

A M E N D E D R E S O L U T I O N

WHEREAS, Jean C. Jones is the owner of a 19.44-acre parcel of land known as Parcel 5, located on Tax Map 70 and Grid B1 and 2, said property being in the 7th Election District of Prince George's County, Maryland, and being zoned R-R; and

WHEREAS, on December 18, 2003, Mid-Atlantic Land Developers, Inc. filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 29 lots and 1 parcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-03129 for Jones Property 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 April 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 April 29, 2004, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

*WHEREAS, on April 29, 2004 the Planning Board approved Preliminary Plan of Subdivision 4-03129; and

*WHEREAS, on April 17, 2008 the Planning Board approved a request to reconsider Preliminary Plan of Subdivision 4-03129 based on a mistake; and

*WHEREAS, the basis of that mistake was that the original approval of the preliminary plan, erred by not recognizing the existence of a historic structure on the subject property; and

*WHEREAS, on September 25, 2008 the Planning Board reconsidered the Preliminary Plan of Subdivision and approved the subject application with all of the original conditions and findings, with the addition of new Finding 16 and new Conditions 20, 21 and 22.

Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

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/80/03), and further APPROVED Preliminary Plan of Subdivision 4-03129, including a variation to Section 24-121 for Lots 1-29 and Parcel A with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision the plan shall be revised as follows:
 - a. To reflect access to Hall Road in accordance with SHA recommendations, which may result in a loss of lots.
 - b. To correct the Stormwater Management Concept Plan number and provide the approval date.
 - c. To provide a note indicating the disposition of existing structures.
2. Prior to the issuance of permits, a Type II Tree Conservation Plan shall be approved.
3. Prior to the issuance of building permits for lots abutting Hall Road and Pin Oak Parkway, a limited detailed site plan (LDSP) shall be approved by the Planning Board or its designee. Review of the LDSP shall include the review and approval of architectural elevations visible from Pin Oak Parkway and Hall Road and buffering of the rears of the dwelling units.
4. Prior to the issuance of building permits for lots abutting the stormwater management facility on Parcel A, a limited detailed site plan (LDSP) shall be approved by the Planning Board or its designee to ensure pleasing views of the facility.
5. Development of this site shall be in conformance with the approved Stormwater Management Concept Plan.
6. Prior to the approval of building permits the applicant, his heirs, successors and/or assignees shall demonstrate that a homeowners association has been established and that the common areas have been conveyed to the homeowners association or to the appropriate governmental agency.
7. At the time of final plat, the applicant, his heirs, successors and/or assignees shall convey to the homeowners association (HOA) 1.16± acres of open space land (Parcel A). If the subject property is annexed into the City of Bowie, Parcel A shall be conveyed to the City of Bowie. 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 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 detailed site 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. 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.
8. SHA must approve the direct driveway access to Hall Road (MD 978A) for any lots with frontage on Hall Road. The access proposed for Street A shall be in a location and constructed to standards to be determined by SHA.
 9. At the time of final plat approval, the applicant shall dedicate a right-of-way along Hall Road (MD 978A) of 30 feet from the centerline of the existing pavement or as determined appropriate by SHA.
 10. The location of the proposed access point of Street A at Hall Road (MD 978A) will require SHA approval and may be relocated and/or determined by the results of a sight distance study. SHA shall determine the extent of needed improvements in association with the approval of access.
 11. 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.
 12. Prior to the issuance of grading permits, the applicant shall submit a manifest demonstrating that the fuel storage tanks located on the property have been properly disposed of by a licensed waste company and reclamation of any contaminated soils has occurred under the direction of the Health Department.

13. Prior to signature approval of the Type I Tree Conservation Plan, TCPI/80/03 shall be revised as follows:
 - a. Provide a minimum cleared area of 40 feet in the rear and 20 feet on the side of all houses on lots on which woodland conservation is being provided.
 - b. Revise the woodland conservation worksheet as necessary after the other revisions have been completed.
 - c. The revised plans shall be signed and dated by the licensed landscape architect that prepared the revised plans.
14. Development of this subdivision shall be in compliance with an approved Type I Tree Conservation Plan (TCPI/80/03). 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/80/03), 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/Tree Preservation Policy.”
15. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain all of the Patuxent River Primary Management Area except for areas of approved impacts. 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.”
16. Prior to the issuance of any permits that impact wetlands, wetland buffers, streams or Waters of the U.S., copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans shall be submitted to the M-NCPPC, Planning Department.
17. Prior to signature approval of the Preliminary Plan of Subdivision, a copy of the approved Stormwater Management Concept Plan shall be submitted to the Environmental Planning Section for comparison with the Type I Tree Conservation Plan and appropriate revision shall be made at the determination of staff.
18. At time of final plat, a building restriction line shall be delineated 150 feet from the centerline of the Popes Creek Railroad line. The following note shall be placed on the final plat:

“The building restriction line placed adjacent to the railroad tracks prohibits the placement of habitable structures due to the effect of vibration from the tracks on the integrity of foundations.”

19. The adopted and approved Bowie-Collington-Mitchellville and Vicinity master plan recommends that Hall Road be designated as a Class III bikeway with appropriate signage. Because Hall Road is a state right-of-way, the applicant, and the applicant’s heirs, successors, and/or assignees shall provide the installation of one "Share the Road with a Bike" sign in accordance with state requirements. However, prior to the Planning Board conditioning the placement of the signs, SHA should have the opportunity to review the proposed locations to ensure they are acceptable. The developer would purchase the signs from the state and install them in accordance with the state’s *Manual on Uniform Traffic Control Devices* dealing with the section on bicycle facilities. A note shall be placed on the final plat that installation will take place prior to the issuance of the first building permit.
- *20. Prior to the approval of a final plat of subdivision for existing Lot 29, a staff-level revision to DSP-05019 shall be approved that removes the parcel intended for the historic structure from the boundary and control of the DSP. The new Lot 29 will be required to provide landscaping along the rear of the lot consistent with the intent of Condition 3 above and the provisions of the MOU. The parcel intended for the historic structure will be shown on the DSP as an adjacent property, with notes describing the structure as “Vacant, to Remain” and “Not part of this Site Plan.”
- *21. Prior to the issuance of a building permit for new Lot 29, a final plat of subdivision dividing existing Lot 29 into new Lot 29 and the Parcel for the historic structure shall be approved.
- *22. The final plat of subdivision for the new Parcel shall contain the following notes:
- a. This parcel is subject to a Memorandum of Understanding recorded in the Land Records for Prince George’s County;
 - b. Any use and occupancy permits required by Prince George’s County shall be consistent with the requirements of the Prince George’s County Code; and
 - c. This parcel shall not be used for a residential dwelling unit or units.

*Denotes Amendment

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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 northeast of the intersection of Hall Road (MD 978A) and Pin Oak Parkway, abutting the City of Bowie to the west and north.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	R-R	R-R
Use(s)	Residential	Residential
Acreage	19.44	19.44
Lots	0	29
Parcels	1	1
Dwelling Units:		
Detached	1	29

4. **Environmental**—This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the gross tract area is in excess of 40,000 square feet and there are more than 10,000 square feet of existing woodland on site. The Type I Tree Conservation Plan, TCPI/80/03, has been reviewed and was found to generally address the requirements of the Prince George's County Woodland Conservation Ordinance. This 19.44-acre site in the R-R Zone has a net tract area of 18.35 acres and a Woodland Conservation Threshold (WCT) of 20 percent, or 3.67 acres, and a replacement requirement of 1.39 acres for the clearing of woodlands above the WCT, below the WCT, and floodplain woods. The 5.06-acre requirement is proposed to be satisfied by 2.22 acres of on-site preservation, 0.59-acre of on-site afforestation, and 2.25 acres of off-site mitigation at a site to be determined. If the number of proposed lots is reduced per staff recommendation, the applicant may have an additional opportunity for additional on-site tree conservation

The Subdivision Ordinance in Section 24-121 (a)(4) requires that:

“Residential lots adjacent to existing or planned roadway or freeway or higher classification, or an existing or planned transit right-of-way, shall be platted with a depth of three hundred (300) feet. Adequate protection and screening from traffic nuisances shall be provided by earthen berms, plant materials, fencing and/or the establishment of a building restriction line, when appropriate.”

The preliminary plan demonstrates 13 lots that do not meet the minimum lot depth (Lot 16-27 and 29). The applicant is requesting a variation to the lot depth requirement for the 13 lots.

The Bowie, Collington, Mitchellville and vicinity master plan included a discussion of noise intrusion within the study area in the Environmental Envelope chapter and identified railroad traffic as a prominent noise-generating source. Based upon the standards defined by the State of Maryland, the limits of the noise zone along roadways, airports and railway lines were identified within the Planning Area. The plan indicates that the 65 dBA Ldn noise contour for two tracks with trains traveling at approximately 50 miles per hour would be located approximately 863 feet (from the centerline). Although the Popes Creek track segment is a single set of tracks at this time, the master plan indicates that, as other technology becomes available, this rail line should be considered for opportunities including the possibility of commuter rail, in which event the potential noise and vibration impacts identified by the noise study submitted with this application could increase.

In the Circulation and Transportation Chapter, "...the potential for commuter rail service along the Pope's Creek Railroad line is acknowledged" and the following guideline is provided:

"As technology becomes available and studies are initiated, there may be other opportunities for transit service in the Planning Areas. This Master Plan encourages the possibility of a north-south orientation of transit service along the Popes Creek Railroad tracks. Such a facility could provide commuter service to connect employment locations both within and outside of the County."

In a letter submitted with this application, the applicant requested a variation of 50 to 60 feet from the 300-foot lot depth requirement (17 percent) for Lots 15 through 27 and 29. The rationale behind the 300-foot lot depth requirement is to minimize visibility of the transit way from the lot and to protect adjacent residents from the noise generated by various transportation facilities including a transit way. The applicant provided information that the existing noise and vibration impacts of the existing track use do not adversely impact the dwelling unit locations. Furthermore, the proposed construction of a six-foot-high board-on-board fence at the rear property line will provide buffering to benefit the lots abutting the railroad tracks.

The master plan specifically suggests that: "rights-of-way should be acquired and/or protected in order to provide for the future extension or expansion of planned transportation facilities." The Planning Board found that providing the required 300-foot lot depth exceeds that necessary in this case based on the evidence presented by the applicant at the public hearing.

The applicant further argues that existing contiguous lots to the tracks in subdivisions located to the north and south of this site were platted with lot depths of less than 300 feet. The fact that those lots were platted to a depth of less than 300 feet is correct.

Finally, it would not be possible to meet the 300-foot lot depth on this site and still develop the site reasonably. The lots along Pin Oak Parkway would have a reduction in the lot depth on the west side of proposed Street A, from 195 feet to 145 feet. These lots will not be backing directly onto Pin Oak Parkway and the homeowners association parcel between the proposed subdivision and Pin Oak Parkway. The reduction in lot depth along the transit line would provide for a more

reasonable lotting pattern along Pin Oak Parkway and ensure the retention of the existing trees along Pin Oak Parkway. Staff is also recommending the review of a site plan for views of this subdivision from Pin Oak Parkway and Hall Road.

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

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

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

Comment: Granting the variation will not be detrimental to the public safety, health, or welfare, because the noise of vibration impacts are not impacting the buildable lot areas.

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

Comment: The conditions upon which the variations are based are unique to the property. The property is exceptionally narrow along the railroad track. Requiring the lot depth can be an unreasonable burden on the property owner.

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

Comment: The approval of the variation would not constitute a violation of any other applicable law, ordinance, or regulation.

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

Comment: The property is exceptionally narrow when compared to the surrounding properties. Requiring the 300-foot lot depth could result in an unreasonable lot layout and would be a particular hardship to the applicant.

The Planning Board approved the variations and the preliminary plan as proposed by the applicant.

The noise study submitted with this application was found to address the potential adverse noise impacts to this site based on the current use of the tracks. Based on the noise study submitted with this application, the 65 dBA Ldn noise contour is located 85 feet from the center line of the tracks and extends onto all of the lots proposed along the track. The 65 dBA Ldn noise contour does not restrict the outdoor activity area. Therefore, no additional noise attenuation measures are required at this time, based on existing track use. The proposed house locations on the preliminary plan demonstrate that a 150-foot setback from the tracks can be accommodated to mitigate for potential vibration impacts associated with the existing trains.

Streams, wetlands, 100-year floodplain, steep slopes with highly erodible soils, and severe slopes are found on this property. These features, along with their respective buffers, comprise the Patuxent River Primary Management Area or PMA. The individual features and the PMA have been correctly shown on the plans as submitted. The wetland delineation report submitted was reviewed and found to meet the requirements. A 100-year floodplain study was not submitted but the limit of the 100-year floodplain shown on the plan is consistent with that shown by the GIS data available to the Planning Department.

The Subdivision Ordinance, Section 24-130(b)(5), requires that the PMA be preserved in a natural state to the fullest extent possible. The letter of justification identifies a single PMA impact associated with the construction of a sewer connection with the existing sewer line on this property. The impact has been evaluated and was found to minimize the proposed impacts to the PMA to the fullest extent possible. The Environmental Planning Section supports the proposed impact to the PMA associated with the proposed sewer outfall.

A copy of the Stormwater Management Concept Plan was not submitted for review with this application. Because stormwater management facilities are proposed and the TCPI does not reflect these facilities, it is important that a copy of the Stormwater Management Concept Plan be submitted to the Environmental Planning Section for review prior to certification of the TCPI. The Department of Environmental Resources (DER) has indicated that the approval is forthcoming.

According to available information, Marlboro clay is found on this site at an approximate bottom elevation of 125 feet above sea level. Based on this information, proposed Lots 13-16 may be impacted by the presence of the clay. Because the grade will be lowered by the proposed grading the potential risk associated with the Marlboro clay should be reduced. The geotechnical report submitted for review and date-stamped as received by the Environmental Planning Section on April 8, 2004, has been found to adequately address the Marlboro clay and slope stability issues. If proposed grading should change, DER and the Environmental Planning Section will need to evaluate the new grading to ensure that the Marlboro clay issues are addressed.

The water and sewer service categories are W-4 and S-4, according to water and sewer maps

obtained from the Department of Environmental Resources dated June 2003.

5. **Community Planning**—The property is located within the limits of the Bowie-Collington-Mitchellville and Vicinity master plan, Planning Area 71B, in Community VIII. The property is located abutting the City of Bowie. The land use recommendation is for Low-Suburban residential land use at up to 2.6 dwelling units per acre. The proposed preliminary plan is consistent with this recommendation

The General Plan locates the property in the Developing Tier. The vision for a portion of the Developing Tier is to maintain a pattern of low to moderate density suburban residential communities. The proposed preliminary plan is consistent with this recommendation.

6. **Parks and Recreation**—In accordance with Section 24-134(a), the Park Planning and Development Division recommends that the applicant pay a fee-in-lieu of the mandatory dedication of parkland requirement because the land available for dedication is unsuitable due to its size and location.
7. **Trails**—Two master plan trails impact the subject site. The adopted and approved Bowie-Collington-Mitchellville and Vicinity master plan recommends a master plan trail along Pin Oak Parkway, and a master plan trail/bikeway along Hall Road. The trail has already been constructed along the west side of Pin Oak Parkway. This existing trail fulfills the recommendation of the master plan and not other recommendations made regarding this facility. Hall Road should be designated as a bikeway with “Share the Road with a Bike” signage.
8. **Transportation**—The transportation staff determined that a traffic study was not warranted by the size of the proposed development. Staff did request a traffic count from the applicant, and the needed count at the intersection of US 214 and Jennings Mill Drive/Devonwood Drive was provided. 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 site is within the Developing Tier, as defined in the General Plan for Prince George’s County. As such, the subject property is evaluated according to the following standards:

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

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

study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

The application is a plan for a residential development of 29 single-family dwelling units. The proposed development would generate 22 AM (4 in, 18 out) and 26 PM (17 in, 9 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 US 214 and Jennings Mill Drive/Devonwood Drive, which is signalized. The applicant's traffic count was taken on December 16, 2003. The 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 1,132) during the AM peak hour and LOS A (CLV 859) during the PM peak hour.

With development of the 29 residences, the site, as noted above, would generate 22 AM peak-hour trips and 26 PM peak-hour trips. 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 1,135) during the AM peak hour and LOS A (CLV 856) during the PM peak hour.

Site access is planned from Hall Road (MD 978A). This is at a location about halfway between the Conrail railroad tracks and Pin Oak Parkway. Access to Hall Road will require State Highway Administration approval. The applicant will be required to dedicate a 30-foot right-of-way (ROW) from the centerline of Hall Road (MD 978A). Proposed Street A with 50 feet of right-of-way would serve the development.

There may be a sight distance problem at the intersection of Street A with Hall Road (MD 978A). This can be corrected by shifting the access point. The shifting will have to be determined by a traffic engineering study that measures sight distance. The location of Street A at its intersection with Hall Road (MD 978A) will require the approval of SHA.

Staff received initial comments from the State Highway Administration concerning Hall Road (MD 978A). The applicant will have to upgrade Hall Road to accommodate the additional traffic generated by the development. The applicant must provide a left-turn lane, acceleration and deceleration lanes, and any necessary pavement markings and signage as required by SHA. Storm drainage, grading, and paving improvements are also recommended by SHA. The applicant will also be responsible for any additional improvements required by SHA to ensure traffic and safety along Hall Road.

At this time the State Highway Administration is still reviewing and awaiting results of sight distance study at the intersection of Street A with Hall Road (MD 978A).

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

*9[0]. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this preliminary 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	29 sfd	29 sfd	29 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	6.96	1.74	3.48
Actual Enrollment	6141	5131	10098
Completion Enrollment	198.24	217.62	398.97
Cumulative Enrollment	35.04	90.54	181.08
Total Enrollment	6381.24	5440.90	10681.53
State Rated Capacity	5858	4688	8770
Percent Capacity	108.93%	116.06%	121.80%

These figures are correct on the day the referral memo was written for this preliminary plan. The original preliminary plan did propose 30 dwelling units. The figures are subject to change under the provisions of CB-30-2003 and CR-23-2003. Other projects that are approved prior to the public hearing on this project will cause changes to these figures. The numbers shown in the resolution will be the ones that apply to this project.

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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 on existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$12,000 per dwelling for all other buildings.

The school surcharge may be used for the construction of additional or expanded school facilities and renovations to existing school buildings or other systemic changes. The Historic Preservation and Public Facilities Planning Section staff finds that this project meets the adequate public facilities policies for school facilities contained in Section 24-122.02, CB-30-2003 and CB-31-2003 and CR-23-2003.

10. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of public facilities and concluded the following.
 - a. The existing fire engine service at Bowie Fire Station, Company 43, located at 16400 Pointer Ridge Drive has a service travel time of 3.12 minutes, which is within the 5.25-minute travel time guideline.
 - b. The existing ambulance service at Bowie Fire Station, Company 43, located at 16400 Pointer Ridge Drive has a service travel time of 3.12 minutes, which is within the 6.25-minute travel time guideline.
 - c. The existing paramedic service at Bowie Fire Station, Company 43, located at 16400 Pointer Ridge Drive has a service travel time of 3.12 minutes, which is within the 7.25-minute travel time guideline.

The proposed subdivision will be within the 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 *Approved Public Safety Master Plan* (1990) 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 additional 57 sworn personnel. This police facility will adequately serve the population generated by the proposed subdivision.
12. **Health Department**—The Health Department notes the existence of two shallow wells and an existing septic recovery tank on the property. Prior to final plat these facilities should be properly abandoned. Three fuel storage tanks were also noted on the property. These tanks should be

properly discarded. A representative from the Health Department should evaluate the soils beneath these tanks for possible contamination and the soils properly discarded if contamination has occurred.

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, # 41623-2003-00, has been submitted but not yet approved. To ensure that development of this site does not result in on-site or downstream flooding, approval of the Stormwater Concept Plan should be required prior to signature approval. DER has indicated that the approval is forthcoming. Development must be in accordance with this approved plan.
14. **Lot Size Averaging**—As discussed in the Overview Section of this report, the applicant has proposed to utilize the lot size averaging (LSA) provision provided for in Section 24-121(a)(12) of the Subdivision Regulations. The applicant’s proposal meets the technical requirements of Section 27-423 as follows:

Section 27-423 of the Prince George’s County Zoning Ordinance establishes the zoning requirements for lot size averaging. Specifically, in the R-R Zone:

- A. The maximum number of lots permitted is equal to the gross acreage divided by the largest minimum lot size in the zone (square feet).
- B. At least 50 percent of the lots created shall equal or exceed the largest minimum lot size in the zone (square feet).

For the 19.44 acres located in the R-R Zone, 42 lots would be allowed. The applicant proposes 29 lots. Eighteen of the proposed lots meet or exceed 20,000 square feet. Therefore, the proposed subdivision meets the minimum zoning ordinance standards for lot size averaging.

- A. **The subdivision design provides for better access, protects or enhances historic resource or natural features and amenities, or otherwise provides for a better environment than that which could be achieved by the exclusive use of standard lots.**

Comment: The applicant has proposed lots along Pin Oak Parkway between 15,600 square feet and 18,291 square feet. With the homeowners open space parcel along Pin Oak Parkway, the lots appear to meet the minimum lot size of 20,000 square feet and provide an appropriate transition to the street. To provide reasonable lot depths with 20,000 square feet along Pin Oak Parkway, the lots would be larger than required so the variation to lot depth must be granted along the railroad in order to shift the proposed street into the center of the property. The Planning Board found that a reduction in lot sizes along Pin Oak Parkway provide for a better environment that what could be achieved utilizing conventional lot sizes.

- B. **The subdivision design provides for an adequate transition between the proposed lot**

sizes and locations of lots and the lots, or lot size standards, of any adjacent residentially zoned parcels.

Comment: The applicant has proposed to utilize LSA along the public street. Providing smaller lots along Pin Oak Parkway will allow the applicant to save the existing trees and provide an appropriate transition to the street.

C. The subdivision design, where applicable, provides for an adequate transition between the proposed natural features of the site and any natural features of adjacent parcels.

Comment: The applicant has not proposed to utilize LSA in the area of environmental features on the site. In fact, the applicant has proposed the largest lots in the subdivision abutting other properties, providing an appropriate transition.

15. **City of Bowie**—The proposed preliminary plan is abutting the City of Bowie to the north and west and was referred to the City of Bowie for comment. The City of Bowie has concerns regarding excessive speeding along Pin Oak Parkway and is working with the developer to identify calming measures that could be installed on Pin Oak Parkway. The City of Bowie also noted concerns regarding the views of the development from Pin Oak Parkway. Staff also has these concerns and is recommending the review of a Limited Detailed Site Plan (LDSP) to evaluate architectural elevations and buffering along Pin Oak Parkway and Hall Road. Staff is also recommending a limited detailed site plan be required to ensure that the stormwater management facility is developed as a visual amenity for the residence.

The City of Bowie has indicated support of the applicant's proposal for lot-size averaging (LSA) and support of the variations required for lot depth (Section 24.121).

- *16. Historic Structure— In a letter dated March 26, 2008, the applicant requested a reconsideration of the subject preliminary plan for the purpose of preserving a historic structure. On April 17, 2008, the Planning Board approved the applicant's request to reconsider Preliminary Plan of Subdivision 4-03129.

When the preliminary plan was originally approved, the building in question was not designated as a resource or historic site at the county level and was planned to be removed by the developer. As part of a subsequent wetland permit process, the state determined that the structure was once a 19th century store and that it is listed on the Maryland Inventory of Historic Properties as number PG: 74B-30. The state determined that it was appropriate to preserve only the store and not the remaining structures on the property (farm house complex). The "store" is currently vacant and has not been a store for decades.

[Brackets] and ~~strikethrough~~ indicate deleted language

The subject property is located on the north side of Hall Road, with Pin Oak Parkway along its western edge and the railroad tracks along its eastern edge. The structure to be preserved is currently located on platted Lot 29, immediately adjacent to the railroad tracks.

Pursuant to negotiations with the state, the applicant has entered into a memorandum of understanding (MOU) with the U.S. Army Corps of Engineers. The basics of that MOU require that the applicant establish a separate parcel for the structure, stabilize the structure, provide appropriate proximity landscaping and provide for the ownership and maintenance of the property.

The subject request is to subdivide Lot 29 into a smaller lot and a parcel for the historic structure. Lot 29 is currently 51,525 square feet in size. The parcel is proposed to be 11,625 square feet and the resulting reconfigured Lot 29 will be 39,900 square feet. The minimum net lot area for residential building lots in the R-R Zone is currently 20,000 square feet. The new Lot 29 will be approximately double the minimum required size of a lot in its zone. The creation of the parcel, however, requires careful consideration with regard to minimum zoning standards. Any future use and occupancy permit for the historic structure should be consistent with the Prince George's County Code. The parcel on which the structure will sit should not be used for a residential purpose should the existing historic structure cease to remain on the property.

Another issue affected by the subject request is the Limited Detailed Site Plan (LDSP) that was approved pursuant to Condition 3 of the Planning Board approval of Preliminary Plan of Subdivision 4-03129 (PGCPB No. 04-89). That condition states:

3. Prior to the issuance of building permits for lots abutting Hall Road and Pin Oak Parkway, a limited detailed site plan (LDSP) shall be approved by the Planning Board or its designee. Review of the LDSP shall include the review and approval of architectural elevations visible from Pin Oak Parkway and Hall Road and buffering of the rears of the dwelling units.

The LDSP required by the condition above (DSP-05019) was approved by staff on October 21, 2005. A revision to that plan, appropriately at a designee level, is necessary to remove the parcel intended for the historic structure from the boundary and control of the DSP. The original condition established the LDSP "...for lots abutting Hall Road and Pin Oak Parkway..." to review and approve visible architectural elevations and buffering of the rears of the dwelling units. The parcel intended for the historic structure will not be a lot for a dwelling unit and there will be no rear of the dwelling unit to buffer. The newer Lot 29 will be required to provide landscaping along the rear of the lot consistent with the intent of the original condition and the provisions of the MOU. The parcel intended for the historic structure should be shown on the DSP as an adjacent property, with a note describing the structure as "Vacant to Remain" and "Not part of this Site Plan." This revision to the LDSP should be approved prior to the approval of a new final plat creating the newer Lot 29 and the parcel for the historic structure.

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

One last issue relates to the additional road dedication provided for Hall Road with the existing final plat of subdivision. When that plat was approved and recorded, the historic structure was to be removed. The additional dedication for Hall road was established without regard for the structure. Because a small portion of a corner of the structure is within the current road dedication, that dedication needs to be adjusted. Hall Road is maintained by the State Highway Administration (SHA). That agency was involved in the negotiations that lead to the MOU and has agreed to the adjustment of the right-of-way for Hall 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 Squire, seconded by Commissioner Cavitt, with Commissioners Squire, Cavitt, Vaughns, Clark and Parker voting in favor of the motion on Thursday, September 25, 2008, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 30th day of October 2008.

Oscar S. Rodriguez
Executive Director

By Frances J. Guertin
Planning Board Administrator

OSR:FJG:ASH:bjs

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