

R E S O L U T I O N

WHEREAS, Willaim A. Looney is the owner of a 6.54-acre parcel of land known as Parcel 1, VJ 169@30 and P/O Parcel 112, Tax Map 45, Grid B-3, said property being in the 14th Election District of Prince George's County, Maryland, and being zoned R-R; and

WHEREAS, on May 9, 2001, Haverford Homes filed an application for approval of a Preliminary Subdivision Plat (Staff Exhibit #1) for 6 lots and 1 parcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plat, also known as Preliminary Plat 4-01041 for Glenshire Estates, Phase II, 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 12, 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 July 12, 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/176/90), and further APPROVED Preliminary Plat of Subdivision 4-01041, Lots 34-39, Block A and Parcel B for Glenshire Estates, Phase II, with the following conditions:

1. Prior to the issuance of a 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 schools, unless fully offset by a school facility surcharge payment. Any amount not offset shall be placed in an account to relieve overcrowding at Rockledge Elementary School.
2. 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 percent or four years have elapsed since date of the adoption of the resolution of the approval of this preliminary plan of subdivision.
3. Prior to signature approval of TCPI/176/90 the applicant shall obtain from the Prince George's County Department of Environment Resources (DER) written authorization to provide woodland conservation reforestation areas on Parcel B to be conveyed to DER. In the event authorization may not be obtained from DER the applicant shall revise TCPI/176/90 to provide additional off-site mitigation.

4. Prior to signature approval of TCPI/176/90 the plan shall be revised to include afforestation on Lots 35 and 36 of Glenshire Estates, Phase II. This reforestation shall be in the vicinity of the existing barn that is to be razed.
5. Development of this subdivision shall be in compliance with the approved Type I Tree Conservation Plan (TCPI/176/90). The following note shall be placed on the Final Plat of Subdivision:

A Development is subject to the restrictions shown on the approved Type I Tree Conservation Plan (TCPI/176/90), 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 is a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation/Tree Preservation Policy. @

6. A Type II Tree Conservation Plan shall be approved prior to issuance of any building or grading permits.
7. The Type II Tree Conservation Plan shall provide specific information on edge management practices that will be used for all woodland conservation areas on lots. This information shall address hazardous or problem trees, removal of undesirable species, and support planting if stocking levels fall below acceptable levels.

8. The following note shall be placed on the TCPII:

A All reforestation planting and edge management shown on this plan shall be completed prior to the issuance of the Use and Occupancy (U&O) permit for the subject lot. @

9. Development of this subdivision shall be in accordance with the approved Stormwater Management Concept Plan #8006190-1989-01.

10. Prior to signature approval the preliminary plan shall be revised:

- a. To re-label Lots 1 - 6, as Lots 34 - 39, Block A.
- b. To located any septic systems, grease traps, or wells that are still in use or abandoned on the property.
- c. The general location and orientation of the proposed dwelling on Lot 39, the location of the driveway access, and bufferyards in accordance with the Prince George=s County *Landscape Manual*.

11. Prior to approval of the Final Plat of subdivision the applicant, his heirs, successors and

or assigns shall pay a fee-in-lieu of parkland dedication for lots under one acre in size.

12. Any abandoned wells must be backfilled and sealed in accordance with Code of Maryland Regulation 26.04.04 by a licenced well driller or witnessed by a representative of the Environmental Engineering Program.

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.
1. The property is located north of Martin Luther King, Jr. Highway, on the west side of Glenn Dale Road in Glenn Dale.
2. EnvironmentalCThis property is subject to the provisions of the Prince George=s County Woodland Conservation Ordinance because there are two previously approved TCP plans for this property. TCPI/176/90 was approved in conjunction with a Preliminary Plan of Subdivision for the original 33 lots in the subdivision and TCPII/24/94 was reviewed and approved in conjunction with an application for a grading permit for that property. The grading permit was never issued. The prior approvals did not include Parcel A and part of Lot 2, which are the subject of this application.

TCPI/176/90 was revised to include Parcel A and part of Lot 2, as well as the original 33 lots (4-90162) on June 12, 2001. That plan, containing a total of 23.73 acres, has been reviewed and found to satisfy the requirements of the Prince George=s County Woodland Conservation Ordinance, including the replacement requirements.

This 23.73-acre property has a 20 percent Woodland Conservation Threshold of 4.75 acres and a replacement requirement of 4.34 acres, for a total requirement of 9.09 acres. That requirement is being satisfied by 3.74 acres of on-site preservation, 1.16 acres of on-site reforestation, and 4.19 acres of off-site mitigation. That location is yet to be determined. It is noted that a significant portion of the reforestation, 0.66 acre, is proposed to be provided on individual lots. However, TCPI/176/90 is recommended for approval with modifications.

Streams and wetlands occur on this property. A copy of the Corps of Engineers Jurisdictional Determination was included with the application and the limits of the streams and wetlands are correctly shown on the plans. The TCPI as submitted proposes impacts to the stream, the 50-foot stream buffer, wetlands, and the 25-foot wetland buffer. Section 24-130(b) of the Subdivision Ordinance provides for the protection of these areas.

During the approval of Preliminary Plan 4-90162 a variation was granted to allow disturbances to the stream and wetlands along Glen Dale Road for the construction of Glenshire Drive. The disturbances associated with that variation to Section 24-130 of the Subdivision Ordinance have not changed with this application. However, a new impact is proposed for the construction of the stormwater management pond outfall which will direct water from the pond into the existing stream channel. This additional variation is discussed further in the Variation Request Section of this report, Finding 12 below.

4. Community PlanningCThe subject property is within the area of the *Approved Master Plan and Sectional Map Amendment for Glenn Dale-Seabrook-Lanham and Vicinity* (1993), in Planning Area 70 in the Annapolis Road Community. The master plan land use recommendation for the subject property is for Low-Suburban Residential. There are no master plan issues associated with this applicationn
5. Parks and RecreationCIn accordance with Section 24-134(a)(3)(B) of the Subdivision Regulations, proposed Lot 3 is exempt from the requirement of mandatory dedication of parkland because the lot proposed is in excess of one acre.

However, in accordance with Section 24-134(a) of the Subdivision Regulations Lots 1, 2, 4, 5, and 6 are subject to the payment of a fee-in-lieu of parkland dedication because the land available for parkland dedication is unsuitable due to its size and location.

6. TrailsCThere are no master plan trail issues associated with this application.
7. TransportationCThe proposed development would generate 5 AM and 6 PM peak hour vehicle trips as determined using trip generation rates in the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*.

The traffic generated by the proposed preliminary plan would impact the intersection of MD 450 and MD 953. There are no improvements which are programmed with 100 percent construction finding within the next six years in the current Maryland Department of Transportation Consolidated Transportation Program or the Prince George=s County Capital Improvement Program in the immediate area. However, the widening of MD 450 within the immediate area has recently been completed.

The Prince George=s County Planning Board, in the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*, has defined Level-of-Service D (LOS D) as the lowest acceptable operating condition on the transportation system. The intersection of MD 450 and MD 953, when analyzed under existing and total future traffic as developed using the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*, was found to be operating at LOS B or better in both peak hours.

8. SchoolsCThe Growth Policy and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of school facilities in accordance with Section 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) and concluded the following:

Projected Impact on Affected Public Schools

Affected School Name	D.U. by Type	Pupil Yield Factor	Development Pupil Yield	5-Year Projection	Adjusted Enrollment	Total Projected Enrollment	State Rated Capacity	Projected% Capacity
Rockledge Elementary School	6 sfd	0.24	1.44	770	0	771.44	519	148.64%
Thomas Johnson Middle School	6 sfd	0.06	0.36	693	0	693.36	932	74.39%
Duval High School	6 sfd	0.12	0.72	1400	0	1400.72	1751	80.00%

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

Since the affected Rockledge Elementary School projected percentage of capacity is greater than 105 percent, the Adequate Public Facilities fee will be required at the time of building permit on a per dwelling unit basis. 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 percent no permits may be issued until (a) capacity exists at or below 130 percent 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 RescueCThe Growth Policy and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of public facilities and concluded the following:
 - a. The existing fire engine service at Glenn Dale Fire Station, Company 18, located at 11900 Glenn Dale Boulevard, has a service response time of 3.98 minutes, which is within the 5.25-minute response time guideline.
 - b. The existing ambulance service at Glenn Dale Fire Station, Company 18, located at 11900 Glenn Dale Boulevard, has a service response time of 3.98 minutes, which is within the 6.25-minute response time guideline.
 - c. The existing paramedic service at Glenn Dale Fire Station, Company 18, located at 11900 Glenn Dale Boulevard, has a service response time of 3.98 minutes, which is within the 7.25-minute response time guideline.

- d. The proposed subdivision will be within the adequate coverage area of the nearest existing fire/rescue facility for fire engine, ambulance and paramedic services.

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*.

10. Police Facilities CThe proposed development is within the service area for District II-Bowie. In accordance with Section 24-122.01(c) of the Subdivision Regulations the existing County=s police facilities will be adequate to serve the proposed Glenshire Estates Subdivision, Phase 2. This police facility will adequately serve the population generated by the proposed subdivision.
11. Health Department CThe Health Department has evaluated the proposed preliminary plan and requested that the plan be revised to located any septic systems, grease traps, or wells that are still in use or abandoned on the property. Any abandoned wells must be backfilled and sealed in accordance with Code of Maryland Regulation 26.04.04 by a licenced well driller or witnessed by a representative of the Environmental Engineering Program. The applicant should note that the abandonment of a septic tank must be done with the coordination of the Environmental Health Department prior to the approval grading permits.
12. Stormwater Management CThe Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan, #8006190-1989-01, 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. Variation Request CThe applicant has requested a variation from Section 24-130 of the Subdivision Regulations to allow for disturbance to the 50-foot stream buffer within proposed Parcel B. The applicant has been required to extend an outfall from the stormwater management into the existing stream channel on site. The Department of Environmental Resources is recommending approval of the conceptual stormwater management plan, which reflects the outfall location.

Staff has reviewed the variation request and is in agreement with the applicant=s comments addressing the required findings necessary for the granting of a variation. Staff supports the request to allow the disturbance of the wetlands buffer on proposed Parcel B, based on the following findings:

- a. **The granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to other property.** The proposed outfall is required to channel stormwater for the proposed pond to the existing stream. Failure to provide a controlled outfall would result in increased erosion,

degradation of the stream, and potential damage to other properties in the area.

- b. **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.** The configuration of the usable tract area as impacted by the location of the wetlands is a configuration not generally shared by the surrounding properties. The wetlands provide a natural contour for the stormwater management pond outfall. Although the pond is not located within the wetlands the outfall is required at this location to remove overflow in a manner that will promote the public safety.
- c. **The variation does not constitute a violation of any other applicable law, ordinance, or regulation.** The limited disturbances proposed herein, for which the variations are requested, are not at odds with any other applicable law, ordinance, or regulation. The proposed disturbances are being required pursuant to review of the Stormwater Management Concept Plan, by the Department of Environmental Resources, Stormwater Management Program and Planning Division.
- d. **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 the strict letter of these regulations is carried out.** If this variation is denied, the water flowing in the outfall would be left to flow over the undisturbed forest floor between the outfall and the stream. This uncontrolled flow would result in

the degradation of the forest floor, eroded soils, cause siltation downstream, and potentially damaging downstream properties.

The specific topographical conditions of the property are not shared by the surrounding properties with regard to the wetlands and its buffer. If the disturbance is not permitted, the applicant would be required to be reconfigured or modified the approved stormwater management facility and could result in the elimination of several of the proposed lots. Staff believes that this could result in a particular hardship to the owner, when the purpose of this application is for six lots.

Staff supports the request for a variation of Section 24-130 of the Subdivision Ordinance to allow the construction of a stormwater management pond within the 50-foot stream buffer.

- 14. Flag LotCThe proposal includes one flag lot, proposed Lot 6. Flag lots are permitted pursuant to Section 24-138.01 of the Subdivision Regulations. The proposed flag lot satisfies the design standards found in Section 24-138.01(d) as follows:

- a. **A maximum of two tiers are permitted.** The applicant is proposing only one flag lot.
- b. **The flag stem has a minimum width of 25 feet for the entire length of the stem.** The applicant is proposing a 25-foot wide flag stem.
- c. **The net lot area, exclusive of the stem, must meet the minimum lot size standard.** The net lot area of Lot 6 exclusive of the flag stem is approximately 34,632 square feet, exceeding the minimum 20,000 square feet of net lot area for conventional development in the R-R Zone.

Section 24-138.01 of the Subdivision Regulations requires that the proposed preliminary plan include the general location and orientation of the proposed dwelling on the flag lot, the location of the driveway access and bufferyards in accordance with the Prince George=s County *Landscape Manual*. The preliminary plan should be revised to demonstrate conformance to this section.

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 Brown, with Commissioners Eley, Brown, Lowe, Scott, and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, July 12, 2001, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 6th day of September 2001.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:WSC:pch