

R E S O L U T I O N

WHEREAS, Matthew's Landing LLC. is the owner of a .97-acre parcel of land known as Parcel 55, Tax Map 108, C-4, said property being in the 9th Election District of Prince George's County, Maryland, and being zoned R-R; and

WHEREAS, on September 25, 2006, Landesign, Inc filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 2 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-06108 for Matthew's Landing 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 November 30, 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 November 30, 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/07/06), and further APPROVED Preliminary Plan of Subdivision 4-06108, Matthew's Landing for Lots 1 and 2 with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision the following technical corrections shall be made:
  - a. Add the existing uses of all adjoining properties (single-family dwellings).
  - b. Revise general note no. 33 to remove "prior to record plat approval," and revise to "prior to the issuance of grading permits."
2. Development of this site shall be in conformance with the Stormwater Management Concept Plan, #44487-2005-00 and any subsequent revisions.
3. The applicant, his heirs, successors, and/or assignees shall provide standard sidewalks along the property's entire street frontage unless modified by the Department of Public Works and Transportation at the time of issuance of street construction permits.
4. 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 have been designed to reduce interior noise levels to 45 dBA or less.

5. Prior to the issuance of grading permits, the applicant, his heirs, successors, and/or assignees shall demonstrate that the abandoned well at 7901 Clendinnen Drive has been 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.
6. Prior to the issuance of grading permits the applicant, his heirs, or successors shall demonstrate that the abandoned septic system has been pumped, backfilled and/or sealed in accordance with COMAR 26.04.04 by a licensed well driller or scavenger and witnessed by a representative of the Health Department.
7. 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.
8. Prior to the issuance of a grading permit for the development, a public safety mitigation fee shall be paid in the amount of \$7,560.00, (\$3,780 x two 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.
9. Prior to the removal of any of the existing structures, a raze permit must be obtained through the Department of Environmental Resources. Any hazardous materials located in the structures must be removed and properly stored or discarded prior to the structures being razed.
10. All deeds conveying lots to future homeowners within this subdivision shall include language notifying all future contract purchasers of the proximity of the property to Andrew's Air Force Base and noise levels related to military aircraft overflights. The deeds of conveyance shall include the disclosure notice. At the time of purchase contract with homebuyers, the contract purchaser shall sign an acknowledgement of receipt of the disclosure notice. This condition shall be noted on the final plat along with a description of the proximity of the development to Andrew's Air Force Base and noise levels related to military aircraft overflights.
11. Prior to the issuance of permits, a Type II Tree Conservation Plan shall be approved.
12. Development of this subdivision shall be in compliance with an approved Type I Tree Conservation Plan (TCPI/7/06). The following notes shall be placed on the Final Plat of Subdivision:

"This development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/7/06), 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 Woodland Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005.”

BE IT FURTHER RESOLVED, that the findings and reasons for the decision of the Prince George's County Planning Board are as follows:

1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.
2. The property is located on the southwest side of Clendinnen Drive, approximately 470 feet northwest of its intersection with Woodyard Road.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

Zone	EXISTING	PROPOSED
Use(s)	R-R Detached Single-Family Dwelling	R-R Detached Single-Family Dwelling
Acreage	0.9670	0.9670
Lots	0	2
Parcels	1	0
Dwelling Units:		
Detached	1 (to be razed)	2
Public Safety Mitigation Fee		Yes

4. **Environmental**—The Environmental Planning Section has reviewed the Preliminary Plan of Subdivision for Ellis’s Addition to Matthew’s Landing, 4-06108, and the Type I Tree Conservation Plan, TCPI/7/06, stamped as received on October 30, 2006. The Environmental Planning Section has previously reviewed this site for Preliminary Plan of Subdivision, 4-05146, with a Type I Tree Conservation Plan, TCPI/01/06 that was withdrawn. The proposal is for two lots in the R-R Zone.

#### Site Description

There are no streams, wetlands or 100-year floodplain on the property. The site eventually drains into 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 Sassafras series. According to available information, Marlboro clay does not occur in this 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 scenic or historic roads will be affected by the proposed development. There are no nearby sources of traffic-generated noise. The site contains an expansive network gap and a small evaluation area within the green infrastructure network of the Countywide Green Infrastructure Plan. This property is located in the Developing Tier as reflected in the 2002 General Plan.

Based on the most recent Air Installation Compatible Use Zone Study released to the public in August 1998 by the Andrews Air Force Base, aircraft generated noise is significant. The study indicates that the site is within the 65-70 dBA (Ldn) noise contour. This noise level is above the state noise standard for residential land uses. It will not be possible to mitigate noise in the outdoor activity areas; however, proper construction materials must be used to ensure that the noise inside of the residential structures does not exceed 45dBA.

A staff signed natural resources inventory, NRI/144/05, was submitted with the application. The FSD indicates one forest stand totaling 0.82 acres.

According to the Countywide Green Infrastructure Plan, the property is within a network gap. The subject property is on the southwest side of Clendinnen Road, which is southwest of Piscataway Creek. The ability to connect the network gap to the regulated area is limited by the road and the existing houses. The on-site woodland consists of a heavy concentration of invasive plants. This does not limit the opportunity to preserve woodland on this site; however, preservation may be limited to areas outside of the green infrastructure network. No further action regarding the sensitive environmental features are required.

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

The Type I Tree Conservation Plan, TCPI/7/06, has been reviewed. The plan proposes clearing 0.44 acres of the existing 0.82 acres of woodland. The woodland conservation requirement has been correctly calculated as 0.30 acres. The plan proposes to meet the requirement by providing 0.24 acres of on-site woodland conservation and 0.06 acres of off-site mitigation using fee-in-lieu. This is an appropriate use of fee-in-lieu because the amount of off-site mitigation is less than one acre total.

The Environmental Planning Section recommends approval of the Type I Tree Conservation Plan, TCPI/07/06.

According to the Prince George's County Soils Survey the principal soils on this site are in the Sassafras series. Sassafras 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 review process.

An approved Stormwater Management Concept plan and approval letter were submitted with this application. The plan is consistent with the TCPI. No further action regarding stormwater management is required.

### **Water and Sewer Categories**

The water and sewer service categories are W-3 and S-3 according to water and sewer maps obtained from the Department of Environmental Resources dated June 2003, and will therefore be served by public systems.

5. **Community Planning**—The property is located in Planning Area 81A within the Clinton Community and is within the limits of the 1993 *Approved Subregion V Master Plan & Sectional Map Amendment*. The master plan land use recommendation is for a low-suburban residential land use at up to 2.6 dwelling units per acre. This application proposes the development of two, detached single-family dwellings on just under an acre of land, and is therefore consistent with the land use recommendation within the 1993 *Approved Subregion V Master Plan & Sectional Map Amendment*.

The 2002 General Plan locates the subject property within 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 application proposes a low- to moderate-density suburban residential community and is therefore consistent with the 2002 General Plan Development Pattern policies for the Developing Tier.

This application is located south of Andrews Air Force Base in an area subject to significant noise impacts from flight operations exceeding state standards for residential land use 65dBA (Ldn). Approval of this subdivision should include a condition requiring construction techniques that are designed to reduce the adverse impact of such exposure.

The 1997 Air Installation Compatible Use Zone Study (AICUZ) prepared for AAFB by the U.S. Air Force indicates that this property is located in a 70–75 dBA (Ldn) noise exposure area. This is somewhat higher than the noise levels indicated on page 75 of the master plan text, which were based on an earlier 1989 AICUZ study. Regardless, areas exposed to noise levels exceeding state standards (65dBA [Ldn] for residential land use) should include construction techniques that are designed to reduce the adverse impact of such exposure (plan text pp.135–140). In addition, the final plat of subdivision should contain a note that discloses that the property is subject to overflights from Andrews Air Force Base and the attendant risks associated with proximity to base operations.

The property was placed in the R-R Zone via the 1993 *Approved Subregion V Master Plan & Sectional Map Amendment*.

6. **Parks and Recreation**—In accordance with Section 24-134(a) 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.

7. **Trails**—There are no master plan trails issues identified in the 1993 Approved Subregion V Master Plan that impact the subject property. The existing streets are open section with no sidewalks within the vicinity of the subject property.
8. **Transportation**—The application involves two proposed lots, one of which is already improved with a residential unit that will be razed. The proposed subdivision would involve one net new residential lot, which would have a minimal impact on adjacent roadways, therefore, a traffic impact study was not required. Access to the proposed lots would be via Clendinnen Drive, which is a secondary residential public street. This is acceptable. The property is not within or adjacent to any master plan transportation facilities.

The proposed development of one net residence would generate 1 AM and 1 PM peak-hour vehicle trip as determined using “Guidelines for the Analysis of the Traffic Impact of Development Proposals.” The site is 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 traffic controls) if deemed warranted by the appropriate operating agency.

The traffic generated by the proposed preliminary plan would impact the intersection of MD 223 and Clendinnen Drive. This intersection is unsignalized. There are no projects to improve this intersection in either the County Capital Improvement Program or the State Consolidation Transportation Program.

The Transportation Planning Section has no recent available turning movement counts at the critical intersection of MD 223 and Clendinnen Drive. Due to the limited trip generation of the site, the Prince George's County Planning Board could deem the site's impact at this location to be de minimus. The Transportation Planning Section would therefore recommend that the Planning Board find that 1 AM and 1 PM peak-hour trips will have a de minimus impact upon delay in the critical movements at the MD 223 and Clendinnen Drive intersection.

## **TRANSPORTATION STAFF CONCLUSIONS**

Based on the preceding findings, the Transportation Planning Section concludes that adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code. No transportation-related conditions are warranted at this time.

9. **Schools**— The Historic Preservation and Public Facilities Planning Section has reviewed this preliminary plan for impact on 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 5	Middle School Cluster 3	High School Cluster 3
Dwelling Units	2 sfd	2 sfd	2 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	0.48	0.12	0.24
Actual Enrollment	4,145	5,489	9,164
Completion Enrollment	97	64	127
Cumulative Enrollment	402.24	108.12	216.24
Total Enrollment	4,644.72	5,661.24	9,507.48
State Rated Capacity	3,771	6,114	7,792
Percent Capacity	123.16%	92.59%	122.01%

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

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 \$7,671 and \$13,151 to be a 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 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 & Public Facilities Planning Section has reviewed this subdivision plan for fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(B)-(E) of the Subdivision Ordinance.

The Prince George's County Planning Department has determined that this property is within the required 7-minute response time for the first due fire station Clinton, Company 25, using the 7 Minute Travel Times and Fire Station Locations Map provided by the Prince George's County Fire/EMS Department.

Pursuant to CR-69-2006, Prince George's County Council and the County Executive suspended the provisions of Section 24-122.01(e)(1)(A, B) regarding sworn police and fire and rescue personnel staffing levels.

The Fire Chief has reported that the department has adequate equipment to meet the standards stated in CB-56-2005.

11. **Police Facilities**—The property is located in Police District V. The response standard for emergency calls is 10 minutes and 25 minutes for nonemergency calls. The times are based on a rolling average for the preceding 12 months. The preliminary plan was accepted for processing by the Planning Department on September 25, 2006.

Reporting Cycle	Date	Emergency Calls	Nonemergency
Acceptance Date	08/05/05-08/05/06	11.00	20.00
Cycle 1	09/05/05-09/05/06	12.00	20.00
Cycle 2			
Cycle 3			

Pursuant to CR-69-2006, Prince George's County Council and the County Executive suspended the provisions of Section 24-122.01(e)(1)(A, B) regarding sworn police and fire and rescue personnel staffing levels.

The applicant may enter into a mitigation plan with the county and file such plan with the Planning Board. The applicant has entered into a Public Safety Mitigation Agreement in the amount of \$7,560.00.

12. **Health Department**—The abandoned shallow well and septic tank found adjacent to the existing house at 7901 Clendinnen Drive 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.

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 structure being razed. A note needs to be affixed to the preliminary plan



that requires that the structure is to be razed and the well properly abandoned and sealed prior the release of the grading permit

13. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan, #44487-2005-00 has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. Development must be in accordance with this approved plan
14. **Historic**—A Phase I archeological survey is not required on the property because of its small size (<1 acre). However, the applicant should be aware that the property was once part of 'His Lordship's Kindness,' also known as 'Poplar Hill,' a large estate managed and owned by the Darnall family. The estate was once over 7,000 acres in size and was originally a grant from Lord Baltimore (Charles Calvert) to Colonel Henry Darnall. The original structure, His Lordship's Kindness (PG 81A-001), located at 7606 Woodyard Road, is a National Historic Landmark.

Section 106 review may require archeological survey for state or federal agencies. Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effects of their undertakings on historic properties, to include archeological sites. This review is required when federal monies, federal properties, or federal permits are required for a project.

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 Eley, seconded by Commissioner Clark, with Commissioners Eley, Clark and Parker voting in favor of the motion, and with Commissioners Vaughns and Squire opposing the motion at its regular meeting held on Thursday, November 30, 2006, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 21st day of December 2006.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

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