

R E S O L U T I O N

WHEREAS, Ross Snider M. is the owner of an 11.37-acre parcel of land known as Parcels A, C, Q, S and R, being located on Tax Map 202 and Grid NE 12/13, said property being in the 7thth Election District of Prince George's County, Maryland, and being zoned R-R; and

WHEREAS, on March 17, 2004, Landesign, Inc. filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 15 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-04043 for Twelve Tall Oaks 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 July 22, 2004, 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 July 22, 2004, 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/28/04), and further APPROVED Preliminary Plan of Subdivision 4-04043, for Lots 1-15 with the following conditions:

1. Prior to signature approval of the preliminary plan:
  - a. The Type I tree conservation plan, TCPI/28/04, shall be revised as follows:
    - (1) Correct the worksheet to show all woodlands retained on the site as woodland cleared, with the exception of the woodlands located at the southern tip of proposed Lot 10, Block B, which may be considered as "Woodland Retained But Not Counted."
    - (2) After the plan revisions have been completed, the plans shall be signed and dated by the qualified professional who prepared the plans.
  - b. A stormwater management concept plan shall be approved, and reference to it shall be included in the notes of the preliminary plan.
2. Development of this subdivision shall be in compliance with an approved Type I tree

conservation plan (TCPI/28/04). The following notes shall be placed on the final plat of subdivision:

“This development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/28/04), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation/Tree Preservation Policy.”

3. A Type II tree conservation plan shall be approved in conjunction with the limited detailed site plan. The Type II Tree Conservation Plan shall consider the following:
  - a. The applicant shall attempt to meet woodland conservation requirements at Church Road Park. If this is not possible, the applicant shall consider meeting woodland conservation requirements on the city-owned Hohensee property, located off of US 301 at the end of Swanson Road.
  - b. On-site woodland shall be selectively cleared to achieve the most woodland retention as possible.
4. At the time of road construction, the applicant, his heirs, successors, and/or assignees shall construct a standard sidewalk along the east side of the internal roads, per the concurrence of the City of Bowie. If open section roadways are used to fulfill Low Impact Development standards, this condition shall be void.
5. At the time of road construction, the applicant, his heirs, successors, and/or assignees shall construct a standard sidewalk along both sides of Peppertree Drive, per the concurrence of the City of Bowie.
6. Prior to the issuance of permits, the applicant, his heirs, successors and/or assignees shall have the scrap tires hauled by a licensed scrap tire hauler to a licensed scrap tire disposal/recycling facility. A receipt shall be turned in to the Health Department.
7. At the time of final plat, the applicant, his heirs, successors and/or assignees, shall pay a fee-in-lieu of park dedication, unless it can be demonstrated that mandatory dedication requirements have been met.
8. Prior to the issuance of building permits, a limited detailed site plan shall be approved by the Planning Board or its designee. The site plan shall address proper house siting, effective buffering of adjacent residences, and the compatibility of the proposed buffer fencing along the western property line adjacent to Twelve Oaks subdivision. The site plan shall also ensure that streets within the subdivision will begin with the letter “P,” as requested by the City of Bowie.

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

1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.
2. The property is located at the western end of Peppertree Drive in the City of Bowie.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone	R-R	R-R
Uses	Reservation for A-44 right-of-way	Single-family detached homes
Acreage	11.38	11.38
Lots	0	15
Parcels	5	0
Detached Dwelling Units	0	15

4. **Environmental**—A review of the available information indicates that streams, wetlands and an area of 100-year floodplain are found to occur within the limits of this application. No transportation-related noise generators have been identified in the vicinity of this property. The soils found to occur according to the Prince George's County Soil Survey include Adelpia fine sandy loam, Collington fine sandy loam and Mixed alluvial land. These soils have limitations with respect to the high water tables and impeded drainage. 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 publication entitled "Ecologically Significant Areas in Anne Arundel and Prince George's Counties," December 1997, there are rare, threatened, or endangered species found to occur in the vicinity of this property at the Belt Woods site located approximately 2,000 feet west of this proposed subdivision. There are no designated scenic and historic roads located adjacent to this property. This property is located in the Collington Branch watershed of the Patuxent River basin and in the Developing Tier as reflected in the adopted General Plan.

**Woodland Conservation**

The detailed forest stand delineation (FSD) date stamped as received by the Environmental Planning Section on June 16, 2004, has been found to address the requirements for a forest stand delineation in accordance with the Prince George's County Woodland Conservation and Tree Preservation Ordinance.

This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the gross tract area is in excess of 40,000 square feet, there are more than

10,000 square feet of existing woodland on-site, and there are no previously approved tree conservation plans for this site.

The revised Type I tree conservation plan, TCPI/28/04, date stamped as received by the Environmental Planning Section on June 16, 2004, was found to address the requirements of the Prince George's County Woodland Conservation Ordinance. This 11.38-acre site has a Woodland Conservation Threshold (WCT) of 20 percent, or 2.77 acres, and replacement requirements of 1.69 acres for the clearing of woodlands above the WCT. The 3.96-acre requirement is proposed to be satisfied by 3.96 acres of off-site mitigation at a location to be determined.

Many of the woodland areas proposed to be retained will no longer meet the definition of a woodland, will result in the creation of small isolated woodland areas, or are comprised of low quality woodlands that require significant maintenance if retained near residential areas. Furthermore, the proposed house footprints are very small by recent standards and the proposed grading does not reflect realistic usable rear and side yards that would allow future homeowners reasonable use of their yards. Therefore, the Type I tree conservation plan shall consider all woodlands on the site as being cleared with the exception of the woodlands located at the southern tip of proposed Lot 10, Block B, which may be considered as woodlands not cleared. This will result in an increased woodland conservation requirement and additional off-site mitigation but will allow prospective homeowners reasonable use of their properties and the ability to aesthetically enhance the treed areas of their properties.

A copy of the stormwater management concept plan was submitted for review with this application. The stormwater management concept plan and the TCPI are consistent.

### **Patuxent River Primary Management Area**

Streams, wetlands, and an area of 100-year floodplain are found at the southern tip of this property. These features along with their respective buffers compose the Patuxent River Primary Management Area (PMA) and are reflected correctly on the revised plans date stamped as received by the Environmental Planning Section on June 16, 2004. Although a 100-year floodplain study was not submitted with this application, a review of the limits for the 100-year floodplain in the M-NCPPC GIS system and a review of the adjacent final plats indicate that there are no areas of 100-year floodplain present on the subject property. Because there are no areas of PMA on the subject property and there are no proposed impacts to the PMA, a letter of justification was not required.

### **Soils**

The soils found on this property typically have seasonally high water tables and impeded drainage, which may contribute to wet or damp basements if adequate drainage is not addressed. It is advisable to avoid below-grade construction on this site. At the time of building permit the

Department of Environmental Resources may require subsurface drainage issues to be addressed to ensure that houses with basements or first floors below surface elevation are adequately drained.

### **Water and Sewer Categories**

The Water and Sewer Categories are W-3 and S-3 according to water and sewer maps dated June 2003 obtained from the Department of Environmental Resources. The property will be served by public systems. It will be served by public systems.

5. **Community Planning**—The property is in Planning Area 74A/Community VII. It is located in the Developing Tier as described by the 2002 General Plan. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct Commercial Centers, and employment areas that are increasingly transit serviceable. This proposal is not inconsistent with the 2002 General Plan Development Pattern policies for the Developing Tier.

The Bowie-Collington-Mitchellville & Vicinity Master Plan (1991) recommends residential land use at the Low-Suburban density of 1.6 to 2.6 dwelling units per acre. The proposed subdivision proposes residential lots within the master plan right-of-way for proposed arterial road A-44. The Bowie-Collington-Mitchellville & Vicinity SMA (1991) retained the R-R Zone. The proposed subdivision is in conformance with the Bowie-Collington-Mitchellville & Vicinity Master Plan (1991) land use recommendations for Low-Suburban development.

6. **Parks and Recreation**—The site is subject to the requirements of Section 24-134 of the Subdivision Regulations for mandatory park dedication. However, the size and location of land available for dedication is unsuitable for park purposes. Therefore, staff recommends a fee-in-lieu of park dedication be required, when it can be demonstrated that mandatory park dedication has been met.
7. **Trails**—The subject site is a long, linear parcel. One master plan trail is indicated in the master plan in the vicinity of the subject site. A trail is proposed along the creek running east to west just south of the subject site. This planned trail will be south of Lot 10 and does not impact the subject property.

The existing portion of Peppertree Drive has sidewalks along both sides. Staff recommends the provision of a standard sidewalk along the east side of the proposed internal roadway. This is on the side where lots are being proposed.

8. **Transportation**—The transportation staff determined that a traffic study was not warranted because of the limited size of the proposed development. However, a traffic count for the intersection of MD 214 and Devonwood Drive/Jennings Mill Drive was available to staff from a previous application (Jones Property). The count was taken in December 2003 and was used to determine adequacy. Therefore, the findings and recommendations outlined below are based upon a review of relevant 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 Developing Tier, as defined in the General Plan for Prince George’s County. As such, the subject property is evaluated according to the following standards:

**Links and signalized intersections:** Level-of-service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better. Mitigation, as defined by Section 24-124(a)(6) of the Subdivision Ordinance, 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.

### **Staff Analysis of Traffic Impacts**

The application is a plan for a residential development of 15 single-family dwelling units. The proposed development would generate 11 AM (2 in, 9 out) and 14 PM (9 in, 5 out) peak-hour vehicle trips as determined using the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*. The site was analyzed using the following trip distribution:

- 40 percent—West along MD 214 and Hall Road
- 60 percent—East along MD 214

The traffic generated by the proposed plan would primarily impact the intersection of MD 214 and Jennings Mill Drive/Devonwood Drive, which is signalized. A recent traffic count indicates that the critical intersection operates at LOS B (CLV 1,099) during the AM peak hour and LOS A (CLV 831) during the PM peak hour.

Staff has assumed an annual growth rate of three percent on MD 214 and Jennings Mill Drive/Devonwood Drive. With background growth added, the critical intersection would operate at LOS B (CLV 1,135) during the AM peak hour and LOS A (CLV 859) during the PM peak hour.

With site traffic added, the critical intersection would still operate within the policy standard of LOS D (CLV 1,450) for intersections within the Developing Tier. Under total traffic conditions,

the critical intersection would operate at LOS B (CLV 1,136) during the AM peak hour and LOS A (CLV 859) during the PM peak hour.

Site access is planned from existing Peppertree Drive. This is approximately 1,000 feet west of Pin Oak Parkway. The subdivision would be served by two cul-de-sacs extending north and south from Peppertree Drive, creating a three-way intersection. This is acceptable. Staff has no other comments.

Based on the preceding findings, the Transportation Planning Section finds that adequate transportation facilities exist to service the proposed subdivision as required under Section 24-124 of the Prince George's County Code if the application is approved.

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

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 3	Middle School Cluster 2	High School Cluster 2
Dwelling Units	15 sfd	15 sfd	15 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	3.60	0.90	1.80
Actual Enrollment	6,141	5,131	10,098
Completion Enrollment	198.24	217.62	398.97
Cumulative Enrollment	170.16	128.22	256.92
Total Enrollment	6,513	5,477.74	10,755.69
State Rated Capacity	5,858	4,688	8,770
Percent Capacity	111.18%	116.85%	122.64%

Source: Prince George's County Planning Department, M-NCPPC, December 2003

County Council bill CB-31-2003 establishes a school facilities surcharge in the amounts of \$7,000 per dwelling if a building is located between I-495 and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$12,000 per dwelling for all other buildings.

This project meets the adequate public facilities policies for school facilities contained in Section 24-122.02, CB-30-2003 and CB-31-2003, and CR-23-2003. 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.

10. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section reviewed the subdivision plans for adequacy of public fire and rescue facilities.
  - a. The existing fire engine service at Bowie Fire Station, Company 43, located at 16400 Pointer Ridge Drive, has a service travel time of 4.88 minutes, which is within the 5.25-minute travel time guideline.
  - b. The existing ambulance service at Bowie Fire Station, Company 43, has a service travel time of 4.88 minutes, which is within the 6.25-minute travel time guideline.
  - c. The existing paramedic service at Bowie Fire Station, Company 43, has a service travel time of 4.88 minutes, which is within the 7.25-minute travel time guideline.

These findings are in conformance with the standards and guidelines contained in the *Adopted and Approved Public Safety Master Plan 1990* and the *Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities*. The proposed subdivision will be within the adequate coverage area of the nearest existing fire/rescue facilities for fire engine, ambulance and paramedic services.

11. **Police Facilities**—The proposed development is within the service area for Police District II-Bowie. The Planning Board's current test for police adequacy is based on a standard for square footage in police stations relative to the number of sworn duty staff assigned. The standard is 115 square feet per officer. As of January 2, 2004, the county had 823 sworn staff and a total of 101,303 square feet of station space. Based on available space, there is capacity for an additional 57 sworn personnel. This police facility will adequately serve the population generated by the proposed subdivision.
12. **Health Department**—The Health Department noted the presence of domestic trash and scrap tires on the property. The trash and debris must be disposed of properly. The tires must be hauled by a licensed scrap tire hauler to a licensed scrap tire disposal/recycling facility. A receipt must be turned in to the Health Department. The Health Department reminds the applicant that raze permits are required prior to demolition of any structure on the site.
13. **Stormwater Management**—The property is in the City of Bowie; as such, a stormwater management plan must be approved by the city. The applicant is working with the city to determine whether the Low Impact Development technique is appropriate for the site. Whether Low Impact Development or traditional stormwater management techniques are used, the ultimate design will have no impact on lotting patterns or road configurations. The stormwater management concept plan must be approved prior to signature approval of the preliminary plan.
14. **Historic Resources, Cemeteries and Possible Artifacts of Historical Significance**—There are no known cemeteries on or adjoining the subject property. However, the applicant should be

aware that if burials are found during any phase of the development process, development activity must cease in accordance with state law.

The property adjoins the land (Parcel 70) on which the Hill Tenant House (Historic Resource 74A-13) was formerly located. The Hill Tenant House was a small vernacular tenant dwelling, part of the large *Collington Meadows* farm that belonged to the Hall and Hill families during the nineteenth century. It was probably constructed around the middle of that century. It was listed in the Inventory of Historic Resources (*Historic Sites & Districts Plan*) and documented by Historic Preservation staff in 1985; at that time it was reported that it had been unoccupied at least since 1970. By the mid 1990s the structure was in severely deteriorated condition. After attempts to salvage architectural features from the structure, it was the consensus of staff that the building could no longer meet criteria for listing as a historic site or resource, and that it should be removed from the inventory with the next pertinent master plan amendment. The building is no longer standing, and accordingly, the Hill Tenant House (Historic Resource 74A-13) is proposed for deletion from the Inventory of Historic Resources through the action of the now-in-preparation *Bowie and Vicinity Master Plan*.

Like the land on which the tenant house was located, the subject property was part of the larger *Collington Meadows* farm, which had been farmed by the Hall and then the Hill families from the early part of the nineteenth century.

This property was described in considerable detail in an 1842 document after the death of the owner, Francis M. Hall. (Hall died in 1831, and his widow, Ann Snowden Hall, subsequently married Charles Hill, who became the administrator of Hall's estate and guardian of Francis and Ann Hall's two children. Francis Hall's property was rented out to tenants who farmed the large 900-acre property.) The 1842 document consists of a report by a commission of four local men who were charged with evaluating Francis Hall's estate. It indicates that on the property were eight tobacco barns, an old stable and another old outbuilding, three slaves' quarters, one stable, an overseer's house and garden, and two old dwelling houses "not in the use of the servants on the estate." The same report recommended that new quarters should be built—either a double (two-family) quarter or two single ones "necessary to the comfort of the servants, to supply the place of a double quarter recently accidentally burnt down, the chimney of which is still standing...."

Although the subject property constitutes a very small part of the large, early-nineteenth-century *Collington Meadows* plantation, there exists unusually detailed descriptive information about this plantation in the antebellum period. Therefore, a preliminary archaeological investigation was undertaken by the applicant to determine whether any evidence survives of the structures. Because the subject property includes land that was once part of the 900-acre antebellum *Collington Meadows* plantation, documentary and archeological investigation were also undertaken by the applicant to determine whether there may exist physical evidence of slave dwellings or burials.

Phase Ia and Phase Ib Archeological Surveys were performed by James G. Gibb, Ph.D., of Andrew Garte & Associates, Inc., in Shady Side, Maryland. The results of the survey have been

reviewed by staff of the Historic Preservation and Public Facilities Planning Section. Staff concurs with the findings of the study that no further archeological investigation is necessary. No evidence of slave dwellings or burials was found on the property.

15. **Public Utility Easement**—The preliminary plan includes the required ten-foot-wide public utility easement parallel and contiguous to all public rights-of-way. The easement will be shown on the final plat.
  16. **City of Bowie**—The City of Bowie City Council recommends approval of the application subject to the following conditions:
    - “1. The applicant shall obtain approval of a stormwater management concept plan prior to signature approval of the preliminary plan.
    - “2. The applicant shall attempt to meet woodland conservation requirements at Church Road Park. If this is not possible, the applicant shall consider meeting woodland conservation requirements on the City-owned Hohensee property, located off of Route 301 at the end of Swanson Road.
    - “3. On-site woodland shall be selectively cleared to achieve the most woodland retention as possible.
    - “4. A fee-in-lieu for recreation facilities shall be provided.
    - “5. A 20-foot wide pedestrian right-of-way shall be created across Lot 5, Block A and Lot 10, Block B and dedicated to the City to allow for future construction of a portion of the City’s trail system.
    - “6. The homes on the two lots abutting Pepper Tree Drive (Lot 1, Block A and Lot 1, Block B) shall face that street. In addition, prior to the issuance of building permits for these lots, the Planning Board or its designee shall review a Limited Detailed Site Plan for these lots, to ensure proper house siting and to address effective buffering of the two existing, adjacent residences.
    - “7. Street names shall begin with the letter ‘P.’
    - “8. To ensure compatibility of the proposed buffer fencing along the western property line adjacent to Twelve Oaks subdivision, the applicant shall submit a Limited Detailed Site Plan for review and approval by the Planning Board or its designee.
- “Consideration 1—The funds collected via the fee-in-lieu for recreation facilities should be spent to improve recreational opportunities in the Bowie area.”

Because of the linear configuration of the subject property, staff concurs that a limited detailed site plan is appropriate and that some of the conditions recommended by the City of Bowie should be considered at the time of that review.

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

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This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Eley, seconded by Commissioner Harley, with Commissioners Eley, Harley, Vaughns, Squire and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, July 22, 2004, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 9th day of September 2004.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator