

R E S O L U T I O N

WHEREAS, Summers is the owner of a 104.18-acre parcel of land known as Parcel 5, Tax Map 63 in Grid E-1, said property being in the 7th Election District of Prince George's County, Maryland, and being zoned R-A; and

WHEREAS, on December 29, 2005, K & P Builders filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 38 lots and 1 parcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-05140 for Mill Branch 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 May 25, 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 May 25, 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/105/04), and further APPROVED Preliminary Plan of Subdivision 4-05140, Mill Branch Property for Lots 1-38 and Parcel A with the following conditions:

1. In conformance with the 2006 Bowie and vicinity master plan, the applicant and the applicant's heirs, successors, and/or assignees shall provide a financial contribution of \$420 to the Department of Public Works and Transportation (DPW&T) for the placement of a "Share the Road With a Bike" sign. 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, wide asphalt shoulders are recommended to accommodate bicycle traffic.
2. Prior to signature approval of the preliminary plan, the preliminary plan and TCPI shall be revised to meet the following design parameters:
  - a. A minimum of 40,000 square feet of area, including the septic system, on all lots shall be unencumbered by woodland conservation;
  - b. The design of all woodland conservation areas shall provide a minimum of a 40-foot-wide useable rear yard area and a 20-foot-wide side yard area from the structure on each lot;

- c. All useable yard areas shall be located outside the PMA; and
  - d. Consideration shall be given to the consolidation of afforestation areas to provide larger blocks of contiguous woodlands.
3. A TCPII shall be approved prior to the approval of the final plat and the number shall be inserted into the plat note below. All approved afforestation areas shown on the TCPII shall be placed in conservation easements at time of final plat and the following note shall be placed on the plat:

“Certain areas of the conservation easements on this plat include afforestation areas which are proposed to regenerate as perpetual woodlands in fulfillment of woodland conservation requirements and preclude any disturbance or installation of any structure within specific areas shown on the approved tree conservation plan. Failure to comply will mean a violation of an approved Type II tree conservation plan and will make the owner subject to mitigation under the Woodland Conservation Ordinance. The tree conservation plan that governs the woodland conservation on this site is TCPII/ \_\_/ \_\_.”
4. All afforestation and associated fencing shall be installed prior to the issuance of the building permit for each lot. A certification prepared by a qualified professional may be used to provide verification that the afforestation and fence installation have been completed. It must include, at a minimum, photos of the afforestation areas and the associated fencing for each lot, with labels on the photos identifying the locations and a plan showing the locations where the photos were taken.
5. 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/105/04), 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 Ordinance. This property is subject to the notification provisions of CB-60-2005.”
6. Prior to signature approval of the preliminary plan, the preliminary plan and TCPI shall be revised to eliminate all proposed impacts to the PMA for the extension of Weary Creek Court, and on Lots 19, 20 and 21.
7. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the delineated Patuxent River Primary Management Area 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.”

8. 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.
9. Prior to the approval of the final plat, a limited detailed site plan shall be approved for Lots 33, 34, 35, and 36 to address the mitigation of noise levels in outdoor activity areas to 65 dBA Ldn if the preliminary plan and TCPI are not revised to provide a minimum of 40 feet of outdoor activity area outside the unmitigated 65 dBA Ldn noise contour.
10. At time of final plat, a scenic easement shall be established adjacent to Mill Branch Road as delineated on the preliminary plan, and a note shall be placed on the final plat as follows:

“Mill Branch Road is a county designated scenic and historic road. The scenic easement described on this plat is an area where the installation of structures and roads and/or 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.”

11. Prior to the approval of the final plat, a limited detailed site plan shall be approved for all lots adjacent to historic Mill Branch Road to address the conservation of the scenic rural viewshed through preservation, viewshed management, façade treatments and viewshed enhancement. The detailed site plan shall address but not be limited to the following:
  - a. No septic fields shall be shown in the scenic easement.
  - b. The scenic easement shall be planted with native plant materials at a stocking rate and size equivalent to a “D” bufferyard to enhance the rural character of the roadway.
  - c. The bufferyard may be counted towards the woodland conservation requirement if the stocking limits are increased to meet woodland conservation requirements.
  - d. A 100-foot building restriction line shall be delineated adjacent to Mill Branch Road.
  - e. Any facades that face the historic road shall be treated with brick or other compatible materials and shall be architecturally designed to enhance the rural character of the development.
  - f. At a minimum, all houses within 200 feet of the interior edge of the scenic easement shall be oriented toward the road. Alternative orientations may be considered at time of limited detailed site plan review.

- g. The public utility easement shall be placed between the right-of-way and scenic easement so that existing and proposed vegetation will not be disturbed, to the extent possible, due to utility installation.
- 12. The development of this property is subject to approved Stormwater Management Concept Approval 2708-2006-00 and any revisions.
- 13. **US 301/Mill Branch Road-Excalibur 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; and (c) have a construction timetable agreed to by SHA:

Provide a shared left and through lane, and an exclusive right turn lane on the westbound approach (Mill Branch Road) of the intersection.

- 14. The applicant, his heirs, successors, and/or assigns, shall reserve the portion of the subject property as right-of-way for the proposed US 301 upgrade (F-10), as recommended in the Bowie-Collington-Mitchellville and Vicinity Master Plan, per the requirements of Sections 24-139, 24-140, and 24-141 of the Subdivision Regulations. This reservation shall be subject to the following requirements:
  - a. The reservation period shall continue for three years and commence with the recordation of a reservation plat recorded with the final plat of subdivision. The reservation area shall also be shown on the final plat. The reservation plat shall comply with all requirements for recording plats among the Land Records of Prince George's County.
  - b. At the end of the reservation period, if the reservation has not been renewed or if the land reserved has not been acquired for public use and proceedings for acquisition have not been initiated, the reservation shall expire. Prior to the expiration of the three-year reservation period and with the written consent of all land owners, the Planning Board may renew the reservation for additional periods of time (not less than one year) if agreeable to the land owners.
  - c. During the reservation period, no building or structure, other than validly approved utilities, roads and public infrastructure, shall be erected upon the reserved land unless otherwise approved by the Planning Board. No trees, topsoil, or cover shall be removed or destroyed, no grading shall be done, and no drainage structures shall be built so as to discharge water upon the reserved land except as provided in Section 24-140(d) of the Subdivision Regulations.
  - d. All reserved land shall be maintained by the owner as required by County law. The Planning Board shall be notified immediately upon the sale of any land so reserved.
  - e. If, prior to the expiration of the reservation period, the Planning Board determines that the reservation no longer appears necessary, the Planning Board may cancel the

reservation with the written consent of the owner.

15. The applicant shall design individual lots in accordance with the County's Low Impact Development Design Manual including the following:
  - a. Minimize structural lot coverage on individual lots.
  - b. Maximize the square footage of meadows on individual lots and encourage these areas to abut neighboring natural areas.
  - c. Utilize conservation landscaping on individual lots.
  - d. Maintain lawn areas at a maximum distance (e.g., 40 feet) from all structures.
16. All septic fields shall be located beyond 50 feet of Mill Branch Road right-of-way and shall be restored to meadow condition if they are beyond 40 feet from any structure.
17. The 65 dBA line and 300-foot minimum yard depth shall be shown from the ultimate US 301 right-of-way along the western boundary line of the development.
18. Grading of the site shall progress from the northwest to the southeast (from Mill Branch Road to Mill Branch).
19. Mill Branch Road shall be improved as a rural primary road in accordance with County standards. Street lights shall be avoided, subject to DPW&T approval.
20. Lot 17 shall be increased to 50,000 square feet or greater.
21. The garage and driveway on Lots 6 and 35 shall be flipped from one side of the house to the other.
22. The pavement width of all streets within the subdivision shall be no greater than 24 feet, swales shall be provided instead of curb and gutter, streetlights shall be avoided, and street trees shall not be regularly placed along the road, but shall be clustered in irregular groupings along the right-of-way in the numbers required, subject to DPW&T approval.

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 southeast of the intersection of Mill Branch Road and Crain Highway (US 301), fronting on both public rights-of-way. The abutting properties are zoned R-A and are generally undeveloped. To the north across Mill Branch Road are R-A and O-S-zoned properties, generally undeveloped and agriculturally used. The general character of the surrounding neighborhood is rural.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	R-A	R-A
Use(s)	Vacant	Single-family residential
Acreage	104.18	104.18
Lots	0	38
Parcels	1	1
Dwelling Units:		
Detached	1 (to be razed)	38
Public Safety Mitigation Fee		No

4. **Environmental**—There are streams, wetlands, and 100-year floodplains found on this property. The site is approximately one-quarter wooded and contains areas of agricultural fields on the other three-quarters. The soil series found on this property include the Collington and Mixed Alluvial land. Some of these soils generally have limitations with respect to impeded drainage or seasonally high water. Collington soils pose few problems for development and have a K factor of 0.28. Mixed alluvial land may experience a high water table and flood hazard in certain circumstances. Marlboro clays are found to occur in the vicinity of this property at elevations of 130 feet to 140 feet, which is above the elevation of this site. According to the Sensitive Species Protection Review Area (SSPRA) GIS layer, obtained from the Maryland Department of Natural Resources, Natural Heritage Program, no endangered species are found to occur in the vicinity. The portion of Mill Branch Road that fronts on the subject property is a designated scenic and historic road. The site is also located adjacent to Crain Highway (US 301), which is a master planned freeway with resultant transportation noise impacts. The property is located in the Patuxent River watershed and basin. The property is located in the Rural Tier as reflected in the *Prince George's County Approved General Plan*. According to the *Countywide Green Infrastructure Plan*, the southern and southwestern portions of the property, adjacent to the stream, include regulated areas, evaluation areas, and network gaps.

### **Natural Resources Inventory**

The preliminary plan application contained the signed Natural Resources Inventory (NRI/066/05) that was included with the application package. A revised NRI (NRI/066-05-2) was signed on May 1, 2006, to correct two errors that affected the total quantity of existing woodlands on the site. The revised TCPI and the preliminary plan show all the required information in accordance with the -02 revision to the NRI.

## **Environmental Impacts**

Wetlands, streams, and 100-year floodplains are found to occur on this property. These features and the associated buffers, including adjacent slopes in excess of 25 percent and identified forest interior dwelling species (FIDS) habitat, comprise the Patuxent River Primary Management Area (PMA) on the subject property in accordance with Section 24-101(b)(10) of the Subdivision Ordinance. The elements that comprise the Patuxent PMA have been fully and correctly identified on the TCPI and preliminary plan in accordance with the revised and signed natural resources inventory.

The Subdivision Ordinance mandates that the PMA be preserved to the fullest extent possible. Staff generally recommends approval of PMA impacts for unavoidable impacts such as the installation of public road crossings and public utilities, if they are designed to preserve the PMA to the fullest extent possible. Staff generally does not recommend approval of PMA impacts for lots, structures, or septic field clearing and grading when alternative designs would reduce or eliminate the impacts. Because of the configuration of the PMA on this site, and the adequate road access, this site can be developed without any impacts to the PMA.

A letter of justification for three proposed impacts to the PMA, dated April 19, 2006, was submitted with the revised plans. These proposed impacts are individually evaluated below:

**Area 1:** Impact Area 1 consists of 7,040 square feet of disturbance to the PMA proposed for the extension of Weary Creek Court. The request does not note that Lot 19 is also impacted by this clearing and grading. The justification letter states that this area of PMA “contains steep slopes only.” Steep slopes are those 15–25 percent in grade that are on highly erodible soils. The area actually contains severe slopes (25 percent and greater in grade) and is a drainage way directly connected to the stream system. As such this area is appropriately designated as PMA and is required to be protected under Section 24-130 of the Subdivision Ordinance.

The justification for impacts to the PMA does not indicate that impacts have been minimized to the greatest extent possible for the extension of this cul-de-sac into the PMA. Shortening the cul-de-sac by 100 linear feet would eliminate all impacts to the PMA. Staff recommends that the Planning Board find that the PMA impacts proposed in Area 1 are avoidable through minimal shortening of the cul-de-sac. Approval of this impact is not recommended.

**Area 2:** The disturbance of 868 square feet to the PMA is proposed on Lot 21 to provide the minimum 40-foot-wide useable rear yard area. The justification for impacts to the PMA does not indicate that impacts have been minimized to the greatest extent possible. The impacts proposed result from the proposed location of the structure related to the septic system. The proposed intrusions into the PMA are shown as being necessary to provide usable rear yards. These impacts can be avoided by redesigning the location of the septic system and the location of the structures or reconfiguring the lots in the area. Staff recommends that the Planning Board find that the impacts proposed in Area 2 are avoidable through redesign of the septic system and/or relocation of the dwelling. Approval of this impact is not recommended.

**Area 3:** The disturbance of 1,270 square feet of the PMA is proposed on Lot 20 to provide the minimum 40-foot-wide useable rear yard area. The justification for impacts to the PMA does not indicate that impacts have been minimized to the greatest extent possible. The impacts result from the proposed location of the structure related to the septic system. The proposed intrusions into the PMA are shown as being necessary to provide usable rear yards. These impacts can be avoided by redesigning the location of the septic system and the location of the structures or reconfiguring the lots in the area. Staff recommends that the Planning Board find that the impacts proposed in Area 3 are avoidable through redesign of the septic system and/or relocation of the dwelling. Approval of this impact is not recommended.

**Conclusion:** The three proposed impacts result in impacts to the regulated areas of the Green Infrastructure Plan and result in the placement of structures too close to a designated scenic and historic road. By reducing the length of the cul-de-sac for Weary Creek Road, and reconfiguring the proposed lots, the proposed PMA impacts can be completely eliminated, the viewshed of the scenic and historic road can be more appropriately preserved, and additional woodlands will be preserved to meet the requirements of the Woodland Conservation and Tree Preservation Ordinance as discussed below.

### **Woodland Conservation**

This property is subject to the provisions of the Woodland Conservation and Tree Preservation 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. Revised Type I Tree Conservation Plan (TCPI/105/04) was submitted with the revised preliminary plan application, based on the revised NRI, and has been reviewed. The woodland conservation threshold for this site is 43.63 acres (50 percent of the net tract). There are 27.32 acres of existing woodland on the site, so the woodland conservation requirement drops to the existing woodlands (27.32 acres) with two to one replacement for every acre of clearing. The total amount of required woodland conservation based on the amount of clearing currently proposed is 32.63 acres.

The revised TCPI proposes to provide the requirement with 19.42 acres of on-site preservation, and 17.81 acres of afforestation/reforestation, fulfilling the woodland conservation requirement on-site. The existing woodlands that are preserved are associated with the stream buffer running along the western and southwestern boundaries of the property. The afforestation areas proposed create new woodlands within the 40-foot-wide scenic easement adjacent to Mill Branch Road and create or enhance contiguous blocks of woodlands.

The woodland on the southern boundary of the subject property is part of a contiguous block of forest interior dwelling species (FIDS) habitat which connects to the Patuxent River Park to the east of the subject property via a stream named Mill Branch. The preservation of FIDS habitat is addressed by the Patuxent River Primary Management Area Preservation Area as defined in Section 24-101(b)(10) of the Subdivision Ordinance. The TCPI has also been reviewed for conformance with the approved Green Infrastructure Plan. There is a network corridor adjacent to the stream that runs along the southern and southwest boundaries of the property and includes



regulated, evaluation and gap areas.

Extensive afforestation has been proposed on single-family lots. To allow for reasonable use of the proposed properties, it is not appropriate to encumber more than 50 percent of large lots with afforestation, and a minimum of 40,000 square feet should be unencumbered to allow for septic field construction and set backs. A lot-by-lot table has been included on the TCPII evaluating the level of encumbrance on the proposed lots. Thirteen of the lots have encumbrance levels of greater than 50 percent, and six of these lots have retained a minimum of 40,000 square feet of unencumbered lot area. Seven of the lots proposed have unencumbered lot areas of less than 40,000 square feet as listed below:

Lot#	Gross Tract Area	Net Lot Area	Existing Woodlands	Clearing Proposed	Afforestation/ Reforestation	Unencumbered Yard/Percentage Encumbered
19	257,631 s.f.	139,608 s.f.	257,631 s.f.	34,671 s.f.	0 s.f.	38,967 s.f. / 72 %
20	178,317 s.f.	90,707 s.f.	163,140 s.f.	16,893 s.f.	0 s.f.	31,304 s.f. / 65%
21	215,423 s.f.	113,134 s.f.	195,072 s.f.	10,782 s.f.	0 s.f.	30,160 s.f. / 73%
25	56,419 s.f.	55,929 s.f.	14,978 s.f.	0 s.f.	14,399 s.f.	34,884 s.f. / 38%
26	50,459 s.f.	50,459 s.f.	6,131 s.f.	0 s.f.	6,131 s.f.	39,501 s.f. / 22%
30	54,864 s.f.	54,864 s.f.	47,319 s.f.	30,792 s.f.	0 s.f.	38,553 s.f. / 30%
31	116,892 s.f.	94,999 s.f.	94,859 s.f.	21,782 s.f.	7,198 s.f.	39,568 s.f. / 58%

**Lot 19:** Lot 19 is a proposed 5.9-acre lot that allows only 38,967 square feet of unencumbered lot area, and does not provide a forty foot-wide active yard area between the house and the PMA. A forty-foot active rear yard area must be provided between the dwelling and the PMA. A variation request has been made for the disturbance of the PMA for the extension of Weary Creek Court. The Environmental Planning Section (EPS) recommends that the lot be revised to provide a 40 foot-wide active rear yard area and 40,000 square feet of unencumbered yard area, and eliminate all impacts to the PMA, as discussed previously.

**Lot 20:** Lot 20 is a proposed 2.08-acre lot, which provides only a 31,304 square foot unencumbered yard area, proposes placement of a structure without a 40 feet active rear yard area and proposes grading into the PMA. The lot is 65 percent encumbered with woodland conservation. A variation request has been made for the disturbance of the PMA for the extension of Weary Creek Court. EPS recommends that the lot be revised to provide a 40 foot-wide active rear yard area and 40,000 square feet of unencumbered yard area, and to eliminate all impacts to the PMA.

**Lot 21:** Lot 21 is a proposed 4.98-acre lot, which provides only a 30,160 square foot unencumbered yard area, proposes placement of a structure without a 40 feet active rear yard area, and proposes grading into the PMA. The lot is 63 percent encumbered with woodland conservation. A variation request has been made for the disturbance of the PMA. EPS recommends that the lot be revised to provide a 40 foot-wide active rear yard area and 40,000 square feet of unencumbered yard area, and to eliminate all impacts to the PMA.

**Lot 25:** Lot 25 is a proposed 1.16-acre lot in a zone where the minimum is generally two acres. A sizable back yard has been proposed, and afforestation is proposed to expand the buffer associated with a primary management area. EPS recommends no revision.

**Lot 26:** Lot 26 is a proposed 1.28-acre lot in a zone where the minimum is generally two acres. A sizable back yard has been proposed, and afforestation is proposed to expand the buffer associated with a primary management area. EPS recommends no revision.

**Lot 30:** Lot 30 is a proposed 1.25 acre lot in a zone where the minimum is generally 2 acres. The amount of unencumbered area is less than 40,000 square feet. EPS recommends that the lot be revised to provide a minimum of 40,000 square feet of unencumbered lot area.

**Lot 31:** Lot 31 is a proposed 2.68-acre lot that has less than 40,000 square feet of unencumbered lot area, and is more than 50 percent encumbered. EPS recommends that the amount of afforestation be reduced on this lot so a 40,000 square foot unencumbered area can be provided.

In order to protect the afforestation areas after planting, so that they may mature into perpetual woodlands, the afforestation must be completed prior to the issuance of building permits for each lot; afforestation areas should be protected by permanent tree protection devices, such as two-rail split fences or equivalent; and all afforestation should be placed in conservation easements at time of final plat.

## **Noise**

This property abuts US 301, a known transportation-related noise generator and a designated freeway. The Subdivision Ordinance has established requirements for lot depths that protect residential properties from adverse noise impacts. The minimum lot depth for a single-family residential structure adjacent to a freeway is 300 feet from the master planned right-of-way. All lots meet the 300-foot lot depth requirement.

The location of the 65-dBA Ldn contour has been shown on the preliminary plan and on the TCPI. Based on an Environmental Planning Section noise model, the 65 dBA Ldn noise contour is located at approximately 477 feet from the centerline of the northbound lanes of US 301. This model considers average daily traffic levels projected 10 years into the future.

Noise levels above the state standards impact the outdoor activity areas on Lots 33, 34, 35, and 36 adjacent to the master planned right-of-way. The preliminary plan and TCPI show that adequate space exists for the provision of earthen berms, plant materials, and/or fencing to provide mitigation from the noise impacts of US 301. Another option is to move the houses farther to the east away from US 301 so that each is provided an outdoor activity area that is outside the unmitigated noise contour.

No noise mitigation is proposed on the plan as currently submitted. It is recommended that the implementation of specific noise mitigation requirements for Lots 33 through 36 be addressed

through a limited detailed site plan or revisions to the plan

### **Historic Roads**

Mill Branch Road was designated as an historic road in the *Prince George's County Historic Sites and Districts Plan*, and designated as a scenic road in the *Design Guidelines and Standards for Scenic and Historic Roads, Prince George's County* (June 1994). The functional classification for Mill Branch Road is a local collector along the impacted segment. Any improvements within the right-of-way of the road are subject to approval by the Department of Public Works and Transportation (DPW&T).

On this site, the existing viewshed is of a hedgerow along the roadway with open, agricultural fields behind. An inventory of significant visual features for the frontage of the subject property located on Mill Branch Road was submitted.

To preserve the scenic viewshed along the historic road, a scenic easement, with a minimum width of 40 feet located outside of the ultimate right-of-way and exclusive of the public utility easement, has been delineated on the preliminary plan and the TCPI. Within the scenic easement, protection of significant visual elements, preservation of existing woodlands, afforestation of the scenic easement, limiting of access points, and supplemental landscaping may be appropriate to conserve and enhance the viewshed of the historic road and complement the desired rural character. A limited detailed site plan is strongly recommended for all lots adjacent to Mill Branch Road to address conservation of the scenic viewshed, through preservation of existing resources; viewshed management and enhancement; and structural treatments. The treatment of the houses that have a rear facade facing the road are of particular concern. At a minimum, all houses within 200 feet of the interior edge of the scenic easement should be designed to be oriented toward the road.

The viewshed inventory report submitted with the application provides drawings for supplemental planting proposed for all lots adjacent to Mill Branch Road, which has been incorporated into the TCPI.

### **Soils**

The soils found on this property include Collington and Mixed Alluvial land. Mixed Alluvial soils may have limitations with respect to 100-year floodplain or seasonally high water tables. The Marlboro clay map in GIS shows that it may exist at elevations between 130 and 140 feet. These elevations are above those that exist on-site. A geotechnical study will be required by the Department of Environmental Resources (DER) at time of technical stormwater management review to address the conditions of approval of the stormwater concept (11479-2005-00).

These limitations may affect the construction phase of this development; however, there are no limitations identified at this time that would affect the site design or layout other than those noted for preservation of the PMA and those required to meet the Woodland Conservation Ordinance.

DER will require a soils study addressing the soil limitations with respect to the construction of homes during the review of building permits, and soil borings will be required on each lot per CB-94-2004.

### **Water and Sewer Categories**

The water and sewer service categories are W-6 and S-6 according to water and sewer maps dated June 2003 obtained from DER, and the site will, therefore, be served by private systems.

5. **Community Planning**—The subject property is located within the limits of the 2006 *Approved Master Plan and Sectional Map Amendment for Bowie and Vicinity* (Planning Areas 71A, 71B, 74A, and 74B) (Community X). The land use recommendation for the property is large-lot residential development at up to 0.5 units per acre. The 2002 General Plan locates this property in the Rural Tier. One of the visions of the Rural Tier is the protection of large amounts of land for woodland wildlife habitat, recreation, agricultural pursuits, and preservation of the rural character and vistas that now exist. As discussed in other sections of this report, the proposed preliminary plan is consistent with both the master plan and the General Plan.
6. **Parks and Recreation**—Pursuant to Section 24-134(a) of the Subdivision Regulations, the development is exempt from the requirements of the mandatory dedication of parkland because each of the lots proposed exceeds one acre.
7. **Trails**—There are no master plan trails issues identified in the Bowie-Collington-Mitchellville and Vicinity Master Plan. However, Mill Branch Road is designated as a master plan bikeway. Staff recommends the provision of two “Share the Road with a Bike” signs along the site’s frontage.

### **Sidewalk Connectivity**

Existing roads are open section in the vicinity of the subject site. Due to the large lots proposed on the subject application, no sidewalk construction is recommended.

8. **Transportation**—The proposed development would generate 29 AM (6 in, 23 out) and 35 PM (23 in, 12 out) peak hour vehicle trips as determined using The “Guidelines for the Analysis of the Traffic Impact of Development Proposals.” The property is located between US 301 and Mill Branch Road, approximately 1,500 feet south of the US 301–Excalibur Road/Mill Branch Road intersection.

The traffic generated by the proposed preliminary plan would impact the signalized intersection of US 301 and Excalibur Road/Mill Branch Road. 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 (CTP) or the Prince George’s County Capital Improvement Program (CIP).

The subject property is located within the Rural Tier as defined in the General Plan. As such, the

subject property is evaluated according to the following standards: Links and signalized intersections: Level-of-service (LOS) [C], with signalized intersections operating at a critical lane volume (CLV) of [1,300] 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.

At the request of staff, the applicant has provided peak hour turning movement counts for the critical intersection of US 301 and Excalibur Road/Mill Branch Road. The table below identifies the result of the analysis of the traffic data:

EXISTING CONDITION		
Intersection	AM	PM
	LOS/CLV	LOS/CLV
<b>US 301/ Mill Branch Road-Excalibur Road</b>	<b>C/1211</b>	<b>D/1416</b>

The inclusion of background developments that could potentially affect the referenced intersection were identified and analyzed by staff. The analysis revealed the following results:

BACKGROUND CONDITION		
Intersection	AM	PM
	LOS/CLV	LOS/CLV
<b>US 301/ Mill Branch Road-Excalibur Road</b>	<b>C/1211</b>	<b>D/1498</b>

Citing trip generation rates from the Guidelines, the proposed development would generate 29 AM (6 in, 23 out) and 35 PM (23 in, 12 out) peak hour vehicle trips. By combining site-generated trips with background traffic, the results are as follows:

TOTAL CONDITION
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Intersection	AM	PM
	LOS/CLV	LOS/CLV
<b>US 301/Mill Branch Road-Excalibur Road</b>	C/1234	<b>E/1515</b>

The results of the analyses showed inadequate levels-of service during the PM peak hour under “existing,” “background” and “total” scenarios, pursuant to the tier level adequacy requirement.

Under the provisions of the CR-29-1994 legislation, the Planning Board may consider the use of mitigation procedures under certain circumstances. One such circumstance would be developments that affect transportation facilities along certain corridors including US 301. Under the Guidelines, when an application meets any of the eligibility requirements, the applicant must submit a transportation facility mitigation plan (TFMP) to staff for review. Pursuant to this requirement, the applicant has proffered the following improvement at the intersection of US 301/ Mill Branch Road-Excalibur Road:

Provide a shared left and through lane, and an exclusive right turn lane on the westbound approach (Mill Branch Road) of the intersection.

An analysis of the proffered improvements revealed the following results:

TOTAL CONDITION with Mitigation		
Intersection	AM	PM
	LOS/CLV	LOS/CLV
<b>US 301/Mill Branch Road-Excalibur Road</b>	C/1174	<b>D/1417</b>

One of the mathematical thresholds, which must be met with the use of mitigation, is that for intersections where the critical lane volume (CLV) is projected to be between 1,451 and 1,813 under “total” condition, the proffered improvement must reduce site generated CLV by at least 150 percent. During the evening peak hour, the proposed development would add 17 CLV,

consequently, any improvement cited as mitigation must reduce the overall intersection CLV by (150 percent of 17 =) 26. The analysis above indicated that the applicant's proffered improvement would lower the overall CLV by (1515-1417 =) 98 or 576 percent. The applicant has therefore met the requirement pursuant to mitigation guidelines.

Correspondence between the staff and the State Highway Administration (SHA) has indicated that SHA is aware of the proffered improvements and supports its implementation by the applicant.

### **Bowie and Vicinity Master Plan**

The current Bowie and Vicinity Master Plan recommends the upgrading of US 301 within Prince George's County to freeway standard. As a result of this recommendation, the northwest portion of the subject site will be impacted by this future upgrade. Consequently, staff is recommending that the applicant place the affected portion of the subject property in reservation. An April 4, 2005, letter from SHA (Veeramachaneni to Foster) to staff indicates SHA's support of reservation for the affected portion of the property.

### **Transportation Staff Conclusions**

Adequate access roads will exist as required by Section 24-124 of the Prince George's County Code if the application is approved with conditions consistent with these findings.

9. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for 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:

Impact on Affected Public School Clusters

Affected School Clusters	Elementary School Cluster 3	Middle School Cluster 2	High School Cluster 2
Dwelling Units	39 sfd	39 sfd	39 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	9.36	2.34	4.68
Actual Enrollment	5,137	7,218	10,839
Completion Enrollment	178	112	223
Cumulative Enrollment	0	14.70	30.48
Total Enrollment	5,324.36	7347.04	10,874.16

Affected School Clusters	Elementary School Cluster 3	Middle School Cluster 2	High School Cluster 2
State Rated Capacity	4,838	6,569	8,920
Percent Capacity	110.05%	111.84%	121.91%

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

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 I-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 an 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 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 public facilities and concluded the following:

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, Bowie, Company 43, using the Seven-Minute Travel Times and Fire Station Locations Map provided by the Prince George's County Fire Department.

The Fire Chief reported that the then current staff complement of the Fire Department was above the staff standard of 657 or 95 percent of authorized strength of 692 as stated in CB-56-2005. The Fire Chief reported by letter, dated November 1, 2005, 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 time standard is 10 minutes for emergency calls and 25 minutes for non-emergency calls. The times are based on a rolling average for the preceeding 12 months. The preliminary plan was accepted for processing by the Planning Department on December 29, 2005.

Reporting Cycle	Date	Emergency Calls	Non-emergency
Acceptance Date	01/05/05-11/05/05	10.00	24.00



Cycle 1			
Cycle 2			
Cycle 3			

The Police Chief reported that the then current staff complement of the Police Department was 1,302 sworn officers, 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 standards of 10 minutes for emergency calls and 25 minutes for non-emergency calls were met on November 5, 2005. 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. **Health Department**—The property is located in water and sewer service Category 6, which requires that the development be served by private water and sewer service. Section 24-104 of the Subdivision Regulations establishes that one of the purposes of the subdivision process is to ensure that adequate water and sewer facilities are available to serve the residents of the community.

At the writing of this staff report the Health Department has reviewed the perk tests and has submitted a referral dated January 13, 2006, with specific comments for many of the proposed lots. According to a May 16, 2006, referral from the Health Department, each lot now appears to have adequate percolation testing to support a minimum-sized septic recovery area of 10,000 square feet.

13. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has approved Stormwater Management Concept Plan CSD 2708-2006-00 for this development. Development must be in accordance with the approved plan or any approved revision thereto to ensure that development of this site does not result in on-site or downstream flooding.
14. **Varying Lot Size**—The applicant is proposing to use varying lot sizes as permitted by the Prince George's County Zoning Ordinance. Unlike the provision for the use of lot size averaging (R-55, R-80, R-R, and R-E Zones), the use of varying lot sizes in the R-A and O-S Zones does not require specific findings for approval. However, the minimum standards outlined in the Zoning Ordinance must be met.

The applicant is proposing to subdivide the property into 38 lots for the construction of single-family dwellings. Section 27-442(b)(Table I) of the Zoning Ordinance sets the minimum standards for varying lot sizes in the R-A Zone as follows:

- a. **The minimum lot size for 60 percent of the lots is 2 acres.**

**Comment:** Of the 38 lots proposed, 25 meet or exceed two acres, or 65 percent.

**b. One one-acre lot is permitted for each 25 acres of tract area,**

**Comment:** The site is 104.18 acres; four one-acre lots are permitted. The applicant is proposing a single one-acre lot.

**c. All remaining lots must be a minimum of 50,000 square feet,**

**Comment:** The remaining 12 lots are each over 50,000 square feet.

**d. All lots created shall be restricted to single-family dwellings or agricultural uses, and**

**Comment:** The lots are proposed for the construction of single-family dwelling units.

**e. No portion of the subdivided tract shall be resubdivided unless under certain circumstance.**

**Comment:** A new preliminary plan of subdivision would be required to divide the property, further ensuring conformance to this condition.

The applicant's proposal conforms to varying lot size standards. The subject property is located in the Rural Tier, where the preservation of rural character is encouraged. To retain the rural character of the viewshed along historic Mill Branch Road, a 100-foot building restriction line has been delineated, and all structures are located behind the building restriction line. All lots abutting Mill Branch Road exceed two acres in area.

15. **Historic Preservation**—The project area has Mill Branch in its southern boundary and an unnamed branch of Mill Branch runs through the property. Numerous prehistoric sites are located in the vicinity. Prehistoric archeological sites are known to exist in settings similar to that in the project area. The 1861 Martenet map shows the W.D. Bowie, Jr. residence to the east of the subject property. Over seven prehistoric archeological sites are within one mile of the property, and a possible prehistoric burial was identified approximately one quarter-mile west of the property.

Phase I archeological investigations should be conducted according to Maryland Historical Trust (MHT) guidelines, *The Standards and Guidelines for Archeological Investigations in Maryland* (Shaffer and Cole 1994), and report preparation should follow MHT guidelines and the *American Antiquity* or *Society of Historical Archeology* style guide. Archeological excavations should be spaced along a regular 15-meter or 50-foot grid and excavations should be clearly identified on a map to be submitted as part of the report.

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 Squire, seconded by Commissioner Vaughns, with Commissioners Squire, Vaughns and Parker voting in favor of the motion, with Commissioners Eley and Clark absent at its regular meeting held on Thursday, May 25, 2006, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 15th day of June 2006.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

TMJ:FJG:TL:bjs