

R E S O L U T I O N

WHEREAS, Quad Residential Development Corporation is the owner of a 11.30-acre parcel of land known as North Hampton, Parcel E, WWW87@63 said property being in the 13th Election District of Prince George's County, Maryland, and being zoned R-30C; and

WHEREAS, on August 31, 2000, Quad Residential Development filed an application for approval of a Preliminary Subdivision Plat (Staff Exhibit #1) for 67 lots and 1 parcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plat, also known as Preliminary Plat 4-00046, Charwood Village, 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 January 25, 2001, 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 January 25, 2001, 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/16/95), and further APPROVED Preliminary Plat of Subdivision 4-00046, Charwood Village, for 67 lots and 1 parcel with the following conditions:

1. Prior to building permits the applicant, his heirs, successors and/or assigns shall demonstrate that a homeowners association has been established and that the common areas have been conveyed to the homeowners association.
2. The applicant, his heirs, successors and/or assigns shall provide adequate private recreational facilities on site, in accordance with the standards outlined in the *Parks and Recreational Facilities Guidelines*.
 - a. The applicant shall submit three (3) original Recreational Facilities Agreements (RFA) to the Development Review Division (DRD) for their approval concurrent with the submission of the final plat. Upon approval by the DRD, the RFA shall be recorded among the County Land Records.
 - b. The applicant shall submit a performance bond, letter of credit or other suitable financial guarantee prior to grading permits, for an amount to be determined by the DRD.

- c. The applicant his successors and/or assigns shall submit a site plan which complies with the standards outlined in the *Parks and Recreational Facilities Guidelines* and shall include detailed siting plans and an equipment schedule for all recreational facilities provided.
 - d. The applicant, his successors and/or assigns shall satisfy the Planning Board that there are adequate provisions to assure the retention and future maintenance of the proposed recreational facilities.
3. The land to be conveyed to a Homeowners Association shall be subject to the following conditions:
 - a. Conveyance shall take place prior to the issuance of building permits.
 - b. All manmade debris shall be removed from the land to be conveyed.
 - c. The conveyed open space shall not suffer the disposition of construction materials, soil filling, discarded plant materials, refuse or similar waste matter.
 - d. Any disturbance of land to be conveyed to a Homeowners' Association shall be in accordance with an approved site plan or shall require the written consent of the Development Review Division. This shall include, but not be limited to: The location of sediment control measures, tree removal, temporary or permanent stormwater management, utility placement and storm drain 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.
4. At the time of special exception review, a determination will be made by the Environmental Planning Section as to the adequacy of appropriate noise mitigation measures in compliance with State acceptable standards of 65dBA (1dn) exterior and 45 dBA (1dn) interior.
5. Development of this site shall be in conformance with the approved stormwater concept plan, Concept ## 8006870-1995-01.
6. Development of this subdivision shall be in compliance with the approved Type I Tree Conservation Plan (TCPI/16/95). The following note shall be placed on the Final Plat of Subdivision:

ADevelopment is subject to restriction shown on the approved Type I Tree Conservation Plan (TCPI/16/95), 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 and Subtitle 25.@

7. A Type II Tree Conservation Plan shall be approved at the time of Special Exception review.
8. The timing for the abandonment of the WSSC Storm Drain right-of-way affecting Lots 26 through 37 shall be determined at the time of review of the special exception.
9. Prior to signature approval the preliminary plan shall be revised:
 - a. To delineate the 150-foot lot depth requirement from Harry S. Truman Drive.
 - b. To delineate the 150-foot building setback from the center line of Harry S. Truman Drive for noise impact.
 - c. In accordance with applicants exhibit AA@
10. Prior to the approval of the final plat of subdivision the applicant, his assessors and/or assigns shall obtain approval of a special exception to permit townhouses.
11. The preliminary plan shall be revised to modify the proposed entrance on to Harry S. Truman Drive. The entrance shall be constructed with a 60 foot right of way and have a median.
12. Prior to the issuance of building permits, the applicant, his heirs, successors and/or assigns shall pay an Adequate Public Facilities fee of \$2,160.00 per dwelling unit for the elementary school, unless fully offset by a school facility surcharge payment. Any amount not offset shall be paid and divided among the schools at a rate determined by the guidelines. This adequate public facilities fee would be placed in an account to relieve overcrowding at Phyllis E. Williams Elementary School.
13. No permits shall be issued for this subdivision until the projected percentage of capacities at all the affected schools are less than or equal to 130% or four years have elapsed since date of the adoption of the resolution of the approval of this preliminary plat of subdivision.

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 site is located in the northeast quadrant of the intersection of Harry S. Truman Drive and Mt. Lubentia Way fronting both streets.

3. Environmental Issues - On March 7, 1994, the 11.30 acre site was originally reviewed by staff as a preliminary plat of subdivision with 90 Lots, and later as a site plan in 1996. The environmental features, then and now, remain largely unchanged. The current proposal reduces the overall density to 67 Lots. As a result there is an increase in conservation areas. The site is predominantly wooded and contains relatively sloping terrain from east to west. The site is bisected by a swale. There are wetlands identified at the extreme northeast portion of the site with the preliminary plan demonstrating appropriate buffers.

The predominant soil types on-site are Adelphia, Galestown, Sassafra and Shrewsbury, which generally exhibit moderate to severe limitations to development due to high water table, impeded drainage and erosion potential.

This site is subject to the provisions of the County Woodland Conservation Ordinance, because it is more than 40,000 square feet in size and contains more than 10,000 square feet of woodland. The site has a previously approved TCPI, which was approved with Preliminary Plat 4-94016, and which is again recommended for approval with this application.

A review of the Forest Stand Delineation (FSD), as submitted, was found to be adequate and meets the minimum requirements for acceptance. There were no streams, Waters of the US, specimen trees or endangered species identified on the site. No Scenic or Historic Roads are located on or adjacent to the property.

Noise is not a major consideration at this time in the development process. A final determination regarding necessary measures to mitigate noise from Harry S. Truman Drive should be evaluated at the time of Special Exception review. However, the preliminary plan will delineate that building footprints of habitable structures should be located 150 feet from the centerline of northbound Harry S. Truman Drive, and that the lot depth requirement along arterial roadways is 150 feet.

A review of the Type I Tree Conservation Plan (TCPI/16/95), as submitted based on the FSD, satisfies all the requirements of the Prince George's County Woodland Conservation Ordinance. The minimum requirement for this site is 2.26 acres (20% of the Net Tract) and an additional 1.58 acres due to the removal of woodland, for a total minimum requirement of 3.97 acres. The applicant has proposed to meet the requirement with 3.08 acres of on-site preservation as required, and an additional 0.92 acres of woodland reforestation, for a total woodland conservation of 4.00 acres. Any incursion into designated preservation areas will result in fine imposition of up to \$1.50 per square foot of disturbed area. The Environmental Planning Section, Countywide Planning Division is satisfied that the TCPI submittal meets and exceeds the minimum requirements to recommend approval.

The property is in Water and Sewer Category 3 and will be served by public systems.

4. Community Planning - The 1990 *Approved Largo - Lottsford Master Plan* supports the proposed low urban density for this property and rezoned the subject property from Commercial Shopping Center Zone (C-S-C) to the Residential Multi-Family Low Density Condominium Zone (R-30C).

The master plan states that the Largo community will have a surplus of parkland at the build-out of this community. The Southwest Branch master plan trail is proposed to cross Harry S. Truman Drive approximately 500 feet south of the subject property. Currently there are sidewalks along both sides of Harry S. Truman Drive for pedestrian movement.

The proposed townhouses are in accord with the intent of the master plan because the proposed use is compatible with the predominant single-family attached and multi-family residential land uses along Harry S Truman Drive. However, the proposed median breaks on Harry S. Truman Drive should be coordinated with the entrances proposed across the street as part of the proposed Truman Park Apartment project (SP 93045/01).

5. Parks and Recreation - In accordance with Section 24-135(b) of the Subdivision Regulations the Park Planning and Development Division of the Department of Parks and Recreation recommends that the applicant provide on-site private recreational facilities for the residents of the proposed development.

The private recreational facilities should be reviewed by the Urban Design Section for adequacy and proper siting, concurrent with the review of the special exception.

6. Trails - There are no master plan trails issues.
7. Transportation - The findings and recommendations outlined below are based upon a review of relevant materials and analyses, consistent with the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*.

A traffic study was originally required under the presumption that there was not a currently valid test of adequate transportation facilities performed for this property. However, further information showed that the underlying Parcel E had a valid test, and the traffic study requirement was waived. Staff at that time believed that due to the lapse of the 1995 preliminary plat for 90 townhouse lots, that development was not vested on this site.

Staff found that the 1974 plat for Parcel E had been recorded and therefore had legal standing. Because Parcel E was subdivided after 1970 an adequate public facilities test had already been applied to this property. The plat was recorded in 1974, meaning that the property is legally vested for development under certain circumstance. At the time of subdivision in 1974 the property was zoned C-S-C and evaluated based on the maximum retail potential of development. That potential was then added to background for any future development in the area, and included in the transportation background since 1974.

Staff would presume that the potential impact of retail development on this 11 acre

property for transportation facilities would far exceed the current proposal of 67 townhouses. Also, in the R-30C Zone the density for multifamily dwellings would allow for 12 dwelling units per acre on this property, which would provide for 135 dwelling units. The proposed subdivision would generate no net trips over the maximum density that is currently allowed or that which was originally considered in 1974 for retail uses.

There would be no resulting impact on traffic operations at the Harry S Truman Drive/Mount Lubentia Way intersection, which has not already been evaluated. Harry S. Truman Drive/Mount Lubentia Way intersection is this development's critical intersection.

While the site layout is quite different from that which was approved in 1995, the access to the site remains the same, with the subdivision utilizing two access points, one onto Harry S. Truman Drive and one onto Mount Lubentia Way. Questions have arisen concerning the need for both access points, and the following are findings in this regard.

- A. From the standpoint of safety and the delivery of public services, two access points are superior to one. However, The subdivision is not of such a size or population that the staff would require that two access points be provided.
- B. If one access point is provided instead of two, that access point should be located onto Mount Lubentia Way. Good planning principles suggest that the use of a hierarchical road system is in the interest of the county residents by providing a safe and orderly transportation system. Appropriately, access should be gained via the lower classification roadway. Mount Lubentia Way is a Master Plan collector, while Harry S Truman Drive is a Master Plan arterial facility. As the designation suggests Mt. Lubentia is designed to collect traffic from neighborhoods and integrate that traffic onto larger thoroughfares like Harry S. Truman Drive which is a Master Plan arterial facility. Currently the Largo Woods Townhouse development abutting to the east uses this system for access as well as with several other developments along Mt. Lubentia Way.

Staff has estimated based on a 1995 traffic study, that 49 percent of the residents of this development will use the Harry S. Truman Drive access and 51 percent will use the Mt. Lubentia Way access. The percentages are based on trip distribution estimates and a combination of AM and PM peak hour trips.

- C. Due to the winding nature of Merrick Street and Kerry Way through the subdivision, traffic cutting through the subdivision would be highly unlikely.
- D. Internal access within the subdivision is acceptable.
- E. The Planning Board has determined that an alternative layout provided by the applicant at the public hearing on January 25, 2001, showing a single access point onto Harry S Truman Drive is sufficient to serve the proposed

development, with minor modification.

Harry S. Truman Drive is a Master Plan arterial facility with a planned right-of-way of 120 feet. Mount Lubentia Way is a Master Plan collector facility with a planned right-of-way of 80 feet. Sufficient right-of-way exists along both roadways, and no further dedication is required by this plan.

Adequate access roads will exist as required by Section 24-124 of the Prince George's County Code.

8. Schools - Growth Policy and Public Facilities Planning has reviewed the subdivision plans for adequacy of public facilities in accordance with Section 24-122.01 and 24-122.02 of the Subdivision Regulations and the *Regulations to Analyze the Development Impact on Public School Facilities* (revised January 2001) (CR-4-1998) concluded the following.

Finding

Projected Impact on Affected Public Schools

Affected School Name	D.U. by Type	Pupil Yield Factor	Development Pupil Yield	5- Year Enrollment	Adjusted Enrollment	Total Projected Enrollment	State Rated Capacity	Percentage of Capacity
Phyllis E. Williams Elementary School	67 TH	0.24	16.08	840	0	856.08	644	132.93%
Kettering Middle School	67 TH	0.06	4.02	854	0	858.02	977	87.82%
Largo High School	67 TH	0.12	8.04	1930	0	1938.04	1958	98.98%

Source: Prince George's County Planning Department, M-NCPPC, January 2001

Since the affected Phyllis E. Williams Elementary School projected percentage of capacity is greater than 105%, the Adequate Public Facilities fee is \$2,160.00 per dwelling unit. The amount of the Adequate Public Facilities fee for schools shall be offset by the School Facilities Surcharge. Any amount not offset shall be paid and divided among the schools at a rate determined by the guidelines.

Section 24-122.02 (a) (4) states that if any affected school=s projected percentage of capacity exceeds 130% no permits may be issued until (a) capacity exists below 130% in all affected schools; or (b) four (4) years have elapsed since the time of the approval of the preliminary plan of subdivision.

9. Fire and Rescue - Growth Policy and Public Facilities Planning has reviewed the subdivision plans for adequacy of fire and rescue facilities in accordance with Section

24-122.01 of the Subdivision Regulations, and concluded the following:

- a. The existing fire engine service at Kentland Fire Station, Company 46 located at 10400 Campus Way South has a service response time of 3.97 minutes, which is within the 5.25 minutes response time guideline.
- b. The existing ambulance service at Kentland Fire Station, Company 46 located at 10400 Campus Way South has a service response time of 3.97 minutes,, which is within the 6.25 minutes response time guideline.
- c. The existing paramedic service at Kentland Fire Station, Company 46 located at 10400 Campus Way South has a service response time of 3.97 minutes, which is within the 7.25 minutes response time guideline.

The above findings are in conformance with 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 engine, ambulance and paramedic service.

10. Police Facilities - The proposed development is within the service area of the District II-Bowie police. In accordance with Section 24-122.01(c)(1)(A) and (B) of the Subdivision Regulations the existing County's police facilities will be adequate to serve the proposed Charwood Village development. This police facility will adequately serve the population generated by the proposed subdivision.
11. Health Department - The Health Department has reviewed the proposed subdivision and has no comment.
12. 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, # 8006870-1995-01, has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. Development must be in accordance with this approved plan.
13. Urban Design -Through the review of the special exception staff will take into consideration the following:
 - a. Special attention should be paid to the buffering of the units adjacent to the commercial site located in the southwest corner of the development. Staff recommends that a six-foot-high fence (upgraded board-on-board with brick piers) be implemented on the perimeter of the commercial site. The landscaping should include a combination of evergreen, deciduous and ornamental trees, and shrubbery. Evergreen trees should be limited to 20%, no white pines should be allowed.

- b. All end units should have at least three architectural features, four inch (4") wide window trim and should be brick.
- c. The following lots should have appropriate landscaping to help mitigate views of the rears of the proposed townhouse units,: Lots 19, 20, 42, 43, 53, 54, 61, 62,and 63.
- d. The understory of the existing woodland should be cleared 25 feet from the Limit of Disturbance, or property line, of all dense understory vines, and shrubs including but not limited to, honeysuckle, brambles, poison ivy and wild roses. The woodland edge should be planted with appropriate landscaping materials such as; redbuds, dogwoods, amelanchier and rhododendron.

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 Brown, seconded by Commissioner Eley, with Commissioners Brown, Eley, Lowe and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, January 25, 2001, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 15th day of February 2001.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:WC:rmk