THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
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PGCPB No. 10-72(A) File No. 4-10001

AMENDED RESOLUTION

WHEREAS, Land & Commercial, Inc. Profit Sharing Plan is the owner of a 3.43-acre parcel of land known as Tax Map 145, in Grid D-2, said property being in the 11th Election District of Prince George's County, Maryland, and being zoned R-R; and

WHEREAS, on February 16, 2010, Land & Commercial, Inc. Profit Sharing Plan filed an application for approval of a Preliminary Plan of Subdivision for 5 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-10001 for Missouri Acres, Section 2A 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 24, 2010, 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 24, 2010, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

*WHEREAS, by letter dated April 21, 2014, the applicant requested a reconsideration of only Finding 11 and Condition 15 relating to police response time reporting; and

*WHEREAS, on May 15, 2014, the Planning Board approved the request for a waiver of the rules of procedure and a reconsideration of the analysis of the police time reporting only; and

*WHEREAS, on June 5, 2014, the Planning Board heard testimony regarding the reconsideration.

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/76/95-03), and further APPROVED Preliminary Plan of Subdivision 4-10001, Missouri Acres, Section 2A for 5 lots with the following conditions:

1. Prior to the issuance of permits or the approval of the DSP or whichever comes first, a Type II Tree Conservation Plan shall be approved.

*Denotes Amendment
Underlining indicates new language
[Brackets] and ~~strikethrough~~ indicate deleted language

2. Development of this site shall be in conformance with the Stormwater Management Concept Plan 23-2008-00 and any subsequent revisions.

3. The applicant shall provide a standard sidewalk along both sides of all internal roads, unless modified by the Department of Public Works and Transportation (DPW&T).

4. Prior to the approval of building permits the applicant and the applicant's heirs, successors and/or assignees shall demonstrate that a homeowners association has been established. The association shall include Section 1, 2, and 2A of Missouri Acres.

5. The applicant and the applicant's heirs, successors and/or assignees shall submit an additional performance bond, letter of credit, or other suitable financial guarantee for the construction of additional recreational facilities on homeowners land, prior to the issuance of building permits. Upon approval by DRD, the RFA shall be recorded among the County Land Records.

6. Prior to the approval of building permits, a revision to the approved limited detailed site plan (DSP-06044) for Section 1 Missouri Acres shall be approved by the Planning Board or its designee for the construction of additional private on-site recreational facilities on Parcel A (PM 224@37). The revision to the DSP shall provide adequate recreational facilities to serve the residents of Missouri Acres Section 1, 2 and 2A. The DSP revisions shall establish appropriate bonding amounts and additional triggers for construction if additional facilities are required. The facilities shall be provided in accordance with the *Park and Recreation Facilities Guidelines*. The DSP shall continue to ensure that the stormwater management facility is designed and landscaped as a visual amenity to the site.

7. Prior to the issuance of building permits, the applicant and the applicant's heirs, successors and/or assignees shall convey to the homeowners association (HOA) 5.7 ± acres of open space land (Parcel A). Land to be conveyed shall be subject the following:

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

   b. A copy of unrecorded, special warranty deed for the property to be conveyed shall be submitted to the Maryland-National Capital Park and Planning Commission (M-NCPPC) Prince George's Planning Department, Subdivision Section of the Development Review Division (DRD), Upper Marlboro, along with the final plat.

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

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

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

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

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

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

i. Further subdivision of this land is strictly controlled.

8. Development of this subdivision shall be in compliance with an approved Type I Tree Conservation Plan (TCPI/76/95-03). The following note shall be placed on the Final Plat of Subdivision:

"Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/76/95-03), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation Ordinance. 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, Prince George's County Planning Department."

9. A conservation easement shall be described by bearings and distances on the final plat. The conservation easement shall contain the delineated expanded buffer 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."

10. Prior to the approval of the final plat, the applicant shall work with the Historic Preservation Section to develop a street name for public Street A that more closely reflect the historic significance of the property and the vicinity.

11. The revised detailed site plan for Parcel A shall include the review and approval of interpretive signage that discusses the role of midwives in 20th century African American communities. The wording and the sign location shall be offered to the by Historic Preservation staff for comment. The trigger for demonstration of the instillation of the sign shall be determined at the time of review of the revised detailed site plan (DSP-06044).

12. **US 301 and Missouri Avenue**: Prior to the issuance of any building permit within the subject property, the applicant shall submit an acceptable traffic signal warrant study for both intersections (US 301 northbound and southbound) of Crain Highway (US 301) and Missouri Avenue to the State Highway Administration (SHA). The applicant should utilize a new 12-hour count, and should analyze signal warrants under total future traffic as well as existing traffic at the direction of SHA. If a signal or other traffic control improvements are deemed warranted at that time, the applicant shall bond the signal with SHA prior to the release of any building permits within the subject property, and install it at a time when directed by that agency. The performance of a new study may be waived by SHA if SHA determines in writing that an acceptable recent study has been conducted.

13. Light poles shall utilize dark sky techniques such as full optic cut off, unless modified by the Department of Public Works and Transportation (DPW&T).

14. Prior to the approval of the final plat for Section 2A of Missouri Acres, the public street extension (Turning Wood Court) shall be dedicated to public use to provided frontage on and direct access to the five lots which are the subject of this application.

*[~~15. Prior to the issuance of a grading permit for the development, A Public Safety Mitigation Fee shall be paid in the amount of $11,340 ($3,780 x 3 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.~~]

*[~~16~~] 15. Approval of this preliminary plan shall supersede Preliminary Plan 4-07099 (PGCPB Resolution No. 08-100) for the development of this property, Section 2A for five lots.

*Denotes Amendment
Underlining indicates new language
[Brackets] and ~~strikethrough~~ indicate deleted language

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. **Setting**—The property is located on the east side of Missouri Avenue, approximately 2,500 feet south of Crain Highway (US 301) on the west side of Missouri Avenue.

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

	EXISTING	**APPROVED**
Zone	R-R	R-R
Use(s)	Vacant	Single-family dwellings
Acreage	3.43	3.43
Lots	2*	5 (3 new)
Parcels	0	0
Dwelling Units:		
Detached	0	5
Public Safety Mitigation Fee		Yes

*These two lots currently have preliminary plan approval, but are not the subject of a record plat.

4. **Environmental**—The revised preliminary plan of subdivision and Type I tree conservation plan stamped as received on May 20, 2010 have been reviewed. The Planning Board approved Type I Tree Conservation Plan TCPI/76/95-03 subject to conditions.

The property was reviewed under Natural Resources Inventory NRI/020/07; parts of the property as Preliminary Plan of Subdivision 4-04094 and Type I Tree Conservation Plan TCPI/76/95; and Type I Tree Conservation Plan TCPI/76/95-01; and Preliminary Plan of Subdivision 4-07099 and Type I Tree Conservation Plan TCPI/76/95-02. The current application proposes the resubdivision of two lots into 5 lots located in Missouri Acres, Section 2 which results in an increase overall from 18 lots to 21 lots. This resubdivision is due to the removal of a master planned right-of-way (C-613) from 2009 Approved Subregion 5 Master Plan and Sectional Map Amendment. The Type I Tree Conservation plan covers both Section 1, 2, and 2A of Missouri Acres, a total land area of 54.22 acres.

Site Description

The subject property (Section 2 and 2A) is a 19.87-acre site located on the east side of Missouri Avenue with approximately 1,100 feet of road frontage, north of Brandywine Road (MD 381). The site is fully wooded. There are streams, wetlands, 100-year floodplains and their associated buffers on the property. The soils found on this property include Elkton and Leonardtown. These soils

have limitations with respect to impeded drainage, erodibility or seasonally high water tables. 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 lot, but forest interior dwelling species (FIDS) habitat may be present. No adverse noise impacts from transportation are anticipated related to this proposal. No designated historic or scenic roads are affected by this proposal. The property is located in the Mattawoman Creek subwatershed, in the Potomac River basin watershed, and is located in the Developing Tier as reflected in the 2002 *Prince George's County Approved General Plan*. This site is located within the designated network of the June 2005 *Approved Countywide Green Infrastructure Plan*, and contains Regulated Areas and Evaluation Areas.

Master Plan Conformance

The current project was previously reviewed for conformance with the 2009 Approved Subregion 5 Master Plan and Sectional Map Amendment, and specifically for conformance with the policies and strategies for future development contained in the Environment section of the master plan. The current project is in conformance with the Subregion 5 master plan because sensitive environmental features are proposed to be preserved in their entirety and all of the woodland conservation requirements are proposed to be met on-site.

Countywide Green Infrastructure Plan Conformance

According to the 2005 *Approved Countywide Green Infrastructure Plan*, the subject property is entirely within designated Regulated and Evaluation Areas. The current project is in conformance with the Countywide Green Infrastructure Plan because the sensitive environmental features of the site are to be preserved and the woodland conservation requirements are to be met entirely on-site.

Environmental Review

A revised and signed Natural Resources Inventory (NRI) was submitted with the current application for the portion of the application which was not part of Missouri Acres, Section 1.

This property is subject to the provisions of the Prince George's County Woodland Conservation and Tree Preservation Ordinance because the property is greater than 40,000 square feet gross tract area, there are more than 10,000 square feet of existing woodland for the overall project area, and more than 5,000 square feet of woodland clearing is proposed. A Type I Tree Conservation Plan (TCPI/76/95-03) was submitted with the preliminary plan application which provides an expanded TCP plan which includes both Sections 1, 2, and 2A.

The revised Tree Conservation Plan (TCPI/76/95-03) has been reviewed. The minimum requirement for the overall development site is 8.16 acres (20% of the net tract area) plus additional 6.21 acres due to clearing, for a total minimum requirement of 14.37 acres. The TCPI will meet the requirement with 14.37 acres of on-site preservation. No other revisions to the TCPI

are required. Development of this subdivision should be in conformance with the Type I Tree Conservation Plan (TCPI/76/95-03).

Nontidal wetlands, streams, and 100-year floodplains are found to occur on the overall development site. These features and the associated buffers comprise the expanded stream buffer in accordance with Section 24-101(b)(10) of the Subdivision Regulations. The Subdivision Regulations mandates that the expanded stream buffer be preserved to the fullest extent possible. No impacts are proposed to the expanded stream buffer.

At time of final plat, a conservation easement should be described by bearings and distances. The conservation easement should contain the delineated wetlands and their associated buffers and any streams with buffers on-site and reviewed by the Environmental Planning Section prior to approval of the final plat.

The soils found on this property are Elkton and Leonardtown. These soils have limitations with respect to impeded drainage and seasonally high water tables. Due to the extremely flat topography of this site, basements are strongly discouraged. Although these limitations may affect the construction phase of this development there are no soil limitations that would affect the site design or layout. During the review of building permits the Department of Environmental Resources (DER) may require a soils study addressing the soil limitations with respect to the construction of homes.

5. **Community Planning**—The 2002 *Prince George's County Approved General Plan* locates this property in the Developing Tier. The vision for the Developing Tier is to maintain a pattern of low-to-moderate density suburban residential communities, distinct commercial Centers, and employment areas that are increasingly transit serviceable. In addition, one of the goals of the Developing Tier section of the General Plan is to; maintain low-to-moderate density land uses (except in Centers and Corridors). This application is consistent with the 2002 General Plan Development Pattern policies for the Developing Tier by proposing a low to moderate land use density consistent with the R-R Zone.

The property is located in Planning Area 85A in the Brandywine community and within the 2009 Approved Subregion 5Master Plan and Sectional Map Amendment. The master plan land use recommendation is for Residential Low (up to 3.5 dwellings units per acre). The property was retained in the R-R Zone in the Subregion 5 Sectional Map Amendment. The preliminary plan is consistent with the land use recommendations of the master plan by proposing a low residential land use in accordance with the R-R Zone at 2.17 dwelling units an acre. There are no master plan issues associated with this proposal.

6. **Parks and Recreation**—The preliminary plan has been reviewed for conformance to the previously approved Preliminary Plan of Subdivision 4-07099, the 2009 Approved Subregion 5 Master Plan and Sectional Map Amendment, the Land Preservation and Recreational Program for Prince George's County, current subdivision regulations and existing conditions in the vicinity of the proposed development.

This preliminary plan is a resubdivision of two unrecorded lots into five lots (three new) that are a part of Section 2 of Missouri Acres (4-07099). These three additional lots will become a part of the same homeowner's association as the existing Missouri Acres Section 1 and 2. The Planning Board required private on-site recreational facilities on Parcel A (PM 224@37) in Section 1and 2 of Missouri Acres for the fulfillment of the mandatory dedication of parkland (24-135). Detailed Site Plan DSP-06044 was approved on December 5, 2006 which requires that the applicant provide a playground, six benches and two picnic tables.

To be consistent with the previous approvals, the applicant is required to fulfill the requirements of Section 24-134(a) of the Subdivision Regulations for the mandatory dedication of parkland by complementing the private recreational facilities on-site. The Urban Design Section has determined that the homeowner's parcel containing the playground is large enough to accommodate additional facilities. The Department of Department of Parks and Recreation (DPR) is in agreement that additional facilities is appropriate in this case to meet the required park dedication requirements to serve the residents of this community (Sections 1, 2 and 2A), and should be approved by a revision to the Detailed Site Plan DSP-06044.

7. **Trails**—Missouri Avenue to the west is and open section roadway with no sidewalks. The subject site includes no road frontage along this road. Subdivisions in the immediate vicinity have a variety of road cross sections, with some roads having sidewalks along both sides and other roads having no sidewalks. The Planning Board recommends sidewalks along both sides of all internal roads, consistent with previously approved Preliminary Plans of Subdivision 4-04094 and 4-07099.

The 2009 Approved Subregion 5 Master Plan and Sectional Map Amendment recommends a hiker-biker-equestrian trail in the vicinity of the subject site. However, this is shown across Missouri Avenue within the M-NCPPC parkland. To the north of the site, the proposed trail runs along Missouri Avenue, but it does not impact the subject site.

8. **Transportation**—The property is located on the east side of Missouri Avenue, approximately 2,500 feet south of US 301. The application is for a residential development consisting of five single family detached lots. The subdivision includes an area of two unrecorded lots that were reviewed pursuant to Preliminary Plan of Subdivision 4-07099.

Analysis of Traffic Impacts

The application is a preliminary plan of subdivision for a residential subdivision consisting of five single-family detached lots. The subdivision includes an area of two unrecorded lots that were reviewed and created pursuant to Preliminary Plan of Subdivision 4-07099 that are being resubdivided. Therefore, while this plan would create five lots, two of those lots are within background development in accordance with the "Guidelines for the Analysis of the Traffic Impact of Development Proposals" (Guidelines), and three lots are actually new lots. While the proposed net development would generate 4 AM (1 inbound and 3 outbound) and 5 PM (3 inbound and 2

outbound) weekday peak-hour vehicle trips, 1 AM and 2 PM trips are included in background, and the remaining 3 AM and 3 PM trips are considered to be new trips.

The traffic generated by the proposed preliminary plan would impact the following intersections, interchanges, and links in the transportation system:

- US 301 Northbound and Missouri Avenue (unsignalized)
- US 301 Southbound and Missouri Avenue (unsignalized)

Due to the small size of the subdivision, a traffic study was not required. There are available traffic counts dated May 2008 at the critical intersections. The findings outlined below are based upon a review of these materials and analyses conducted by the Transportation Planning Section, consistent with the *Guidelines.*

The subject property is located within the Developing Tier, as defined in the 2002 *Prince George's County Approved General Plan.* 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. Mitigation, as defined by Section 24-124(a)(6) of the Subdivision Regulations, is permitted at signalized intersections within any tier 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.

The following critical intersections, interchanges and links identified above, when analyzed with existing traffic using counts taken in December 2008 and existing lane configurations, operate as follow:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (CLV, AM & PM)		Level of Service (LOS, AM & PM)	
US 301 Northbound and Missouri Avenue	570.1*	721.2*	--	--
US 301 Southbound and Missouri Avenue	45.1*	+999*	--	--

*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.

None of the critical intersections identified above are programmed for improvement with 100 percent construction funding within the next six years in the current Maryland Department of Transportation "Consolidated Transportation Program" or the Prince George's County "Capital Improvement Program." Background traffic has been developed for the study area using six approved but unbuilt developments in the area and 2.1 percent annual growth rate in through traffic along all routes. The critical intersections, when analyzed with background traffic and existing lane configurations, operate as follow:

BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (CLV, AM & PM)		Level of Service (LOS, AM & PM)	
US 301 Northbound and Missouri Avenue	891.7*	+999*	--	--
US 301 Southbound and Missouri Avenue	103.7*	+999*	--	--

*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 was analyzed with the following trip distribution:

20% - North toward Dyson Road
25% - Northeast along US 301
35% - South along Missouri Avenue
20% - Southwest along US 301

The following critical intersections, interchanges and links identified above, when analyzed with the programmed improvements and total future traffic as developed using the Guidelines, including the site trip generation as described above and the distribution as described above, operate as follow:

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (CLV, AM & PM)		Level of Service (LOS, AM & PM)	
US 301 Northbound and Missouri Avenue	896.1*	+999*	--	--
US 301 Southbound and Missouri Avenue	104.8*	+999*	--	--

*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.

It is determined that the critical pair of intersections operates unacceptably as 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 needed signals if they are

deemed warranted by the appropriate operating agency. The warrant study is, in itself, a more detailed study of the adequacy of the existing unsignalized intersections. Therefore, a signal warrant study is recommended to be completed at this intersection pair. With the completion of a traffic signal warrant study at this pair of intersections along with the completion of any warranted improvements, the critical intersections can be found to be operating at or better than the policy service level defined for the Developing Tier.

Due to the limited trip generation of this site, the Prince George's County Planning Board could deem the site's impact for the three new lots at this location to be de minimus. Nonetheless, the two approved lots, along with the lots created under preliminary plan 4-07099, are subject to the findings listed above and the conditions associated with those findings. The development of this preliminary plan is subject to similar conditions.

The five lots are not within or adjacent to any master plan rights-of-way. It is noted that C-613, which was an issue on a previous subdivision, has been rerouted off of the subject site in accordance with the Approved Subregion 5 Master Plan and Sectional Map Amendment (it is noted that the same plan retains C-610 as shown in the plats for Section 1 of Missouri Acres). Missouri Avenue is now listed as a primary roadway on the same master plan, but the subject site has no frontage on that roadway.

Based on the preceding findings adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code.

9. **Schools**—The preliminary plan has been reviewed for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and County Council Resolution CR-23-2003 and the following found:

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 5	Middle School Cluster 3	High School Cluster 3
Dwelling Units	5DU	5DU	5DU
Pupil Yield Factor	.16	.13	.14
Subdivision Enrollment	.8	.65	.7
Actual Enrollment	3,867	3,923	7,081
Total Enrollment	3,871.1	3,93.7	7,081.7
State Rated Capacity	3,761	4,983	7,792
Percent Capacity	102.9%	79%	90.9%

Source: Prince George's County Planning Department, M-NCPPC, January 2007

County Council Bill CB-31-2003 established a school facilities surcharge in the amounts of: $7,000 per dwelling if a building is located between I-495 and the District of Columbia; $7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority (WMATA); or $12,000 per dwelling for all other buildings. County Council Bill CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts are $8,120 and $ 13,921 to be paid at the time of issuance of each building permit.
The school facilities surcharge may be used for the construction of additional or expanded school facilities and renovations to existing school buildings or other systemic changes.

10. **Fire and Rescue**—The preliminary plan of subdivision has been reviewed for the adequacy of fire and rescue services in accordance with Section 24-122.01(e)(1)(C) and (E) of the Subdivision Regulations.

The preliminary plan is within the 7-minute required response time for the first due fire station using the *Seven Minute Travel Times and Fire Station Locations Map* provided by the Prince George's County Fire/EMS Department.

First Due Fire/EMS Company #	Fire/EMS Station	Address
40	Brandywine	14201 Brandywine Road

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

The Fire/EMS Chief has reported that the Fire/EMS Department has adequate equipment to meet the standards stated in County Council Bill CB-56-2005.

Capital Improvement Program (CIP)

The Capital Budget and Program Fiscal Years 2010–2015, proposes replacing the existing station (Fire/EMS Company 40) and locating the new facility in the vicinity of Brandywine Road and Dyson Road.

The above findings are in conformance with the March 2008 *Approved Public Safety Facilities Master Plan* and the "Guidelines for the Mitigation of Adequate Public Facilities: Public Safety Infrastructure."

11. **Police Facilities**—The subject property is located in Police District V, Clinton. The response time standard for emergency calls for service 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 February 16, 2010.

~~*[Reporting Cycle~~	~~Previous 12 Month Cycle~~	~~Emergency Calls~~	~~Nonemergency Calls~~
~~Cycle 1~~	~~2/2009-1/2010~~	~~12 minutes~~	~~10 minutes~~
~~Cycle 2~~	~~3/2009-2/2010~~	~~12 minutes~~	~~10 minutes~~
~~Cycle 3~~	~~4/2009-3/2010~~	~~12 minutes~~	~~10 minutes~~]

*Pursuant to the memo from Major Christopher Cottillo, Prince George's County Police Department dated March 5, 2012; the police response times for the District V have been revised based on the new information provided.

*Reporting Cycle	Previous 12 Month Cycle	Emergency Calls	Nonemergency Calls
Acceptance Date 2/16/2010	2/2009-1/2010	7.5 minutes	23.3 minutes
Cycle 1			
Cycle 2			
Cycle 3			

*The response time standards of 10 minutes for emergency calls and the 25 minutes for nonemergency calls were met on April 13, 2010. Therefore, the Public Safety Mitigation Fee Commitment form, executed by the applicant on June 24, 2010, is hereby null and void and shall no longer have any force and effect or be required under this approval. Condition 15, which required the payment, is hereby deleted in its entirety.

*[~~The response time standards of 10 minutes for emergency calls were not met while 25 minutes for nonemergency calls were met on April 13, 2010.~~

~~The rolling twelve-month average for response times in District V were provided for three monthly cycles following the acceptance of the application. The response time standards of 10 minutes for emergency calls was not met by the third monthly cycle.~~

~~Pursuant to the *Guidelines for the Mitigation of Adequate Public Facilities: Public Safety Infrastructure* (Guidelines) (CR-78-2005) the applicant may enter into a mitigation agreement if the actual response times for both emergency calls and non-emergency calls do not exceed twenty percent above the respective required response times. In this case the response time reports for emergency calls do not exceed twenty percent.~~

*Denotes Amendment
Underlining indicates new language
[Brackets] and ~~strikethrough~~ indicate deleted language

~~In accordance with County Council Resolution CR-78-2005, the applicant may offer to mitigate by paying a mitigation fee per dwelling unit, providing in kind services or pooling resources. The applicant in this case has executed a mitigation plan which is an agreement to pay a mitigation fee per dwelling unit prior to the approval of a grading permit for the site. The agreement has been filed with the Planning Board and is a part of the record with this preliminary plan of subdivision.~~

~~**Public Safety Mitigation Fee**~~

~~The mitigation fee is $3,780 per dwelling unit based on the failed rolling average response time for Police District V. County Council Resolution CR-78-2005 indicates that beginning in Fiscal Year 2007, the fee will be adjusted by July 1 of each year by the percentage change in the Consumer Price Index (CPI) for All Urban Consumers published by the United States Department of Labor from the previous fiscal year. The number was derived from the costs associated with building and equipping police stations to house the police officers that are necessary to help meet the response times. The Public Safety Surcharge is not reduced by the payment of any Public Safety Mitigation Fee.~~

~~**Mitigation Agreement**~~

~~The applicant has decided to solely pay a mitigation fee. In accordance with the *Guidelines* the ratified mitigation plan has been made a part of the application and record for the preliminary plan. Pursuant to County Council Bill CB-56-2005, the Plan was filed with the Planning Board to allow for the approval of the applicant's preliminary plan where approval would have been otherwise denied due to failure of the adequate facilities test. The applicant has ratified the mitigation agreement.~~

~~In this case the applicant is proposing to resubdivide two lots into five. This preliminary plan would result in three new lots from what was approved with Missouri Acres Section 2 (4-07099). In that case the applicant was not subject to a mitigation plan because the police and fire response times were adequate at that time.~~

~~However, this application is a new preliminary plan of subdivision. The two lots which were approved with 4-07099 will no longer exist in the configuration approved by the Planning Board. The applicant had filed a request for reconsideration of 4-07099 to address the issue of the master plan right-of-way (ROW) which would have allowed the applicant to proceed based on the adequate police and fire response time test that existed at the time of approval of Preliminary Plan of Subdivision 4-07099. The Planning Board did not grant the applicants request, so the subject preliminary plan was filed.~~

*Denotes Amendment
Underlining indicates new language
[Brackets] and ~~strikethrough~~ indicate deleted language

~~The Planning Board determined that the circumstances in this case, as it relates to the ability for the applicant to resubdivide the two unrecorded lots, are unique to this development. The applicants ability to resubdivide is due to the removal of C-613 from the master plan subsequent to the approval of the original preliminary plan creating Lots 6 and 7 (4-07099). The Planning Board in their discretion found that in this case that the mitigation fee is applicable only to three of the five lots in the subdivision.~~]

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

12. **Health Department**—The Environmental Engineering Program has reviewed the preliminary plan of subdivision for Missouri Acres and has no comments to offer for the area of the site which is the subject of this application.

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 23-2008-01 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.

The Stormwater concept plan approval letter contains nine conditions. Condition 7 of that approval requires the dedication of C-613 within the subdivision. However, as noted in the Community Planning Section of this report the 2009 Approved Subregion 5 Master Plan and Sectional Map Amendment realigned C-613 to the south off the Missouri Acres property and is therefore no longer applicable to the development of this site.

14. **Water and Sewer Categories**—Section 24-122.01(b)(1) states that "the location of the property within the appropriate service area of the Ten-Year Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for preliminary or final plat approval."

The 2008 *Water and Sewer Plan* placed this property in Water and Sewer Category 4, Community system adequate for development planning.

15. **Historic**—The property was previously reviewed under Preliminary Plan No. 4-07099 Section 2. A Phase I archeological survey was conducted on the property in May 2008. The Historic Preservation Section (HPC) received four copies of the final report, *A Phase I Archaeological Survey of Missouri Acres Residential Subdivision, Section 2, Missouri Avenue, Brandywine, Prince George's County, Maryland, Subdivision PP #4-07099*. Two historic archeological sites were identified on the property: 18PR935 a 20th century farmstead, and 18PR936 a 20th century African American house site. Due to the lack of intact deposits and research potential of both sites, no further archeological work was recommended. HPC concurs that no further archeological work is necessary on the Missouri Acres, Section 2 property. However, HPC requested that an interpretive sign, discussing the history of the African American house site, 18PR936, be placed on the property. Suggested interpretive text was submitted with the final report, in partial fulfillment of Condition 15, PGCPB Resolution No. 08-100 File 4-07099 dated July 10, 2008. There are only a few minor corrections that should be reviewed and approved by Historic Preservation staff, which will occur with the review of the revision to DSP-06044 for the addition of Section 2 and 2A.

16. **Background**—The subject property is located on Tax Map 145, in Grid D-2. The property is zoned R-R and is 3.43 acres. The property is a portion of land which is also the subject of Preliminary Plan of Subdivision 4-07099 for 18 lots (14 new) (Missouri Acres Section 2) approved by the Planning Board on July 10, 2008 (PGCPB Resolution No. 08-100). The subject application for Missouri Acres Section 2A is a proposed resubdivision of two unrecorded lots (Lots 6 and 7) which are located within Section 2, an extension of Missouri Acres Section 1 for 29 lots (4-04094). The preliminary plan for Section 2 of Missouri Acres is valid until December 31, 2010 pursuant to the adoption of County Council Bill CB-008-2009 that extended the validity period. Section 1 is recorded in land records, Section 2 has not yet obtained final plat approval and recordation. Upon the approval of Preliminary Plan of Subdivision 4-10001, it will supersede the validity of Preliminary Plan of Subdivision 4-07099 on this portion of Section 2. Conditions of approval of Preliminary Plan of Subdivision 4-07099 (PGCPB Resolution No. 08-100) have been brought forward with this approval as applicable.

The property is a part of existing Parcel 47 (17.96 acres) which was the result of a lot line adjustment deed with Parcel 45. That "Boundary Line Adjustment Deed" was recorded in land records in Liber 28847 folio 733 on October 26, 2007. The preliminary plan for Section 2, which this subdivision is within, also included Lots 13 thru 16, Block A from Section 1 which were recorded in land records in Plat Book PM 224@38.

Lots 6 and 7 are located fronting a proposed (Section 2) public street which will extend from Turning Wood Court (PM 224@38) and terminate in a cul-de-sac (Street A). In order to ensure that the five lots that are the subject of this approval have frontage on and direct vehicular access to a public street, sequential platting of the subdivision is required. Prior to the approval of the final plat for Section 2A of Missouri Acres, the public street extension from Turning Wood Court should be dedicated to public use to provided street frontage to the five lots which are the subject of this application.

Missouri Acres Section 1 was approved by the Planning Board with conditions of approval that required that the applicant provide private on site recreational facilities to serve the residents. Subtitle 27 of the Zoning Ordinance requires a detailed site plan for private recreational facilities; however a detailed site plan is not required for the entire subdivision. Subsequent to the approval of the preliminary plan the applicant filed Detailed Site Plan DSP-06044 for the construction of the private recreation facilities on Parcel A (1.89 acres). The DSP was approved by the Planning Boards designee on December 5, 2006 in accordance with the *Park and Recreation Facilities Guidelines* and includes a tot lot, six benches and two picnic tables at the intersection of Turning Wood Court and Burl Court in Section 1. The recreational facilities are required to be constructed prior to the issuance of the 25th building permit in Section 1. Based on available information, there have been no building permits issued and the recreational facilities have not yet been constructed. As a part of the review of the DSP, staff reviewed the remainder of Parcel A for additional landscaping to ensure the stormwater management area was designed as a visual amenity to the site.

The Planning Board in the approval of Section 2 (4-07099) required that the applicant file a revision to DSP-06044 to provide additional complementary on-site recreational amenities to serve the additional 18 lots proposed in Section 2. In this instance the additional 5 lots (3 new) will be considered as part of the revision to the DSP which has not yet been filed for Section 2. Appropriate conditions have been included to ensure that the recreational facilities on Parcel A will be adequate to serve the entire Missouri Acres subdivision (Sections 1, 2 and 2A) which will contain a total of 46 single-family lots. The Urban Design Section has determined that there is adequate land area to provide additional amenities on Parcel A (PM 224@37) to serve the entire Missouri Acres subdivision. Staff has suggested and the applicant agrees that a possible future trail connection around the stormwater management pond and/or the construction of a gazebo may provide amenities that would serve other age groups within the community. Through the review of the revision of the approved detailed site plan appropriate additional facilities and siting can be determined.

At the time of review of the preliminary plan for Section 2 (4-07099) there were two master plan collector facilities which impacted the Missouri Acres subdivision. C-613 extends west from Missouri Avenue and is partially dedicated to serve this subdivision as Mangrove Drive in Section 1 (4-04094). C-613 intersected C-610 within Section 1 and then extended north into Section 2 (4-07099). C-613 impacted Lots 6 and 7 but has been rerouted off of the subject site in accordance with the 2009 Approved Subregion 5 Master Plan and Sectional Map Amendment. C-610 has been retained and is reflected in the plats for Section I of Missouri Acres. Missouri Avenue is now listed as a primary roadway on the same master plan, but the subject site has no frontage on that roadway. The removal of C-610 from the master plan has resulted in an increase in the net lot area of Lots 6 and 7. With that increase the applicant is able to increase the lot yield for the same area of land, which resulted in the instant application for three additional lots within Section 2 of Missouri Acres.

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 Cavitt opposing the motion at its regular meeting held on Thursday, June 24, 2010, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 15th day of July 2010.

*This is to certify that the foregoing is a true and correct copy of the reconsideration action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission relating to police reporting response times on the motion of Commissioner Washington, seconded by Commissioner Shoaff, with Commissioners Washington, Shoaff and Hewlett voting in favor of the motion and with Commissioners Bailey and Geraldo absent at its regular meeting held on Thursday, June 5, 2014, in Upper Marlboro, Maryland.

*Adopted by the Prince George's County Planning Board this 5th day of June 2014.

Patricia Colihan Barney
Executive Director

By Jessica Jones
Planning Board Administrator

PCB:JJ:WC:arj

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Underlining indicates new language
[Brackets] and ~~strikethrough~~ indicate deleted language

APPROVED AS TO LEGAL SUFFICIENCY
M-NCPPC Legal Department
Date 6/6/14