

R E S O L U T I O N

WHEREAS, 197 Investment Partnership is the owner of a 31.45-acre parcel of land known as Parcel B, VJ 166/57, said property being in the 10th Election District of Prince George's County, Maryland, and being zoned R-R; and

WHEREAS, on January 28, 2002, Richmond American Homes of Maryland filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 45 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-02008 for 197 Investment Partnership 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 4, 2002, 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 4, 2002, 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 Preliminary Plan of Subdivision 4-02008, 197 Investment Partnership Property for Lots 1-45 and Parcels A-D with the following conditions:

1. A detailed site plan shall be approved prior to final plat approval.
2. Review of the detailed site plan shall include, but not be limited to:
 - a. An overall streetscape design including entrance features and the treatment of the green areas located within the cul-de-sacs.
 - b. The landscape treatment of the 1.4-acre open space parcel located in the center of the site.
 - c. A proposal by the applicant for appropriate fencing and/or marking of the cemetery.
 - d. A proposal by the applicant for long-term maintenance, e.g., including care of the cemetery in the homeowners' association covenants.

- e. The siting of houses on the corner lots to ensure that a useable, private rear yard is provided.
 - f. The siting of the houses on Lots 9-12 to ensure that views into the rear yards of Lots 9 and 12 are limited.
 - 7. The retention of a wooded buffer along the rear of lots 1 through 7 and 30.
3. Development of this subdivision shall be in compliance with the approved Type I Tree Conservation Plan (TCP I/62/96). 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 (TCP I/62/96), 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. A Type II Tree Conservation Plan shall be approved in conjunction with the detailed site plan.
5. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the 100-year floodplain, wetlands, and wetland buffers, and shall be reviewed by the Environmental Planning Section prior to final plat approval. In addition, 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 is prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is permitted."
6. Prior to the approval of the Detailed Site Plan for the subject property, the applicant shall submit an acceptable Traffic Signal Warrant Study to the State Highway Administration (SHA) and the County Department of Public Works and Transportation (DPW&T) for the intersection of MD 197 and Snowden Pond Road/Basswood Drive. The study should utilize a new 12-hour count and should analyze signal warrants under total future traffic, as well as existing traffic in accordance with SHA and DPW&T procedures. If deemed warranted by the State Highway Administration and the Department of Public Works and Transportation, the applicant shall bond their pro rata share of the cost of the installation of the signal with the appropriate agency prior to the release of the initial building permit within the subject property. The amount of the pro rata share cost of the installation of the signal shall be determined at the time of detailed site plan approval. The State Highway Administration

shall be sent a referral request as part of the detailed site plan to respond to the schedule of the installation of the signal, if warranted.

7. No building permits shall be issued for this subdivision until the percent capacity at all the affected school clusters are less than or equal to 105 percent or six years have elapsed since the time of the approval of the preliminary plan of subdivision; or pursuant to the terms of an executed school facilities agreement where by the subdivision applicant, to avoid a waiting period, agrees with the County Executive and County Council to construct or secure funding for construction of all or part of a school to advance capacity.
8. At the time of final plat, the applicant, his heirs, successors and/or assignees, shall pay a fee-in-lieu of mandatory park dedication.
9. Development of this site shall be in conformance with the approved stormwater concept plan, Concept # 8009220-1989-01, or any revisions thereto.
10. All 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, except building permits for model homes.
 - 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 Detailed 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 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.

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 south and west of phase II of Snowden Pond of Montpelier.
3. Cluster Development Data as Proposed by Applicant

Zone	R-R
Gross Tract Area	31.45 ac.
Area with Slopes Greater than 25 Percent	0.00 ac.
Area within Preliminary 100-Year Floodplain	3.09 ac.
Cluster Net Tract Area	28.36 ac.
No. of Lots Permitted	56
No. of Lots Proposed	45
No. of Flag Lots Proposed	0
Minimum Lot Size Permitted	10,000 sq. ft.
Minimum Lot Size Proposed	10,000 sq. ft.
Cluster Open Space Required	8.17 ac.
2/3 of Required Open Space to be Located Outside of the 100-Year Floodplain and Stormwater Management	
Facilities	5.45 ac.
Cluster Open Space Proposed Outside of the 100-Year Floodplain	
and Stormwater Management Facilities	10.92 ac.
Cluster Open Space Provided	15.97 ac.
Mandatory Dedication Required	1.41 ac.
Mandatory Dedication Proposed	Fee-in-lieu
Total Open Space Required	8.17 ac.
Total Open Space Provided	15.97 ac.
Open Space to be Conveyed to Homeowners' Association	15.97 ac.
Open Space to be Conveyed to M-NCPPC	0.00 ac.
Slopes Exceeding 25 Percent in Grade	0.00 ac.
25 Percent of Steep Slopes	0.00 ac.
Area of Steep Slopes to be Disturbed	0.00 ac.
Area of Nontidal Wetlands	3.01 ac.

Modification in Dimensional Standards Permitted in Cluster		Standard Allowed	Modification Allowed	Modification Proposed
27-442(c)	Net Lot Coverage	25%	30%	30%
27-442(d)	Lot Width at Bldg Line	80'	75'	75'
	Lot Frontage Along Street Line	70'	50'	50'
	Lot Frontage Along Cul-de-sac	60'	50'	50'

4. Cluster Findings - The design for the proposed cluster subdivision meets the purposes and criteria for approval of cluster developments in the R-R Zone found in Subtitles 27-Zoning and 24-Subdivision of the Prince George's County Code. The following findings are required in accordance with Section 24-137 of the subdivision regulations:

- a. **Individual lots, streets, buildings and parking areas will be designed and situated in conformance with the provisions for woodland conservation and tree preservation set forth in Subtitle 25 of the Prince George's County Code, and in order to minimize alteration of the historic resources or natural site features to be preserved.**

Comment: This finding has been satisfied. As far as possible, individual lots, buildings, streets, and parking areas have been designed and situated so as to minimize alteration of the natural site features to be preserved, such as the 100-year floodplain, nontidal wetlands, and areas containing steep slopes. The area of the site located within the 100-year floodplain and the wetland areas are located in the western portion of the site and are not proposed to be disturbed.

- b. **Cluster open space intended for a recreational or public use, conservation purposes, or as a buffer for a historic resource is appropriate, given its size, shape, topography and location, and is suitable for the particular purposes it is to serve on the site.**

Comment: This finding has been satisfied. Approximately 15.97 acres of open space will be preserved and conveyed to the homeowners' association. The majority of this open space is located in the western corner of the site and is not proposed to

be developed. While this area is not easily accessible to the future homeowners, it will provide wildlife habitat and protect the site's sensitive environmental features.

- c. **Cluster open space will include irreplaceable natural features located on the tract (such as, but not limited to, stream beds, significant stands of trees, steep slopes, individual trees of significant size, and rock outcroppings).**

Comment : This finding has been satisfied. The proposed open space includes irreplaceable features in areas of existing trees, wetlands and floodplain.

- d. **Cluster open space intended for recreational or public use will be easily accessible to pedestrians; and the means of access will meet the needs of the physically handicapped and elderly.**

Comment : This finding is satisfied. The usable portion of the open space (Parcels ■C• and ■D•) is centrally located in the subdivision with long street frontages. Open space intended for preservation is less accessible.

- e. **Cluster open space intended for scenic value will achieve this purpose through the retention of irreplaceable natural features described above; or where such natural features do not exist, such techniques as berms planted with trees and the use of landscaping material may be required to eliminate visual monotony of the landscape.**

Comment : Little of the cluster open space is intended for scenic value. Most of it is virtually inaccessible. The central open space should be evaluated at the time of detailed site plan review for appropriate landscape treatment.

- f. **Diversity and originality of lot layout and individual building design, orientation, and location will achieve the best possible relationship between development and the land.**

Comment : The lot layout follows both the shape and contour of the land. Lots are concentrated on the flattest and highest portion of the land, allowing for ease of stormwater management and preservation of large areas of wetlands, floodplain and trees.

- g. **Individual lots, buildings, parking areas, and streets will be arranged, designed, situated, and oriented so as to harmoniously relate to surrounding properties, to improve the view from dwellings, and to lessen the area devoted to motor vehicle access and circulation.**

Comment : This finding has been satisfied. While lots are located near existing lots, they have been incorporated into the design appropriately. The new lots will appear

as a typical extension of the existing subdivision and will be similar in size and shape. Clustering the lots in the front of the subdivision and preserving the large tract in the rear minimizes the area required for vehicle circulation.

- h. Individual lots, buildings, parking areas, and streets will be so situated and oriented as to avoid the adverse effects of shadows, noise, and traffic on, and afford privacy to, the residents of this site.**

Comment : This finding has been satisfied. Many lots back to open space; many back to the rears of other lots. This is typical in a cluster development. While the lot layout is appropriate and preserves privacy and avoids impacts of shadows, noise and traffic, staff is concerned today as it was in the first two iterations of this proposal with several lots. In this proposed subdivision, corner lots appear to lose critical rear yard area. Lots 9 and 12, while not flag lots by the strict definition of the term, will appear as flag lots in that the homes on Lots 10 and 11 will be behind the homes on lots 9 and 12. These issues should be carefully examined at the time of detailed site plan to ensure that useable, private rear yards are established.

- i. Not more than one-fourth (1/4) of any of the land having slopes greater than twenty five percent (25%) will be removed or altered, and then only when the slopes are isolated, small, or otherwise occur as insignificant knolls, so that the design of the development or cluster open space will not be adversely affected.**

Comment : This finding has been satisfied. There are no areas within this section with slopes in excess of 25 percent.

- j. Appropriate landscape screening techniques will be employed at each entrance to the subdivision and along adjoining existing streets, so as to assure the compatibility of the appearance of the cluster subdivision with that of surrounding existing and planned residential development not approved for cluster development, and to provide an attractive appearance from streets. Individual lots shall also be appropriately landscaped in such a manner as to provide an attractive appearance.**

Comment : This finding has been satisfied. At the time of Detailed Site Plan approval, a landscape plan should be submitted and approved, demonstrating that appropriate landscape techniques will be employed at each entrance to the subdivision and along adjoining existing streets, so as to assure the compatibility of the appearance of the subject cluster subdivision with that of surrounding existing and planned residential development not approved for cluster development, and to provide an attractive appearance from streets. Individual lots should also be appropriately landscaped in such a manner as to provide an attractive appearance.

5. Environmental Issues - The property is mostly wooded. No historic or scenic roads are affected by this proposal. There are streams, wetlands, and floodplain on the property associated with the Patuxent River watershed. There are no significant nearby noise sources. The proposed use is not expected to be a noise generator. No species listed by the State of Maryland as rare, threatened, or endangered are known in the general region. According to the information included in the review package, the major soils of the proposed development area of the property are in the Marr and Mattapeake series. These soils pose no serious problems for construction. According to the sewer service and water service maps produced by DER, the property is in water and sewer categories W-3 and S-3, respectively. The lots will be served by public water and sewer.

This site is subject to the provisions of the Woodland Conservation Ordinance because the entire site is more than 40,000 square feet in size and contains more than 10,000 square feet of woodland. A Type I Tree Conservation Plan, TCP I/62/96, was approved by PGCPB Resolution No. 96-385. No further action is needed as it relates to this preliminary plan review. Development must be in conformance with the approved Type I Tree Conservation Plan, and Type II Tree Conservation Plan should be required at the time of Detailed Site Plan.

There are wetlands, streams, and floodplain on this site. The minor impacts proposed as part of this subdivision were reviewed and approved as part of 4-89235. The applicant has obtained permits from the U.S. Army Corps of Engineers to proceed with the work. At time of final plat, a conservation easement should be described by bearings and distances. The conservation easement should contain the 100-year floodplain, wetlands, and wetland buffers and should be reviewed by the Environmental Planning Section prior to approval. An appropriate plat note should be included on the final plat.

6. Community Planning - The 2000 *Interim General Plan* places this property in the Developing Tier. The 1990 *Master Plan for Subregion I* recommends low suburban density residential development for part of the property. The remainder is recommended to be developed into several roads, including A-44 and A-4, which would connect A-44 to MD 197. As discussed further in the Transportation Finding of this report, the rights-of-way for these roads were placed in reservation in 1990. The three-year reservation period has expired and the rights-of-way have not been purchased. Therefore, this land is now eligible for development. The 1990 *Sectional Map Amendment for Subregion I* retained the R-R Zone for this property. The proposed development is in conformance with the master plan guidelines and recommendations.
7. Parks and Recreation - The proposal is subject to the requirements of Section 24-134 of the Subdivision Regulations for mandatory park dedication. The Department of Parks and Recreation recommends a fee-in-lieu of dedication be required because the size and location of the land available are unsuitable for public park purposes. Private cluster open space to be conveyed to a homeowners' association should be free of debris and hazardous materials.

8. Trails - There are no master plan trails issues associated with this application.
9. Transportation - No traffic study was requested or received of the applicant. The transportation staff determined that weekday traffic counts were needed at the unsignalized intersection of MD 197 and Snowden Pond Road/Basswood Drive. In response, the applicant submitted traffic counts taken in February 2002 at this location. 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*.

The subject property was previously the subject of Preliminary Plan 4-89235. The parcel encompassing the subject property was placed in reservation for three years in accordance with the approval of the 1989 preliminary plan; it has come out of reservation and is being subdivided at this time. Another preliminary plan, 4-96080, was approved for this property in 1996. This subdivision was never recorded and has expired.

The staff's traffic impact analysis was limited to the intersection of MD 197 and Snowden Pond Road/Basswood Lane, which is unsignalized. The existing conditions at this intersection, according to the recent peak-hour traffic counts, indicate that the intersection operates with a maximum delay of 454.6 seconds during the AM peak hour and 88.4 seconds during the PM peak hour. The *Guidelines* identify unsignalized intersections having delays exceeding 50.0 seconds in any movement as unacceptable.

The transportation staff identified limited background development in the vicinity of the planned development. These included the following:

Montpelier Hills	
40 townhouse units	5 percent south on MD 197
251 multi-family units	5 percent south on MD 197
Pheasant Run	
2,000 square-foot bank	18 percent south on MD 197
84 room hotel	18 percent south on MD 197
Pumpkin Hill	
35,700 square-foot retail	15 percent south on MD 197

An annual growth rate of 1.5 percent per year over four years was assumed along MD 197 for the purpose of developing background traffic. No area improvements are funded in the county Capital Improvement Program (CIP) or the state Consolidated Transportation Program (CTP). The resulting background traffic conditions indicate that the intersection would operate with a maximum delay of 708.0 seconds during the AM peak hour and 104.4 seconds during the PM peak hour.

The *Guidelines* indicate that the development of 45 single-family detached residences on the subject property would generate 7 inbound and 27 outbound trips during the AM peak hour

and 26 inbound and 14 outbound trips during the PM peak hour. A trip distribution of 92 percent northbound and 8 percent southbound was assumed. An analysis of total traffic under future conditions indicates that the MD 197/Snowden Pond Road/Basswood Drive intersection would operate with a maximum delay of 748.4 seconds during the AM peak hour and a maximum delay of 156.4 seconds during the PM peak hour. The analysis indicates the intersection of MD 197 and Snowden Pond Road/Basswood Drive operates unacceptably during both peak hours under existing, background, and total future traffic.

Typically when the transportation staff observes that an unsignalized intersection fails, the staff requests that a traffic signal warrant study be completed for the intersection. After that study has been reviewed and the responsible operating agency determines that a signal is warranted, the applicant is required to bond and install the signal. Therefore, staff recommended such a condition on the subject preliminary plan. The Planning Board finds in this instance that adequacy may be achieved by requiring the applicant to pay a pro rata share of the cost of the signal (if warranted). The amount of the pro rata share will be determined at the time of the detailed site plan review.

There is a federal project to reconstruct the Baltimore-Washington Parkway/MD 197 interchange. This project is being funded in six phases by the National Park Service, which owns and operates the Baltimore-Washington Parkway. The reconstruction of the interchange is now substantially complete and will certainly be completed within a six-year horizon. The staff notes that the original preliminary plan for this site contained a condition that no building permits would be issued on the subject property until a point in time exactly three years prior to the scheduled completion date of the Baltimore-Washington Parkway/MD 197 interchange. Given the advanced state of construction of the interchange at this time, there is no need for a similar condition for this plan.

Based on these findings, 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 a condition requiring the applicant to execute a traffic signal warrant study and pay a pro rata share towards the installation of the traffic signal if warranted.

10. Schools - The Growth Policy and Public Facilities Planning Section has reviewed the proposed preliminary plan for adequacy of public school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and the *Adequate Public Facilities Regulations for Schools* (CR-23-2001).

Impact on Affected Public School Clusters

Affected School Clusters #	Dwelling Units	Pupil Yield Factor	Subdivision Enrollment	Actual Enrollment	Completion Enrollment	Wait Enrollment	Cumulative Enrollment	State- Rated Capacity	Percent Capacity	Funded School
Elementary School Cluster 1	45 sfd	0.24	10.80	5681	117	1	5809.80	5105	113.81%	n/a
Middle School Cluster 1	45 sfd	0.06	2.70	3367	35	0	3404.70	3507	97.08%	n/a
High School Cluster 1	45 sfd	0.12	5.40	4259	59	0	4323.40	4123	104.86%	n/a

Source: Prince George's County Planning Department, M-NCPPC, January 2002

The affected elementary school cluster percent capacity is greater than 105 percent. There is no funded school in the affected elementary school cluster. Therefore, given the requirements of Section 24-122.02, this subdivision can be approved with a six-year building permit waiting period. In lieu of the waiting period, the applicant may enter into an agreement with the County Executive and County Council to construct or secure funding for construction of all or part of a school to advance capacity.

11. Fire and Rescue - The Growth Policy and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of public fire and rescue facilities.
 - a. The existing fire engine service at Laurel Fire Station, Company 10, located at 7411 Cherry Lane, has a service response time of 7.88 minutes, which is beyond the 5.25-minute response time guideline.
 - b. The existing ambulance service at Laurel Rescue Squad, Company 49, located at 14910 Bowie Road, has a service response time of 6.25 minutes, which is within the 6.25-minute response time guideline for Lots 1 and 30. All other lots are beyond the recommended response time guideline.
 - c. The existing paramedic service at Laurel Rescue Squad, Company 49, has a service response time of 7.12 minutes, which is within the 7.25-minute response time guideline.

These 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 Fire Department requires all residential structures to be fully sprinklered in accordance with National Fire Protection Association Standard 13D and all applicable Prince George's County laws. Since this is a requirement of law, no condition is necessary.

12. Police Facilities - The proposed development is within the service area for Police District VI-Beltsville. In accordance with Section 24-122.01(c) of the Subdivision Regulations, existing county police facilities will be adequate to serve the proposed 197 Investment Partnership Property development. This police facility will adequately serve the population generated by the proposed subdivision.
13. Health Department - The Health Department has reviewed the application and offered no comments.
14. 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, # 8009220-1989-01, was approved with conditions on September 10, 2001, to ensure that development of this site does not result in on-site or downstream flooding. This approval is valid through June 30, 2004. Development must be in accordance with this approved plan.
15. Public Utility Easement - The preliminary plan includes the required 10-foot-wide Public Utility Easement and a note referencing it. This easement will be shown on the final plat.

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 Lowe, seconded by Commissioner Scott, with Commissioners Lowe, Scott, Eley, Brown and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, April 4, 2002, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 11th day of April, 2002.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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