

R E S O L U T I O N

WHEREAS, Stephen Vincent is the owner of a 1.79-acre parcel of land in the 14th Election District of Prince George's County, Maryland, and being zoned R-R; and

WHEREAS, on May 27, 2004, Stephen Vincent filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 3 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-04040 for Vincent Subdivision 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 29, 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 29, 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/58/04), and further APPROVED Preliminary Plan of Subdivision 4-04040, Vincent Subdivision, including a Variation from Section 24-121 for Lots 1-3 with the following conditions:

1. Prior to the issuance of any permits that impact jurisdictional wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall submit copies of all federal and state wetland permits. In addition, the applicant shall submit associated mitigation plans as well as evidence that conditions of approval have been satisfied.
2. Prior to signature approval of the preliminary plan, revise the TCPI as follows:
  - a. Show the location of the future water and sewer easements for proposed Lots 2 and 3.
  - b. Revise the plan to eliminate the impacts to the wetland buffers on proposed Lots 2 and 3.
  - c. After these revisions have been made to the plan, have the qualified professional who prepared the plan sign, date it and update the revision box.

3. Development of this subdivision shall be in conformance with an approved Type I Tree Conservation Plan (TCPI/58/04). 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/58/04), 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.”
4. Development of this subdivision shall be in accordance with the approved stormwater concept plan (#4107-2003-00) or any approved revision thereto.
5. Any abandoned well or septic system shall be pumped, backfilled and/or sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative of the Health Department prior to final plat approval.
6. Prior to the issuance of grading permits, the applicant shall submit evidence from the Health Department that the tires found on the property have been hauled away by a licensed scrap tire hauler to a licensed scrap tire disposal/recycling facility. All other trash must be removed and properly discarded.
7. Prior to the issuance of building permits, the septic tank serving the existing house on Lot 1 must be pumped out by a licensed scavenger and either removed or backfilled in place once public sewer is made available to the property.
8. At the time of final plat approval, the applicant shall dedicate right-of-way along MD 564 (Lanham Severn Road) of 60 feet from the centerline of the existing pavement, as shown on the submitted plan.
9. The driveways to Lots 2 and 3 shall each be designed with a turnaround capability in order to minimize the need for vehicles accessing each lot to have to back onto MD 564. The design of the driveways to these lots shall be verified at the time of building permit.
10. A Type II Tree Conservation Plan shall be approved prior to the issuance of permits on the site.

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

1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.
2. The property is located on the northwest side of Lanham-Severn Road (MD 564), approximately 600 feet southwest of its intersection with Cowan Avenue. The surrounding properties are developed with single-family residences in the R-R Zone.

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

Zone	<b>EXISTING</b>	<b>PROPOSED</b>
	R-R	R-R
Uses	Single-Family Residence	Single-Family Residences
Acreage	1.79	1.79
Lots	0	3
Parcels	1	0
Single-family detached dwelling units	1	3 (2 new)

4. **Environmental**—The site is partially wooded and contains wetlands, a piped stream and two soil types. Areas of 100-year floodplain and steep and severe slopes are not associated with the site. The soil types include two series of Silty and clayey land. Both soil types have erodibility K-factors of 0.43, which means they are considered highly erodible. Based on available information, Marlboro clays are not found at this site. The site is in the Newstop Branch watershed of the Patuxent River basin. There are two significant noise generators in vicinity of the site. These include MD 564, a state-maintained two lane arterial road, and the Amtrak railroad line approximately 300 feet south of the site. There are no scenic or historic roads in vicinity of the site. According to the Maryland Department of Natural Resources Natural Heritage Program publication titled “Ecologically Significant Areas in Anne Arundel and Prince George’s Counties” (December 1997), rare, threatened and endangered species are not found at this site. The property is in the Bowie and vicinity Planning Area and the Developing Tier of the 2002 Approved General Plan.

**Woodland Conservation**

A Detailed Forest Stand Delineation (FSD) has been submitted and was found to meet the requirements of the Prince George’s County Woodland Conservation and Tree Preservation Technical Manual and Policy Document. The site is subject to the provisions of the Woodland Conservation Ordinance because the gross tract area is in excess of 40,000 square feet and there are more than 10,000 square feet of woodlands on-site. A Type I Tree Conservation Plan (TCPI) has been submitted.

The subject TCPI has been reviewed and several minor revisions are necessary in order for the plan to be in compliance with the Woodland Conservation Ordinance. Existing woodland at the site totals 1.13 acres and the Woodland Conservation Threshold (WCT) is 0.36 acres. The proposed amount of woodland to be cleared totals 1.13 acres. The Woodland Conservation required is 0.91 acres and all of this will be provided off-site on another property.

Not all of the proposed features associated with the site have been shown on the revised TCPI. The TCPI does not show the location of future public utility easements for water and sewer

provisions for proposed Lots 2 and 3. Revise the plan to show the location of future water and sewer easements for proposed Lots 2 and 3.

### **Wetlands**

Proposed Lots 2 and 3 both have an area of wetlands in the front yards. The current design for the driveways is for abutting driveway aprons at the common boundary line along Lanham Severn Road. Proposed Lots 2 and 3 have a 25-foot-wide wetland buffer. The conceptual grading on the TCPI goes up to the buffers and on proposed Lot 3, one area is inside the buffer. The subject property could be reasonably developed without these impacts to the wetland buffers. In the June 15, 2004, memo from the Environmental Planning Section, the following statement was made: "Either revise the placement of the proposed driveways or eliminate one of the driveways to eliminate the impacts." No variation request was submitted for the proposed grading in the required wetland buffers. The applicant must revise the plan to eliminate these impacts to the wetland buffers on proposed Lots 2 and 3.

### **Noise**

Two significant traffic noise generators are in the vicinity of the site. MD 564 is an existing two lane, state-maintained minor arterial road with paved shoulders. This segment of the road has a posted speed limit of 40 miles per hour. Based on the State Highway Administration's Traffic Volume Map 2001, the average daily vehicle trips on this segment of MD 564 totals 9,150. According to the Environmental Planning Section's Noise Model, the approximate range for 65 dBA Ldn is 91 feet from the centerline of MD 564. It appears the proposed dwellings on Lots 2 and 3 are well beyond the 65 dBA contour.

The second noise generator is the existing Amtrak Railroad, a rapid passenger rail line in the Baltimore-Washington corridor. Although the railroad tracks are approximately 300 feet from the site, the concern is for the vibration produced by active trains when structures are within 150 feet of the source of vibration. Based on the site's location relative to the tracks, vibration is not an issue.

### **Water and Sewer Categories**

The property is in water category W-3 and sewer category S-3 according to water and sewer maps obtained from the Department of Environmental Resources dated June 2003. The site will be served by public systems.

5. **Community Planning**—The subject property is in Planning Area 71A/Community V. The 2002 General Plan places the 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. This application is not inconsistent with the 2002 General Plan Development Pattern policies for the Developing Tier. The 1991 *Bowie-Collington-Mitchellville & Vicinity Master Plan* recommends

Low-Suburban residential land use for single-family detached dwellings. This application conforms to the master plan recommendation.

6. **Parks and Recreation**—In accordance with Section 24-134 of the Subdivision Regulations, the Park Planning and Development Division recommends that the applicant pay a fee-in-lieu of parkland dedication because the land available for dedication is unsuitable due to its size and location. The proposed preliminary plan is consistent with the land use recommendations of the master plan and 2002 General Plan.
7. **Trails**—There are no master plan trails issues regarding the subject application.
8. **Transportation**—The applicant has not prepared a traffic impact study nor was one required by the transportation staff given the limited amount of development being requested. 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 Developing Tier, as defined in the 2002 General Plan for Prince George's County. As such, the subject property is evaluated according to the following standards:

**Links and signalized intersections:** Level-of-service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better.

**Unsignalized intersections:** The Highway Capacity Manual procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

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

The application is a plan for a residential subdivision consisting of three single-family detached lots, one of which is currently developed with a residence, for a net of two single-family detached residences. The proposed development would generate 2 AM (0 in, 2 out) and 2 PM (2 in, 0 out) peak-hour vehicle trips as determined using *The Guidelines for the Analysis of the Traffic Impact of Development Proposals*. The traffic generated by the proposed plan would primarily impact the intersection of MD 564 and Springfield Road, which is not signalized. Staff conducted recent counts at the critical intersection in connection with its review of the Gallentine Property, Preliminary Plan 4-04019, and determined that the intersection would operate acceptably as an

unsignalized intersection. Due to the limited trip generation of the site, the Prince George's County Planning Board could deem the site's impact at this location to be de minimus. Staff would therefore recommend that the Planning Board find that 2 AM and 2 PM peak hour trips will have a de minimus impact upon delay in the critical movements at the MD 564/Springfield Road intersection.

### **Transportation Staff Conclusions**

Based on the preceding findings, the Transportation Planning Section concludes that adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code if the application is approved with conditions requiring sufficient dedication along MD 564.

**Variation Request**—MD 564 is a master plan arterial facility, and sufficient dedication of 60 feet from centerline is reflected on the submitted plan. The original plan was not clear about the number of driveways proposed onto MD 564. In response, the applicant has filed a variation request regarding Section 24-121(a)(3), which limits individual lot access onto arterial facilities. The current plan would continue to utilize the existing driveway from the existing residence onto MD 564 but would consolidate the other two driveways into a single point of access within the MD 564 right-of-way. This would limit the number of new curb cuts required along MD 564 to one.

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 the 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.**

Comment: If the driveways on Lots 2 and 3 are designed with a turnaround capability, there should be no detriment to the public health, safety or welfare. The applicant is minimizing the impact on the arterial road by abutting the two driveways into a single, shared curb cut on MD 564.

- (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.**

Comment: The subject property is constrained by wetlands on Lots 2 and 3 that must be avoided. This makes a public street to serve these three lots impractical, if not impossible. The site has sole frontage on MD 564, a planned arterial road. The two adjacent subdivisions of Springfield Manor were not planned with a future street to serve a possible subdivision of the subject property. Due to the existing configuration of Springfield Manor, there is no consolidation of properties that could occur that would make a public street practical. In order to serve even one new lot, one new curb cut would be needed since the existing driveway and curb cut are not adjacent to the possible lot line.

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

Comment: Approval of this variance would not constitute a violation of any other applicable law, ordinance or regulation. The State Highway Administration (SHA) must approve any access onto MD 564, which is a state facility. In SHA's referral, there is support for the concept of consolidating the two new driveways into a single curb cut.

**(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.**

Comment: The entire property only has access onto MD 564. There are no other apparent locations for the subject property to obtain access. Wetlands are found on Lots 2 and 3 that further constrain the ability to locate a public street on the site. The use of a public street to serve three lots appears to be impractical, as the minimum right-of-way of 50 feet would require a sizable swath of the property in order to serve it. Requiring such a road would constitute an undue hardship on the owner.

It must be noted that approval of such a variation by the Planning Board only constitutes conceptual agreement that circumstances exist that necessitate direct access onto an arterial facility by a driveway. The responsible agency that owns and maintains the roadway—which is SHA in this case—must still review any driveway access point, and that agency has the right to impose conditions upon its construction or even deny it.

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 and concluded the following:

**Finding**

**Impact on Affected Public School Clusters**

Affected School Clusters #	Elementary School Cluster 3	Middle School Cluster 2	High School Cluster 2
Dwelling Units	2 sfd	2 sfd	2 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	0.48	0.12	0.24
Actual Enrollment	6,141	5,131	10,098
Completion Enrollment	198.24	217.62	398.97
Cumulative Enrollment	175.20	130.32	261.12
Total Enrollment	6,514.92	5,479.06	10,758.33
State Rated Capacity	5,858	4,688	8,770
Percent Capacity	111.24%	116.87%	122.67%

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

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

**The school surcharge may be used for the construction of additional school facilities, which are expected to accommodate the new students that will be generated by this development proposal. This project meets the adequate public facilities policies of Section 24-122.02, CB-30-2003, CB-31-2003 and CR-23-2003.**

10. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of fire and rescue facilities.
  - a. The existing fire engine service at Bowie Fire Station, Company 19, located at 13008 9<sup>th</sup> Street has a service travel time of 1.33 minutes, which is within the 5.25-minute travel time guideline.
  - b. The existing ambulance service at Bowie Fire Station, Company 19, located at 13008 9<sup>th</sup> Street has a service travel time of 1.33 minutes, which is within the 6.25-minute travel time guideline.

- c. The existing paramedic service at Glenn Dale Fire Station, Company 18, located at 11900 Glenn Dale Boulevard, has a service travel time of 5.54 minutes, which is within the 7.25-minute travel time guideline.

The proposed subdivision will be within adequate coverage area of the nearest existing fire/rescue facilities for fire engine, ambulance and paramedic service.

These findings are in conformance with the standards and guidelines contained in the 1990 *Approved Public Safety Master Plan* and the “Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities.”

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. Therefore, in accordance with Section 24-122.01(c) of the Subdivision Regulations, existing county police facilities will be adequate to serve the proposed development.
12. **Health Department**—The Health Department reviewed the application and offered the following comments:
  - a. Any abandoned well found within the confines of the property must be backfilled and sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative of the Health Department prior to the issuance of any grading permit.
  - b. The septic tank serving the existing house on Lot 1 must be pumped out by a licensed scavenger and either removed or backfilled in place once public sewer is made available to the property.
  - c. Numerous tires were found on proposed Lot 1. The tires must be hauled away by a licensed scrap tire hauler to a licensed scrap tire disposal/recycling facility and a receipt for tire disposal must be submitted to the Prince George’s County Health Department Division of Environmental Health prior to preliminary plan approval.
  - d. A significant amount of domestic trash and other debris was found on proposed Lot 1 and in the wetlands on proposed Lot 3, and should be removed and properly stored or discarded.
  - e. The embankment located between Proposed Lots 1 and 2 appears to be excavated downhill towards the wetland, thus infringing on its edge.

13. **Stormwater Management**—The applicant received stormwater concept approval from the Prince George’s County Department Of Environmental Resources on June 28, 2004 (#4107-2003-00).
14. **Cemeteries**—There are no known cemeteries on the subject property.
15. **Public Utility Easement**—The preliminary plan shows a ten-foot-wide public utility easement adjacent to Lanham Severn Road.

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

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Harley, seconded by Commissioner Eley, with Commissioners Harley, Eley, Vaughns, Squire and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, July 29, 2004, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 23rd day of September 2004.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator