformance with a Phase II Noise Study. The Phase II Noise Study shall address how the noise has been mitigated to 65 dBA Ldn in outdoor activity areas and 45 dBA Ldn interior levels.

Prior to the approval of building permits, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building permits stating that building shells of structures within prescribed noise corridors have been designed to reduce interior noise levels to 45 dBA Ldn or less.

According to the "Prince George's County Soil Survey" the principal soils on the site are in the Adelphia and Collington series. A small portion of the site near the north boundary of proposed Lot 3 contains Marlboro clay. The location and topography indicate that the clay layer is thin. The preliminary plan shows a retaining wall along the boundary in the area of the clay layer, which suggests that potential slope failure has been mitigated. No further action is required regarding soils or Marlboro Clay.

This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because it 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/45/04) was submitted with the preliminary plan application.

As previously discussed, Parcel 10 has been eliminated from the subject application. Elimination of this parcel reduces the gross acreage to 5.06 acres, and the total woodland on-site to 2.78 acres. Based on these quantities, the Woodland Conservation Threshold for this site has been correctly calculated as 1.32 acres. The TCPI proposes to meet the requirements by providing 1.32 acres of preservation on-site. The woodland conservation is recommended for approval on the subject lots because they are generally much larger than 20,000 square feet and the area is designated as a network gap area in the Green Infrastructure Plan. No further action is required with regard to the Woodland Conservation requirements.

According to the Stormwater Management Concept approval letter, stormwater from this site will drain to an existing stormdrain conveyance system. No further action is required with regard to stormwater management information as this time. Any conditions of approval of the stormwater concept will be reviewed by the Department of Environmental Resources.

The Department of Environmental Resources (DER), Development Services Division, has determined that the 2001 water and sewer plan designates this property in water and sewer Category 4. Water and sewer Category 3 must be obtained before recordation of a final plat.

Water and sewer lines in Hollow Log Drive abut property. Water and sewer line extensions may be required to serve the proposed subdivision and must be approved by the Washington Suburban

Sanitary Commission before recordation of a final plat.

5. **Community Planning**—The Community Planning division has reviewed the project and staff determined that the application for 11 single-family homes is not inconsistent with the 2002 General Plan Development Pattern policies for the Developing Tier. The application is in conformance with the land use recommendations of the Subregion VI Study Area Master Plan (1993).

As outlined in the 2002 General Plan, this project is located in Planning Area 70/Marlboro, which is 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. This area is included as part of the Subregion VI Study Area Master Plan (1993). The 1994 Subregion VI sectional map amendment classifies the property as in the R-R (Rural Residential) Zone with a permitted maximum of 2.17 dwelling units/acre.

The master plan identifies a primary management area (PMA) on the site's eastern border. There are no historic resources identified. Old Largo Road is an existing local road. It runs parallel and provides access to Largo Road (MD 202), which is proposed in the master plan as an upgraded expressway (E-6). Hollow Log Drive is a proposed local residential street.

6. **Parks and Recreation**—In accordance with Section 24-134 of the Subdivision Regulations, the Park Planning and Development Division recommends that the applicant pay a fee-in-lieu of parkland dedication because the land available for dedication is unsuitable due to its size and location. The proposed preliminary plan is consistent with the land use recommendations for park issues in the master plan and General Plan.
7. **Trails**—The adopted and approved Subregion VI master plan recommends that Old Largo Road be designated as a Class III bikeway with appropriate signage. Because Old Largo Road is a county right-of-way, the applicant, and the applicant's heirs, successors, and/or assignees should provide a financial contribution of \$210 to the Department of Public Works and Transportation for the placement of signage. A note should be placed on the final plat for payment to be received prior to the issuance of the first building permit.
8. **Transportation**—The application is a preliminary plan of subdivision for a residential development consisting of ten single-family detached dwellings. The proposed development would generate 8 AM and 9 PM peak-hour vehicle trips as determined using The Guidelines for the Analysis of the Traffic Impact of Development Proposals. The property is located on the east side of MD 202, approximately 1,500 feet north of the MD 202/Town Farm Road intersection.

The traffic generated by the proposed preliminary plan would impact the unsignalized intersection of:

Old Largo Road and Largo Road (MD 202)

This intersection is not programmed for improvement with 100 percent construction funding within the next six years in the current Maryland Department of Transportation Consolidated Transportation Program or the Prince George's County Capital Improvement Program:

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

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

Unsignalized intersections: The *Highway Capacity Manual* procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

The table below identifies the intersection on which the proposed development would have the most impact:

EXISTING CONDITION		
Intersection	AM	PM
	LOS/Delay (secs.)	LOS/Delay (secs.)
Old Largo Road and Largo Road (MD 202).	D/30.1	C/16.3

Staff's research of background developments revealed six developments that could potentially affect the referenced intersection. With the inclusion of trips from these developments, the analysis revealed the following results:

BACKGROUND CONDITION		
Intersection	AM	PM
	LOS/Delay (secs.)	LOS/Delay (secs.)
Old Largo Road and Largo Road (MD 202).	E/43.1	C/17.5

Citing the trip generation rates from the guidelines, the proposed development would generate 8 AM and 9 PM peak-hour vehicle trips. By combining site-generated trips with background traffic, the results are as follows:

TOTAL CONDITION		
Intersection	AM	PM
	LOS/Delay (secs.)	LOS/Delay (secs.)
Old Largo Road and Largo Road (MD 202).	E/45.6	C/17.5

The results of the analyses showed that adequate transportation facilities would continue to exist if this application is approved. Regarding site layout and on-site circulation, staff has no issue.

TRANSPORTATION STAFF CONCLUSIONS

The Transportation Planning Section concludes that adequate access roads will exist as required by Section 24-124 of the Prince George's County Code if the application is approved.

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

Finding

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 4	Middle School Cluster 2	High School Cluster 2
Dwelling Units	10 sfd	10 sfd	10 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	2.40	0.60	1.20
Actual Enrollment	3965	7218	10839
Completion Enrollment	176	112	223
Cumulative Enrollment	0	0	0
Total Enrollment	4143.40	7330.60	11063.20
State Rated Capacity	4140	6569	8920
Percent Capacity	100.08%	111.59%	124.03%

Source: Prince George's County Planning Department, M-NCPPC, December 2005

These figures are correct on the day this memo was written. They are subject to change under the provisions of CB-30-2003 and CR-23-2003. Other projects that are approved prior to the public hearing on this project will cause changes to these figures. The numbers shown in the resolution of approval will be the ones that apply to this project.

County Council bill CB-31-2003 establishes a school facilities surcharge in the amounts 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. Council bill CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts are \$7,412 and 12,706 to be paid at the time of issuance of each building permit.

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 this subdivision plan for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(B)(E) of the Zoning Ordinance.

Fire Facilities

The Prince George's County Planning Department has determined that this preliminary plan is within the required seven-minute response time for the first due fire station, Upper Marlboro Company 20, using the Seven-Minute Travel Times and Fire Station Locations Map provided by the Prince George's County Fire Department.

The Fire Chief has reported that the current staff complement of the Fire Department is 704 (101.73 percent), which is above the staff standard of 657 (95 percent) of the authorized strength of 692 as stated in CD-56-2005.

The Fire Chief has reported by letter, dated 11/01/05, that the department has adequate equipment to meet the standards stated in CB-56-2005.

11. **Police Facilities**—The Prince George's County Planning Department has determined that this preliminary plan is located in Police District II. The response standard is 10 minutes for emergency calls and 25 minutes for nonemergency calls. The times are based on a rolling average for the preceding 12 months beginning January 2005. The preliminary plan was accepted for processing by the Planning Department on 11/07/05.

Reporting Cycle	Date	Emergency Calls	Nonemergency
Acceptance Date	01/05/05-10/05/05	11.00	24.00
Cycle 1	01/05/05-11/05/05	10.00	24.00
Cycle 2			

The Police Chief has reported that the current staff complement of the Police Department is 1,302 sworn officers and 43 student officers in the academy for a total of 1,345 (95 percent) personnel, which is within the standard of 1,278 officers or 90 percent of the authorized strength of 1,420 as stated in CB-56-2005.

The response time standard of 10 minutes for emergency calls and 25 minutes for nonemergency calls were met on 11/05/05. In accordance with Section 23-122.01 of the Subdivision Regulations, all applicable tests for adequacy of police and fire facilities have been met.

12. **Stormwater Management**—Stormwater Management Concept Plan 36054-2005-00 has been

approved with conditions to ensure that water quality management for this project is achieved by rooftop disconnect, sheet flow, and conservation credits. The project will discharge into existing stormdrain conveyance system and the applicant must provide a soils report per CB-94. Development must be in accordance with this approved plan.

13. **Health Department**—The Environmental Engineering Program has reviewed the preliminary plan of subdivision for Mozen Estates and has offered the following comments:
 - a. The existing deep and shallow wells found within the confines of the above-referenced property must be backfilled and sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative of the Health Department as part of the raze permit. The location of the shallow well should be located on the preliminary plan.
 - b. Once the house and trailer are vacated, the abandoned septic tanks serving both residences must be pumped out by a licensed scavenger and either removed or backfilled in place as part of the grading permit.
 - c. A raze permit is required prior to the removal of any of the structures on site. A raze permit can be obtained through the Department of Environmental Resources, Office of Licenses and Permits. Any hazardous materials located in any structures on site must be removed and properly stored or discarded prior to the structures being razed and the wells and septic systems properly abandoned before the release of the grading permit.
14. **Historic Preservation**—The Historic Preservation and Public Facilities Planning Section has reviewed the subject area and has found that there is no effect on historic resources.
15. **Archeology**—Phase I archeological investigations were completed at the subject property. A draft report, “A Phase I Intensive Archaeological Survey of the Mozen Estate Subdivision, Landover, Prince George’s County, Maryland Subdivision #4-05100,” was submitted on December 29, 2005, and is under review by staff. No archeological investigation is required. However, the applicant will have to submit four copies of the final report that addresses staff commentss

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

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This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Eley, seconded by Commissioner Vaughns, with Commissioners Eley,

Thursday, January 26, 2006, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 16th day of February 2006.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:IT:bjs