PGCPB No. 07-119 File No. 4-06134/V-06134

R E S O L U T I O N

WHEREAS, Housing Authority of Prince George's County is the owner of a 18.18-acre parcel of land known as Parcel C, Tax Map 66 in Grid D-4, said property being in the 18th Election District of Prince George's County, Maryland, and being zoned R-T; and

WHEREAS, on January 24, 2007, Pepper Mill, LLC filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 96 lots and 2 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-06134 for Villages at Pepper Mill 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 June 7, 2007, 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 June 7, 2007, 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/008/07), and APPROVED Variance Application No. V-06134, and further APPROVED Preliminary Plan of Subdivision 4-06134, Villages at Pepper Mill, including a Variation from Sections 24-130 and 24-124 for Lots 1-96 and Parcels A, B, and C with the following conditions:

1. Prior to signature approval of the preliminary plan, the TCPI shall be revised as follows:

    a. Eliminate the proposed afforestation/reforestation in areas where woodland already exists.

    b. Revise the TCPI worksheet as necessary and account for the -0.17 acres of woodland that was retained but which is not part of the requirement.

    c. Add the following note to the TCP notes: "Areas preserved and planted to meet the requirements of the Woodland Conservation Ordinance shall be provided permanent fencing, as shown on the TCPII."

    d. Have the revised plan signed and dated by the qualified professional who prepared the plan.

2. During the preparation and review of the Type II Tree Conservation Plan, additional opportunities shall be explored for on-site preservation and afforestation/reforestation. Afforestation areas should be placed adjacent to existing wooded areas. Landscaped areas to be used for woodland conservation shall be properly labeled and the trees to be planted shall be counted using their 10-year projected tree canopy coverage.

3. Development of this subdivision shall be in compliance with an approved Type I Tree Conservation Plan (TCPI/008/07). The following notes shall be placed on the final plat of Subdivision:

> "Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/008/07), 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 and Tree Preservation Ordinance. This property is subject to the notification provisions of CB-60-2005. Copies of all approved tree conservation plans for the subject property are available in the offices of The Maryland-National Capital Park and Planning Commission."

4. All afforestation and associated permanent fencing shall be installed prior to the issuance of the building permit for the units closest to the afforestation area. A certification prepared by a qualified professional shall be used to provide verification that the afforestation has been completed. It shall 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. At the time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the expanded stream buffer, except for areas of approved variation requests as redesigned per the conditions of approval, 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."

6. Prior to the issuance of any permits which impact wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall submit to the M-NCPPC Planning Department copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.

7. Prior to signature approval of the preliminary plan of subdivision, a copy of the Stormwater Management Concept Approval Letter and the associated plan shall be submitted.

8. Prior to acceptance of the detailed site plan, the application shall be checked to ensure that the noise barrier shown in Figure 8 of the noise study dated April 13, 2007, is shown on the plan submitted and that all associated details are also on the plans. The detailed site plan shall also contain a note stating which lots will be subject to the condition regarding interior noise mitigation and acoustical analysis.

9. Prior to the approval of building permits for lots that are identified on the detailed site plan as needing noise mitigation, 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.

10. Prior to approval of the detailed site plan, the Applicant and the Urban Design Division of the Maryland – National Capital Parks and Planning Commission shall meet and consider reorienting the two rows of attached dwelling units that front on Private Street E so that one row faces east onto an access street running parallel to Cindy Lane and the other row faces west onto Private Street D.

11. Prior to approval of the detailed site plan, the Applicant and the Urban Design Division of the Maryland – National Capital Parks and Planning Commission shall meet and consider reorienting Lots 1-6 that currently front on Private Street C to face east onto an access street running parallel to Cindy Lane.

12. At the time of detailed site plan, the existing woodlands along the site's frontage with Central Avenue (MD 214) shall be augmented with additional vegetation to create an enhanced visual buffer, if possible.

13. At the time of detailed site plan the end units of the attached dwelling groups shall utilize attractive features on their front and on the highly visible side walls, including brick or masonry facades.

14. Prior to signature approval the area of land on the north side of Parcel B, between Parcel B and the existing Lot 2 north of the subject property, shall be incorporated into Parcel B, as shown on the Exhibit B.

15. The applicant's heirs, successors, and/or assignees shall provide standard sidewalks along both sides of all internal roads, unless modified at the time of detailed site plan.

16. Prior to the issuance of any building permits within the subject property, if deemed needed by DPW& T, the applicant's heirs, successors, and/or assignees shall provide a left-turn lane along northbound Cindy Lane per DPW&T standards. This improvement shall (a) have full financial assurances, (b) have been permitted for construction by DPW&T, and (c) have an agreed-upon timetable for construction with DPW&T.

17. Prior to signature approval of this preliminary plan, Phase I (Identification) archeological investigations, according to the Planning Board's Guidelines for Archeological Review (May 2005), are recommended on the above-referenced property to determine if any cultural resources are present.

The undisturbed areas located on the western portion of the subject property (per exhibit "C") should be surveyed for archeological sites. The applicant should submit a Phase I research plan for approval by the staff archeologist prior to commencing Phase I work. Evidence of M-NCPPC concurrence with the final Phase I report and recommendations is required prior to signature approval.

18. Upon receipt of the report by the Planning Department, if it is determined that potentially significant archeological resources exist in the project area, prior to Planning Board approval of any detailed site plan or final plat, the applicant shall provide a plan for:

Evaluating the resource at the Phase II level, or

Avoiding and preserving the resource in place.

19. If a Phase II and/or Phase III archeological evaluation or mitigation is necessary the applicant shall provide a final report detailing the Phase II and/or Phase III investigations and ensure that all artifacts are curated in a proper manner, prior to approval of any grading permits.

20. At the time of final plat applicant, his heirs, successors and/or assignees shall convey to MNCPPC ±3.9 acres of open-space land as shown on the Department of Parks and Recreation (DPR) Exhibit A. Land to be conveyed shall be subject to the following:

a. An original, special warranty deed for the property to be conveyed, (signed by the WSSC Assessment Supervisor) shall be submitted to the Subdivision Section of the Development Review Division of The Maryland-National Capital Park and Planning Commission (M-NCPPC), along with the final plat.

b. The M-NCPPC shall be held harmless for the cost of public improvements associated with land to be conveyed, including but not limited to, sewer extensions, adjacent road improvements, drains, sidewalls, curbs and gutters, and front-foot benefit charges prior to and subsequent to final plat.

c. The boundaries and acreage of land to be conveyed to M-NCPPC shall be indicated on all development plans and permits that include such property.

d. The land to be conveyed shall not be disturbed or filled in any way without the *prior written consent* of the Department of Parks and Recreation (DPR). If the land is to be disturbed, the DPR shall require that a performance bond be posted to warrant restoration, repair, or improvements made necessary or required by the M-NCPPC development approval process. The bond or other suitable financial guarantee (suitability to be judged by the General Counsel's Office, M-NCPPC) shall be submitted to the DPR within two weeks prior to applying for grading permits.

e. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to or owned by M-NCPPC. If the outfalls require drainage improvements on adjacent land to be conveyed to or owned by M-NCPPC, the DPR shall review and approve the location and design of these facilities. The DPR may require a performance bond and easement agreement prior to issuance of grading permits.

f. All waste matter of any kind shall be removed from the property to be conveyed. All wells shall be filled and underground structures shall be removed. The DPR shall inspect the site and verify that land is in acceptable condition for conveyance, prior to dedication.

g. All existing structures shall be removed from the property to be conveyed, unless the applicant obtains the written consent of the DPR.

h. The applicant shall terminate any leasehold interests on property to be conveyed to M-NCPPC.

i. No stormwater management facilities, or tree conservation or utility easements shall be proposed on land owned by or to be conveyed to M-NCPPC without the *prior written consent* of the DPR. The DPR shall review and approve the location and/or design of these features. If such proposals are approved by the DPR, a performance bond, maintenance and easement agreements shall be required prior to the issuance of grading permits.

21. Prior to the acceptance of the first Detailed Site Plan, the applicant shall meet with DPR and Urban Design Department staff and develop a package of private recreational facilities and/or fees to provide for the future recreational needs of residents of the proposed community. The minimum value of recreational facilities to be provided shall be based on the following formula:

Step 1: (N x P) / 500 = M
Step 2: M x S = Value of facilities

Where:

N = Number of units in project
P = Population per dwelling unit by Planning Area
M = Multiplier
S = Standard value of facilities for population of 500

Additional facilities or a fee may be provided to meet the needs of residents for facilities, which cannot be provided on-site such as trails or ball fields.

The value of the package and the timing of construction or payment shall be approved as part of the Detailed Site Plan

22. The land to be conveyed to a homeowner's association or other entity shall be subject to the applicable conditions as follows:

    a. Conveyance shall take place prior to the issuance of building permits.

    b. A copy of unrecorded, special warranty deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division (DRD), Upper Marlboro, along with the final plat.

    c. All waste matter of any kind shall be removed from the property, prior to conveyance, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section, or the entire project.

    d. The conveyed land shall not suffer the disposition of construction materials, soil filling, discarded plant materials, refuse or similar waste matter.

    e. Any disturbance of land to be conveyed to a homeowner's association shall be in accordance with an approved specific design plan or shall require the written consent of the DRD. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement and stormdrain outfalls. If such proposals are approved, a written agreement and financial guarantee shall be required to warrant restoration, repair or improvements, required by the approval process.

    f. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to a homeowner's association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by DRD prior to the issuance of grading or building permits.

    g. Temporary or permanent use of land to be conveyed to a homeowner's association for stormwater management shall be approved by DRD.

    h. Stormdrain outfalls shall be designed to avoid adverse impacts on adjacent land, owned by or to be conveyed to The Maryland-National Capital Park and Planning Commission (M-NCPPC). If the outfalls require drainage improvements on land to be conveyed to or owned by M-NCPPC, the Department of Parks and Recreation (DPR) shall review and approve the location and design of these facilities. DPR may require a performance bond and easement agreement prior to issuance of grading permits.

    i. There shall be no disturbance of any adjacent land that is owned by, or to be conveyed to M-NCPPC, without the review and approval of DPR.

    j. The Planning Board or its designee shall be satisfied that there are adequate provisions to assure retention and future maintenance of the property to be conveyed.

23. Development of this site shall be in conformance with the Stormwater Management Concept Plan 7788-2006-00 and any subsequent revisions.

24. At the time of Detailed Site Plan, final determination of ownership for Parcel B shall be made so that the ownership of the property can be established with the final plat of subdivision.

25. Prior to signature approval of the preliminary plan the applicant shall revise the plan to reflect Exhibit A for Park dedication.

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 at the northeast quadrant intersection of Cindy Lane and Central Avenue (MD 214).

3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	**PROPOSED**
Zone	R-T and D-D-O	R-T and D-D-O
Use(s)	Generally vacant	Townhouse dwellings (96) Community Building (2,500 sq.ft.)
Acreage	18.18	18.18
Lots	0	96
Parcels	1	3

4. **Subdivision**—The applicant has requested a variation to 24-124-(a)(4) for Lot Depth for lots 69-72 and is also seeking approval for a Variance to 27-433 (d)(2) for the number of attached dwelling units in a building grouping.

Variation

Section 24-121(a)(4) of the Subdivision Regulations requires that residential lots adjacent to an existing arterial roadway be platted with a lot depth of no less than 150 feet. Central Avenue (MD 214) is an urban arterial road requiring lot depths of 150 feet from the right-of-way. Although the applicant has requested a variation for Lots 69-72, staff has included Lots 73-90 as part of the request due to a recommendation by Urban Design Staff to alter the orientation of the proposed lots for the townhouses. These proposed Lots (69-90) require a variation because the lots are adjacent to Central Avenue (MD 214). Proposed Lots 73–81 front on Private Street E; these lots have been designed to accommodate the required 150-foot lot depth at the front lot line. No variation is

required for these lots.

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

Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon evidence presented to it in each specific case that:

The approval of the applicant's request for Lots 69-72 and staff's recommendation for Lots 73-90 does not have the effect of nullifying the intent and purpose of the Subdivision Regulations. In fact, strict compliance with the requirements of Section 24-112 (a)(4) could undermine the objectives of the sector plan, which recommends intensive urban development in the town center.

The granting of the variation will not be detrimental to the public safety, health, or injurious to other property;

Central Avenue (MD 214) is an arterial that is proposed to become more pedestrian friendly within the town center through the provision of medians, wide sidewalks street trees and other amenities. A circulation objective for the subject property is that vehicular connections to the site are provided via Cindy Lane. The 2000 Addison Road Metro Town Center and Vicinity sector plan also notes that a steep grade change on the subject property prevents direct access to Central Avenue (MD 214). The steep grade change functions as an effective natural buffer. The proposed development has been designed in conformance with the sector plan concepts for development adjacent to Central Avenue (MD 214) and has retained the difference in grade between the residential dwellings and Central Avenue (MD 214). A landscape buffer that is heavily planted and the inclusion of a retaining wall will buffer noise and provide a visual impact from Central Avenue (MD 214) that are compatible with the character of the surrounding neighborhood. This provides a buffer to the development and furthers the public safety, health and welfare without being injurious to other properties.

The Conditions on which the variation is based are unique to the property for which the variation is sought and are not applicable generally to other properties;

This is the only large undeveloped property within the town center along Central Avenue (MD 214). It is also approximately 12-14 feet above Central Avenue (MD 214). The steep grade change and restriction on-site access, per the approved sector plan, is a condition unique to the subject property and is not generally applicable to other properties along Central Avenue (MD 214).

The variation does not constitute a violation of any other applicable law, ordinance, or

regulation;

The variation to lot depth does not constitute a violation to applicable law.

Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if strict letter of these regulations is carried out;

Due to the configuration of this site and the topographical conditions of the subject site at Central Avenue (MD 214) and Cindy Lane there are no other reasonable options that will not create a hardship for the applicant if the strict letter of these regulations were to be carried out. The current option allows for the development of the property that is consistent with the Addison Road Metro Sector Plan; therefore, staff recommends approval of the variations.

Variance

The applicant has filed for a variance to Section 27-433 (d) (2) to allow a nonstandard arrangement of attached dwelling units. Section 27-433 (d) (2) establishes a maximum number of attached dwelling units in a building grouping. Section 27-433 (d) (2) states:

There shall be not more than six (6) nor less than three (3) dwelling units (four (4) dwelling units for one-family attached metropolitan dwellings) in any horizontal, continuous, attached group, except where the Planning Board or District Council, as applicable, determines that more than six (6) dwelling units (but not more than eight (8) dwelling units) or that one-family semidetached dwellings would create a more attractive living environment, would be more environmentally sensitive, or would otherwise achieve the purposes of this Division. In no event shall the number of building groups containing more than six (6) dwelling units exceed twenty percent (20%) of the total number of building groups, and the end units on such building groups shall be a minimum of twenty-four (24) feet in width.

The applicant is proposing 14 rows of attached dwelling units, of which eight (or 58 percent of the rows) are of more than six dwelling units. This includes three rows of seven dwelling units, three rows of eight dwelling units, and two rows of nine dwelling units. The zoning code does not allow any group of attached dwelling units to contain more than eight units, and it does not allow more than 20 percent of the groups to exceed six units.

Variances may be granted provided the application meets the following criteria, contained within Section 27-230(a) of the Prince George's County Code.

(1) A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographical conditions, or other extraordinary situations or conditions;

The 18.18 acre site is the only large undeveloped site in the town center area. The shape and

topography facilitate buffering and screening from surrounding properties on Central Avenue (MD 214). The shape and topographical conditions also dictate the configuration of the proposed lots. The creation of long blocks of townhouses is typical of traditional city streets, and is also typical of high density developments. These factors combine to create an extraordinary situation not generally applicable to other properties in the area.

(2) The strict application of this Subtitle will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property;

The hardship to the owner would be the loss of multiple lots. If the variance is not granted, these lots would need to be removed from the application. The sector plan recommends intensive urban development in the town center, which is what this proposal is attempting with this development.

(3) The variance will not substantially impair the intent, purpose, or integrity of the General Plan or Master Plan.

The granting of this variance will not substantially impair the intent, purpose, or integrity of the 2000 *Approved Sector Plan and Sectional Map Amendment for the Addison Road Metro Town Center & Vicinity*. The subject site is included within the town center of the sector plan and recommends redevelopment of the site. The plan recommends medium-suburban single-family detached dwellings with the flexibility to develop townhouses, which is exactly what is proposed by the subject application.

However, the application as submitted appears to be a high-density conventional townhouse layout rather than a New Urbanist design. The townhouses shown are laid out in groups with their sole access provided on their front sides from private streets within the development. A more neo-traditional design would utilize rear alleys to provide parking and service access for the units, as well as a more connective street pattern to reduce traffic bottlenecks at the site's sole access point on Cindy Lane.

If the requested variance is approved by the Planning Board, the detailed site plan for this development should seek to incorporate more urban characteristics into the design to be in keeping with the desired character of the Addison Road Metro Town Center. Staff supports this variance request for these reasons.

5. **Environmental**—This 18.18-acre property in the R-T Zone is located on the north side of Central Avenue (MD 214) approximately 2,500 feet east of Addison Road between the intersection of Cindy Lane and Central Avenue (MD 214). Streams, 100-year floodplain, and severe slopes, are found to occur on the property. There are transportation-related noise impacts associated with the site. Central Avenue (MD 214) is an arterial roadway, a noise generator and generally regulated for noise. The soils found to occur according to the Prince George's County Soil Survey include Collington, Keyport, Mixed Alluvial and Sassafras. According to available information, Marlboro clay is not

found to occur on this property. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. No designated historic or scenic roads abut this property. This property is located in the Beaverdam Creek watershed in the Anacostia River basin. The site is in the Developed Tier according to the approved 2002 General Plan. The site contains gap areas, evaluation areas, and regulated areas within the network of the Countywide Green Infrastructure Plan.

Landover and Vicinity Master Plan Conformance

The subject property is located within the Analysis Area S-6 of the Landover and Vicinity Master Plan and Sectional Map Amendment Plan. There are no specific environmental recommendations or designed standards that require review of conformance. The environmental requirements for woodland conservation, stormwater management and noise are addressed in the Environmental Review section below.

Countywide Green Infrastructure Plan Conformance

The site contains regulated areas and evaluation areas within the designated network of the Countywide Green Infrastructure Plan. A stream runs along the western property line and the associated evaluation area covers the entire property. Woodland on this site has high priority for preservation because of its location within the network and adjacent to a regulated area. The plan proposes minimal impacts to the regulation portions of the site and meets the woodland conservation threshold of 2.60 acres on-site through preservation and reforestation. The design of the conservation areas provides connectivity between the preservation and reforestation areas. In addition to meeting the threshold on-site, the plan proposes preservation of the 100-year floodplain, which contains 4.31 acres of bottomland woodlands.

Environmental Review

An approved natural resources inventory, NRI/067/06, was submitted with the application. There are streams, wetlands, and 100-year floodplain on the property. A significant portion of the western side of the property contains 100-year floodplain. In a letter dated April 5, 2007, the Department of Public Works and Transportation confirmed the elevation of the floodplain on the subject property. The preliminary plan and the TCPI show all the required information correctly as reflected on the revised NRI (NRI/067/06-01).

This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the site is greater than 40,000 square feet in area and contains more than 10,000 square feet of woodland. A Type I Tree Conservation Plan, TCPI/008/07, has been submitted. The woodland conservation threshold for the site is 2.60 acres based on a net tract area of 12.99 acres. An additional 2.91 acres of woodland conservation are required due to the removal of woodlands, for a total woodland conservation requirement of 5.51 acres. The plan proposes to meet the requirement with 0.48 acres of on-site preservation, 2.17 acres of afforestation and 2.86 acres of off-site

mitigation. Several revisions are required as listed below for the plan to be in conformance with the Woodland Conservation Ordinance.

Afforestation area #1 contains an area proposed for afforestation that is already wooded. The computation worksheet must be revised to address the negative acreage of woodland retained not part of any requirement (-0.17 acres). There are wooded areas to be preserved and afforested in close proximity to each other; these areas need a continuous tree protection device to separate these areas from the developable areas. Additional woodland conservation opportunities should be explored during the review of the Type II Tree Conservation Plan.; the TCPI must be revised prior to signature approval of the preliminary plan.

During the preparation and review of the Type II Tree Conservation Plan, additional opportunities should be explored for on-site preservation and afforestation/reforestation. Afforestation areas should be placed adjacent to existing wooded areas. Landscaped areas to be used for woodland conservation should be properly labeled and the trees to be planted should be counted using their 10-year projected tree canopy coverage. Development of this subdivision should be in compliance with an approved Type I Tree Conservation Plan (TCPI/008/07). A note detailing the restrictions of the TCP should be placed on the Final Plat of Subdivision.

All afforestation and associated permanent fencing should be installed prior to the issuance of the building permit for the units closest to the afforestation area. A certification prepared by a qualified professional should be used to provide verification that the afforestation has been completed. It should 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.

The site contains significant environmental features that are required to be protected by Section 24-130 of the Subdivision Regulations. All disturbances not essential to the development of the site as a whole are prohibited within stream and wetland buffers. Essential development includes such features as stormwater pond outfalls, public utility lines, road crossings, and so forth, which are mandated for public health and safety.

The preliminary plan shows the expanded buffer correctly as shown on the signed NRI. The Subdivision Regulations require the preservation of the expanded stream buffer in a natural state (Section 24-130(b)(6) and (7)) unless the Planning Board approves a variation request and can make the required findings of Section 24-113. The TCPI as submitted shows three impacts associated with sanitary sewer connections; two impacts associated with stormwater management pond outfalls and one impact for a water line connection (and a trail as required by M-NCPPC Department of Parks and Recreation).

Variation requests are generally supported for impacts that are essential to developments, such as road crossings to isolated portions of a parcel or impacts for the construction and installation of necessary public utilities, if the impacts are minimized. In this case, the impacts requested are

limited to those necessary for the proposed development, mainly due to the location of the site and the need to connect to the sanitary sewer system.

Review of the Variation Requests

Impact Areas A, B and E for Sanitary Sewer Connections

These impacts are for the construction of the sanitary sewer connections to provide public sanitary sewer service for the proposed development. The proposed impact is 1,391 square feet for Area A, 841 square feet for Area B, and 477 square feet for Area C.

Impact Areas C and D for Stormwater Management Outfalls

These areas of impact are for the construction of the stormwater management outfalls that are part of the required infrastructure for the proposed development. Impact Area D is assumed to be for an outfall structure that is required for all stormwater management ponds. The proposed impact is 744 square feet for Area C and 1,789 square feet for Area D.

Impact Area F for the Water Line and Trail

This area of impact is for the construction of a water line connection to provide public water service for the proposed development. The proposed trail will be located in the area to be disturbed for the water line. The proposed expanded buffer impact is 3,378 square feet.

Analysis of Requested Impacts

The following is analysis of Section 24-113 of the Subdivision Regulations which contains four required findings [text in bold] to be made before a variation can be granted.

Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon evidence presented to it in each specific case that:

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

The installation of sanitary sewer connections, stormwater management pond outfalls and water line connections are required by other county regulations to provide for public safety,

health and welfare. All designs of these types of facilities are reviewed by the appropriate agency to ensure compliance with the regulations. These regulations require that the designs are not injurious to other property.

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

The specific topography and location of the site require the use of sewer connections and stormwater management outfalls in the places shown on the plan. The water line is required to loop back on itself and the location shown is the most logical connection. Placing the trail within the disturbed area for the water line reduces overall impacts on the site.

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

The installation of sanitary sewer connections, stormwater management outfalls and water line connections are required by other regulations. The proposed impacts are not a violation of any other applicable law, ordinance or regulation because permits from other agencies will also be required prior to construction.

(4) Because of the peculiar physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulation is carried out.

The topography provides no viable alternatives for the conceptual locations of the sewer line connections, stormwater management outfalls and the water line connection.

At the time of final plat, a conservation easement should be described by bearings and distances. The conservation easement should contain the expanded stream buffer, except for areas of approved variation requests as redesigned per the conditions of approval, and should be reviewed by the Environmental Planning Section prior to approval of the final plat. A note describing the conservation easement should be placed on the final plat.

Prior to the issuance of any permits which impact wetlands, wetland buffers, streams or Waters of the U.S., the applicant should submit to the M-NCPPC Planning Department, copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.

Copies of the Stormwater Management Concept Approval Letter and the associated plan were not submitted with this application. A proposed stormwater management plan was submitted with the original submittal package. The plan shows the requirements being met with a stormwater management pond on the western portion of the site. After approval of the concept plan has been obtained, a copy of the approval letter and associate plan must be submitted for the file.

The subject property abuts Central Avenue (MD 214) to the north, a major noise generator. Based on the Environmental Planning Section noise model, the 65 dBA Ldn noise contour is located approximately 477 feet from the centerline of Central Avenue (MD 214) and the plans reflect this contour. The TCPI shows numerous lots that will be impacted by the traffic-generated noise. In order to reduce interior noise levels to 45 dBA Ldn or less, the building shells will be required to be constructed with special materials. Exterior noise levels for the outdoor activity areas must be mitigated to 65 dBA Ldn or less. Based on the unmitigated noise contour, noise levels within outdoor activity areas on proposed Lots 58–96 exceed the state acceptable noise standard of 65 dBA (Ldn). Noise mitigation measures are required along Central Avenue (MD 214).

A Phase II noise study dated April 13, 2007, was submitted and reviewed. It concludes that several outdoor activity areas will exceed the 65 dBA (Ldn) noise standards for which noise barriers are needed. The study recommended noise walls six to eight feet tall along property lines adjacent to Central Avenue (MD 214) as shown in Figure 8 of the study. This noise barrier will need to be shown on the detailed site plan along with all necessary details. The proposed blocks of townhouses will provide noise mitigation for the other units that are more interior to the site.

Prior to acceptance of the detailed site plan, the plan should be evaluated to ensure that the noise barrier shown in Figure 8 of the noise study dated April 13, 2007, is shown on the plan submitted and that all associated details are also on the plans. The plan should also contain a note stating which lots will be subject to the condition regarding interior noise mitigation and acoustical analysis. Prior to the approval of building permits that are identified on the detailed site plan as needing noise mitigation, a certification by a professional engineer with competency in acoustical analysis should 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.

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 the subject property will, therefore, be served by public systems.

6. **Community Planning**—This application is not inconsistent with the 2002 *General Plan* Development Pattern policies for the Developed Tier. The 2000 *Approved Sector Plan and Sectional Map Amendment for the Addison Road Metro Town Center & Vicinity* retained the subject property in the underlying R-T Zone and placed Development District Overlay Zone (DDOZ) over the R-T Zone and recommends medium suburban single-family detached dwellings with the flexibility to develop townhouses. The DDOZ imposes restrictions on uses. The application proposes to subdivide the site into 96 residential lots and two parcels. The development application conforms to the land use recommendations of the 2000 *Approved Sector Plan and Sectional Map Amendment for the Addison Road Metro Town Center & Vicinity* for medium suburban density residential uses.

The subject property is located in a designated Community Center and Developed Tier. The vision

for the Developed Tier is a network of sustainable, transit-supporting, mixed- use, pedestrian-oriented, medium- to high-density neighborhoods. Community Centers are concentrations of activities, services and land uses that serve the immediate community. These typically include a variety of public facilities and services-integrated commercial, office and some residential development and can include mixed-use and higher intensity redevelopment in some communities. The proposed development is north of Central Avenue, a designated corridor, and less than one-quarter mile of the Addison Road Metro Station (a designated Community Center).

7. **Urban Design—**The subject site is part of the Addison Road Metro Town Center Development District Overlay Zone, and is designated as a component of the Baber Village subarea. The following regulations of the Development District warrant discussion at this stage of the planning process:

> **S3 (D): A front build-to line between 10 and 15 feet from the right-of-way line shall be established for the single-family attached residential dwellings within the town center.**
>
> **S3 (F): Residential garages shall be sited to reduce their visual impact on the street. Alternatives should be pursued which locate the garage towards the side or rear of a lot, or at a minimum recess the garage at least six feet from the front building façade.**
>
> **S1 (C): Vehicular entrance drives shall permit safe and clear pedestrian crossings. Sidewalk material(s) should continue across driveway aprons.**

These conditions will be addressed at the time of detailed site plan. They are intended to encourage development with urban characteristics including consistent and continuous building frontage close to the right-of-way or street, minimally obtrusive garages, and pedestrian orientation.

> **S3 (G): Residential dwellings shall front onto public streets, whenever possible.**

The property has frontage on both Central Avenue (MD 214) and Cindy Lane, existing public streets. The application shows all the proposed units fronting onto interior private streets, in an inward-focused overall arrangement. The proposed units at the southern edge of the site orient the rear elevation of the units to back to Central Avenue (MD 214). These units will have a high degree of visibility because they are located above the street-line of Central Avenue (MD 214). The plan proposes the units on this part of the site at an elevation at least 12-14 feet higher than the road. Most of the units in this area (Lots 73-81) currently face north with the rear of the lots facing Central Avenue (MD 214). This will result in a clear view into the rear of the units from near grade to the roof-line. Even with the attempt to preserve a small amount of woodland conservation between the units and the right-of-way, the view will impact the street-line. Landscaping will not be able to be planted in such a way to visually screen the units as would be desired, because of the steep incline from the right-of-way to the building pad-site.

The Urban Design Section believes that a superior development would be achieved if the two rows of

units that currently front on Private Street E in the southeast corner of the site were reoriented so that one row faced west and fronted on Private Street D and the other row faced east and fronted a private street running parallel to Cindy Lane. This would bring the plan into conformance with the above regulation by placing a row of attached units facing Cindy Lane. The sides of three rows of units would face Central Avenue (MD 214), which would provide a more consistent and appropriate public view from the road than the current plan, backing the units to Central Avenue (MD 214).

Similarly, Lots 1-6 currently face south to front on Private Street C, the main entrance driveway of the subdivision, as it enters the development. The Urban Design Section believes that a better arrangement would be to reorient this row of units to face east onto a new private access street running parallel to Cindy Lane. This would allow a continuation of the line of attached units facing towards Cindy Lane and establish a clear pattern of unit fronts facing the public right-of-way. It would also allow a more controlled circulation of traffic by reducing the number of curb cuts along the main entrance driveway of the development.

> **B1 (B) Single-family residential building types shall have masonry front facades (brick, stone, or approved equal) on at least 60 percent of the dwellings within a development project. Use of some masonry (such as brick) is encouraged on all sides of detached dwellings with brick fronts.**
>
> **B4 (J) Single-family attached residential dwellings shall incorporate two or more windows or other architectural features on the ends of units. Blank walls are not permitted.**

Both of these conditions relate to architectural elevations, which will be addressed at the time of detailed site plan. The attached housing groups in this development have a high degree of visibility from streets within and adjacent to the property and from adjoining properties. Because of the particularly high visibility of the end units in the proposed groups, the Urban Design Section recommends that the end units of the attached housing groups should be required to utilize brick or masonry front and side facades in order to create a more attractive appearance.

> **S4 (E): The bufferyard requirements within the town center shall be reduced to facilitate a compact form of development compatible with the urban character of the area surrounding the Metro station. The minimum bufferyard requirements for incompatible uses in the *Landscape Manual* shall be reduced by 50 percent within the town center. Alternative Compliance shall not be required for this reduction. A six-foot-high opaque masonry wall or other opaque screening treatment shall be provided in conjunction with the reduced width of the bufferyard between residential and commercial uses. The plant units required per 100 linear feet of property line or right-of-way shall also be reduced by fifty percent.**
>
> **S4 (F): Residential uses within the town center shall comply with the Residential Planting Requirements of the *Landscape Manual.***

The landscape standards established here are intended to promote a compact urban form, and will be reviewed as part of the detailed site plan process.

The proposed preliminary plan of subdivision is in general conformance with the requirements of the Development District Overlay Zone. The intent of the development standards above is to create a compact, transit-oriented built environment with elements of traditional urban design, and the applicant should be aware of the standards within the Addison Road Metro Town Center and adhere to those standards by introducing more urban and transit-oriented elements into the design as the planning process continues.

Landscape Manual Conformance

This development will be subject to Section 4.1 (Residential requirements), 4.3 (Parking lot requirements), 4.6 (Buffering residential development from streets), and 4.7 (Buffering incompatible uses) of the *Landscape Manual*. As noted above, the Development District Overlay Zone reduces by 50 percent of the minimum required 4.7 bufferyards.

It is noted that the preliminary plan shows a 50-foot-wide bufferyard along Central Avenue (MD 214), which is required under Section 4.6 in order to screen the rears of Lots 73-81 from Central Avenue. However, the buffer is labeled "50' Landscape Buffer per Section 4.3 of Landscape Manual." It should be labeled "50' Landscape Buffer per Section 4.6 of Landscape Manual."

If the rows of attached units currently fronting on Private Street E are re-oriented as recommended above, the sides of units rather than the rears of units will be facing Central Avenue (MD 214) in this area. While Section 4.6 of the *Landscape Manual* specifies buffering only for the rears of lots adjacent to roads, the circumstances on the site make similar screening provisions for the sides advisable. Due to the high visibility from Central Avenue (MD 214) onto the southern edge of the site, it is important that the existing woodlands in this area be retained in order to screen these lots from Central Avenue (MD 214).

Community Center Lot

The plan shows a community center on a separate parcel (Parcel B) at the northeast corner of the site, with a parking lot and independent access drive onto Cindy Lane. It is not integrated into the proposed townhouse development and appears to be designed to serve the wider neighborhood.

The proposed lot boundaries show a strip of land approximately 65-80 feet wide along the northern edge of Parcel B to be dedicated to the Homeowners' Association. There is no necessity for this land to be conveyed to the HOA, and may result in a nuisance for maintenance of the future HOA, so it should be included in Parcel B on the land of the community center.

8. **Trails**—The Approved Landover and Vicinity Master Plan and the Approved Addison Road Metro Town Center and Vicinity Sector Plan designate two master plan trail/pedestrian facilities that impact the subject site. A stream valley trail is designated along Cabin Branch. The master plan

shows Cabin Branch as a park trail corridor. The sector plan reiterates this recommendation and also proposes a connection directly into the subject site. The Department of Parks and Recreation has expressed the desire to acquire the stream valley through park dedication, with trail construction to come in the future when additional land within the stream valley is acquired.

Both the master plan and the sector plan also recommend sidewalks along both sides of Central Avenue (MD 214). These sidewalks are intended to provide access to the Addison Road Metro Station, connect residential communities with existing commercial areas, and contribute to more walkable communities. There is an existing sidewalk along the subject site's entire frontage of MD 214, as well as Cindy Lane. Staff recommends the provision of standard sidewalks along both sides of all of the internal roadways. These sidewalks will safely accommodate pedestrians in this development, and provide access to the existing sidewalks leading to the Metro.

9. **Parks**—The Addison Road Metro Town Center and Vicinity Sector Plan recommends an off-street class IV trail along the Cabin Branch Stream Valley in this area and designates the floodplain adjacent to the stream as open space. The master plan recommends the conveyance of the Cabin Branch Stream Valley to provide continuous parkland along the Cabin Branch from Central Avenue to the existing Bourne Pool and the Seat Pleasant municipal park property.

Department of Parks and Recreation staff have had discussions with the applicant regarding mandatory dedication requirements. The applicant has agreed to dedicate the floodplain area to M-NCPPC (Parcel C). In addition, the applicant is providing a private community building that will be used by members of this development and the community-at-large and a lighted trail system around the perimeter of their development.

The preliminary plan only designates ownership of Parcel B to public use. Ownership must be defined. M-NCPPC (Department of Parks and Recreation) does not want ownership of the facility. The applicant has indicated the possibility of conveying the parcel to a municipality. Final determination of ownership should be made at the time of detailed site plan review so that the ownership of the property can be established with the final plat of subdivision.

10. **Transportation**—The property is located on the north side of Central Avenue (MD 214) and west of Cindy Lane, approximately 3,000 feet east of its intersection with Addison Road. The transportation staff determined that a traffic study detailing weekday analyses was needed. In response, the applicant submitted a revised traffic study dated March 2007, that was referred for comment. The findings and recommendations outlined below are based upon a review of these materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the Guidelines for the Analysis of the Traffic Impact of Development Proposals.

Growth Policy—Service Level Standards

The subject property is located within the Developed 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) E, with signalized intersections operating at a critical lane volume (CLV) of 1,600 or better. Mitigation, as defined by Section 24-124(a)(6) of the Subdivision Regulations, is permitted at signalized intersections subject to meeting the geographical criteria in the Guidelines.

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.

Analysis of Traffic Impacts

The traffic study for this site examined the site impact at three signalized intersections listed below in addition to the intersection of site access with Cindy Lane, which is planned to be an unsignalized intersection:

MD 214/Addison Road
MD 214/Cindy Lane
MD 214/Hill Road/Shady Glen Drive

The existing conditions at the study intersections are summarized below:

EXISTING TRAFFIC CONDITIONS

Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 214 and Addison Road	1,210	1,378	C	D
MD 214 and Cindy Lane	1,151	860	C	A
MD 214 and Hill Road/Shady Glen Drive	1,269	1,071	C	B
Cindy Lane and Site Access	10.9*	10.5*	B	B

*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.

A list of background development in the vicinity of subject site was provided by staff, of which only six of the approved properties were included in the background conditions. Staff has deemed this to be appropriate considering their locations in comparison to the site. There are no additional fully

funded and/or programmed improvements for construction within the next six years in the County's Capital Improvement Program (CIP) or State's CTP in the area. Background conditions as reported in the traffic study are summarized below:

BACKGROUND TRAFFIC CONDITIONS

Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 214 and Addison Road	1,317	1,549	D	E
MD 214 and Cindy Lane	1,166	963	C	A
MD 214 and Hill Road/Shady Glen Drive	1,354	1,175	D	C
Cindy Lane and Site Access	10.9*	10.5*	B	B

*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.

The site is proposed for development as residential townhouses. The traffic study is based upon 96 residential townhouse units. The site trip generation rates shown in the traffic study are the same as the trip generation rates recommended by the Guidelines. The site trip generation is 67 AM peak-hour trips (13 in, 54 out) and 77 PM peak-hour trips (50 in, 27 out). Using these figures, the following results are obtained under total traffic:

TOTAL TRAFFIC CONDITIONS

Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 214 and Addison Road	1,326	1,557	D	E
MD 214 and Cindy Lane	1,188	969	C	A
MD 214 and Hill Road/Shady Glen Drive	1,356	1,179	D	C
Cindy Lane and Site Access	13.3*	12.9*	B	B

*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.

Given these analyses, the submitted traffic study concludes that all these intersections within the study area are operating acceptably and they would continue to operate at acceptable levels of service during both peak hours.

Both the Department of Public Works and Transportation (DPW&T) and State Highway Administration (SHA) have reviewed the submitted traffic study and provided comments that expressed general agreement with the traffic study conclusions. DPW&T indicated a concern with the number of site-oriented left-turn traffic traveling northbound along Cindy Lane. As a result, DPW&T requires a provision to have an exclusive left-turn lane along Cindy Lane at the proposed site access.

Plan Comments

Central Avenue (MD 214) is a master plan arterial with a future right-of-way of 150 feet. The preliminary plan will be required to provide for dedication of 75 feet from centerline along MD 214. Cindy Lane is an existing primary residential street with a 60-foot right-of-way, and the plan shows sufficient right-of-way through the subject property.

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 if the application is approved with conditions.

11. **Police** - The preliminary plan is located in Police District III. 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 January 24, 2007.

Reporting Cycle	Date	Emergency Calls	Nonemergency
Acceptance Date	12/04/05 12/04/06	10.00	17.00
Cycle 1			
Cycle 2			
Cycle 3			

The response time standards of 10 minutes for emergency calls and 25 minutes for nonemergency calls were met on January 24, 2007. The Police Chief has reported that the department has adequate equipment to meet the standards stated in CB-56-2005. Pursuant to CR-69-2006, the 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.

12. **Fire**—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)(1)(B)-(E) of the Subdivision Regulations. The Prince George's County Planning Department has determined that this preliminary plan is within the required 7-minute response time for the first due fire station Seat Pleasant VFD, Company 8, 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.

13. **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.

Finding

Impact on Affected Public School Clusters

Affected School Clusters	Elementary School Cluster 7	Middle School Cluster 4	High School Cluster 4
Dwelling Units	96du	96du	96du
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	23.04	5.76	11.52
Actual Enrollment	35,388	11,453	16,879
Completion Enrollment	218	52	105
Cumulative Enrollment	113.04	533.7	58.2
Total Enrollment	35,742.06	12,044.46	17,053.72
State Rated Capacity	39,187	11,272	15,314
Percent Capacity	91.20902%	106.8529%	111.3603

Source: Prince George's County Planning Department, M-NCPPC, December 2006

These figures are correct on the day the referral 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 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 unit if a building is located between I-495 and the District of Columbia; $7,000 per dwelling unit 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 unit 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 staff finds that this project meets the adequate public facilities policies for school facilities contained in Section 24-122.02, CB-30-2003, CB-31-2003, and CR-23-2003.

14. **Health Department**—The Environmental Engineering Program has reviewed the preliminary plan of subdivision and has no comments to offer.

15. **Stormwater Management**—The Department of Public Works and Transportation, Office of Engineering, has determined that on-site stormwater management is required. Stormwater Management Concept Plan 48084-2006-00 has been approved with conditions. A floodplain study is required. The applicant must provide a minimum 25-foot setback between the lot lines and the 100-year floodplain. Water quality volume and channel protection volumes are to be provided in the proposed retention pond. Development must be in accordance with this approved plan.

16. **Public Utilities Easement (P.U.E)**—The applicant has shown a 10 foot PUE contiguous and adjacent along Cindy Lane. The applicant will need to negotiate with PEPCO for nontraditional PUEs and the Washington Suburban Sanitary Commission (WSSC) for any extensions.

17. **Archeology—**Phase I (Identification) archeological investigations, according to the Planning Board's *Guidelines for Archeological Review* (May 2005), are recommended on the above-referenced property to determine if any cultural resources are present.

Findings

Cabin Branch runs along the west boundary of the subject property. The 1861 Martenet map indicates that the home of John E. Berry is located either on or close to the subject property. John E. Berry held 22 slaves in 1840, 25 in 1850, and 35 in 1860. An examination of aerial photographs indicates that there was a house or several outbuildings on the central part of the subject property in 1938. Several other buildings appear on the east side of the property in the 1965 aerial photograph. By 1993, these structures had been removed from the property and a parking lot was built on the east side.

There are seven known archeological sites within a one-mile radius of the subject property. These sites are all 20th century farmsteads or artifact scatters. There is one National Register site, a District of Columbia boundary marker (PG:72-20) and two historic sites, Old St. Margaret's Church (PG:72-7-1) and Carmody House (PG:72-6), within a one-mile radius of the subject property. The potential for the presence of prehistoric and historic archeological resources is moderate to high.

In accordance with the Planning Board's directives, as described in the *Guidelines for Archeological Review*, May 2005, and consistent with Subtitle 24-104, 121(a)(18), and 24-135.01, the subject

property should be the subject of a Phase I archeological investigation to identify any archeological sites that may be significant to the understanding of the history of human settlement in Prince George's County, including the possible existence of slave quarters and slave graves, as well as archeological evidence of the presence of Native American peoples.

18. **Historic Preservation—**The subject application has no effect on historic resources.

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 date of notice of 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 Clark, with Commissioners Squire, Clark, Vaughns and Parker voting in favor of the motion, and with Commissioner Eley abstaining at its regular meeting held on Thursday, June 7, 2007, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 21st day of June 2007.

R. Bruce Crawford
Executive Director

By Frances J. Guertin
Planning Board Administrator

RBC:FJG:IT:bjs