

R E S O L U T I O N

WHEREAS, Towanda D. Maddox is the owner of a 3.13-acre parcel of land known as Parcel 40, Tax Map 37, Grid A-2, said property being in the 14th Election District of Prince George's County, Maryland, and being zoned R-R; and

WHEREAS, on November 20, 2002, Douglas S. Hodges filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 2 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-02105 for Towanda's Place 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 17, 2003, 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 17, 2003, 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/63/02), and further APPROVED Preliminary Plan of Subdivision 4-02105, Towanda's Place for Lots 1 and 2 with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision the plan shall be revised to provide the stormwater management concept plan number and approval date.
2. Prior to the issuance of permits a Type II Tree Conservation Plan shall be approved.
3. Prior to approval of the final plat, a simplified Forest Stand Delineation shall be submitted that is in accordance with the Woodland Conservation and Tree Preservation Technical Manual.
4. Prior to the issuance of any permits which impact wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall provide the Environmental Planning Section with copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and any associated mitigation plans.
5. Prior to approval of the final plat, a Letter of Justification justifying the impacts to the Primary

Management Area (PMA) and stating how the PMA has been protected to the fullest extent possible must be submitted.

6. Prior to approval of the final plat, the PMA as defined in Section 24-101(10) shall be delineated on the Preliminary Plan.
7. A conservation easement shall be described by bearings and distances on the final plat. The conservation easement shall contain all 100-year floodplain easements, stream buffers, wetlands and wetland buffers and shall be reviewed by the Environmental Planning Section prior to certificate approval. 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."

8. Prior to approval of the final plat the TCPI shall be revised to show the stream, 50-foot stream buffer and the 25-foot wetlands buffer. The TCPI also must be revised to show the 100-year floodplain based on a DER-approved floodplain study and the PMA. The Woodland Conservation Worksheet shall be revised to reflect any change in floodplain acreage.
9. Development of this subdivision shall be in compliance with the approved Type I Tree Conservation Plan (TCPI/63/02). The following note shall be placed on the Final Plat of Subdivision:

"Development is subject to restriction shown on the approved Type I Tree Conservation Plan (TCPI/63/02), 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."
10. Prior to the issuance of building permits, the applicant, his heirs, successors and/or assignees shall provide a financial contribution of \$210.00 to the Department of Public Works and Transportation for the placement of a bikeway sign(s) along Fletchertown Road, designated a Class III Bikeway. A note shall be placed on the final plat for payment to be received prior to the issuance of the first building permit. If the Department of Public Works and Transportation declines the signage, this condition shall be void.
11. At the time of final plat approval, the applicant shall dedicate a right-of-way along Fletchertown Road of 40 feet from the centerline, as shown on the preliminary plan.
12. The applicant shall provide driveways to each lot with a turnaround capability in order to minimize the need for vehicles accessing each lot to back onto Fletchertown Road.

13. Development of this property shall be in accordance with the approved conceptual stormwater management plan.
14. No building permits shall be issued for this subdivision until the percent capacity, **as adjusted pursuant to the School Regulations, at all the affected school clusters** are less than or equal to 105 percent or 6 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 whereby 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.
15. Prior to approval of the Final Plat of subdivision the applicant, his heirs, successors and or assignees shall pay a fee-in-lieu of parkland dedication.

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 subject property is located on the south side of Fletchertown Road, approximately 3,000 feet west of its intersection with Highbridge Road in the City of Bowie.
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)	Vacant	Single-family Residential
Acreage	3.13	3.13
Lots	0	2
Parcel	1	0
Dwelling Units:		
Detached	0	2

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/63/02, as submitted with this application has been found to require
5. revisions. The Environmental Planning Section recommends approval of TCPI/63/02 subject to conditions.

The stream, 50-foot stream buffer, and the 25-foot wetlands buffer have not been shown on the TCPI as required. The TCPI also must be revised to show the 100-year floodplain based on a DER approved floodplain study and the PMA. The Woodland Conservation Worksheet should be revised to reflect any change in floodplain acreage. The actual location of the 100-year floodplain is critical to the review of this application because of the requirement in the Subdivision Regulations for net lot area outside of the 100-year floodplain.

A review of the available information indicates that 100-year floodplain, wetlands and streams are found to occur on the property. The predominant soils found to occur according to the Prince George's County Soil Survey include soils in the Bibb and Sunnyside series. The Bibb soils are in Hydrologic Group D and have limitations of poor drainage, high water table and flood hazard for home foundations. The Sunnyside soils do not pose any difficulties for development. According to available information, Marlboro clay is not found to occur on this property. The sewer and water service categories are S-5 and W-5 according to information obtained from the Department of Environmental Resources dated November 1, 2001. However, the Department of Environmental Resources granted a waiver on January 30, 2003, for the development of two single-family dwelling units.

According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program, publication titled "Ecologically Significant Areas in Anne Arundel and Prince George's Counties, December 1997," there are no rare, threatened, or endangered species found to occur in the vicinity of this property. No transportation-related noise impacts have been found to impact this property. There are no scenic or historic roads in the vicinity of this property. This property is located in the Horsepen Branch watershed of the Patuxent River basin.

Nontidal wetlands exist on this site. Staff has verified the delineation in the field and found it to be correct. No further information is required with respect to the location of the wetlands on this site; however, permits for disturbances to wetlands, buffers, streams or Waters of the U.S. are required prior to issuance of grading permits. Prior to the issuance of any permits which impact wetlands, wetland buffers, streams or Waters of the U.S., the applicant should provide the Environmental Planning Section with copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and any associated mitigation plans.

The site is encumbered by the Patuxent River Primary Management Area (PMA) as defined by Section 24-130 of the Subdivision Regulations. The PMA encumbers approximately 75 percent of this site, making the full preservation of the PMA difficult. Impacts to the PMA are proposed for connecting to existing sewer lines and for minor house grading. Based on the available information the PMA has been protected to the fullest extent possible and practical to provide a reasonable use of the property.

5. **Community Planning**—The subject property is located within the limits of the *Bowie-Collington-Mitchellville & Vicinity Master Plan (1991)*, in Planning Area 71A in the City of Bowie. The 2002 General Plan locates this property in the Developing Tier. The master plan land use recommendation is for Rural Residential. The proposed preliminary plan is consistent with the land use recommendations of the General Plan and the master plan.

6. **Parks and Recreation**— In accordance with Section 24-134 of the Subdivision Regulations, the Park Planning and Development Division recommends that the applicant pay a fee-in-lieu of parkland dedication because the land available for dedication is unsuitable due to its size and location.
7. **Trails**—The Adopted and Approved Bowie-Collington-Mitchellville and Vicinity Master Plan recommends that Fletchertown Road be designated as a Class III bikeway with appropriate signage. Because Fletchertown Road is a county right-of-way, the applicant should provide a financial contribution to the Department of Public Works and Transportation for the placement of this signage. A note should be placed on the final record plat for payment to be received prior to the issuance of the first building permit. If road frontage improvements are required by DPW&T, wide asphalt shoulders are recommended to accommodate bicycle traffic.
8. **Transportation**—The application is a preliminary plan of subdivision for a residential development consisting of two single-family dwelling units. The proposed development would generate 2 AM and 2 PM peak-hour vehicle trips as determined using *Guidelines for the Analysis of the Traffic Impact of Development Proposals*.

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 traffic generated by the proposed preliminary plan would impact the intersection of Fletchertown Road and Hillmeade Road.

Staff has recent counts at the critical intersection of Fletchertown Road and Hillmeade Road, which indicate that the intersection currently operates acceptably as an unsignalized intersection under existing traffic and with approved development in the area. Due to the limited trip generation of the site, the Prince George's County Planning Board could deem the site's impact at this location to be de minimus. Given these facts, staff would therefore recommend that the Planning Board find that 2 AM and 2 PM peak-hour trips will have a de minimus impact upon delay in the critical movements at the Fletchertown Road and Hillmeade Road intersection.

Based on the preceding findings, the Transportation Planning Section concludes that adequate

transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Subdivision Regulations.

9. **Schools**—The Historic Preservation 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 *Adequate Public Facilities Regulations for Schools* (CR-23-2001 and CR-38-2002) and concluded the following:

**Finding**

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 3	Middle School Cluster 2	High School Cluster 2
Dwelling Units	2 sfd	2 sfd	2 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	0.48	0.12	0.24
Actual Enrollment	5619	4896	9660
Completion Enrollment	276	197	393
Wait Enrollment	202	225	451
Cumulative Enrollment	7.92	7.50	15.00
Total Enrollment	6105.40	5325.62	10519.24
State Rated Capacity	5094	4638	8770
Percent Capacity	119.85%	114.83%	119.95%
Funded School	Bowie, Whitehall	N/a	Frederick Douglass addn.

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

The numbers shown in the resolution of approval are the ones that apply to this project.

The affected elementary, middle and high school clusters percent capacities are greater than 105 percent. Bowie and Whitehall are the Funded Schools in the affected elementary school cluster. There is no Funded School in the affected middle school cluster. The Frederick Douglass addition is the Funded School in the affected high school cluster. Therefore, this subdivision can be approved with a six-year waiting period.

Based on this information, staff finds that the subdivision may be approved subject to conditions, in accordance with Section 24-122.02.

10. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of fire and rescue 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 travel time of 4.92 minutes, which is within the 5.25-minute travel time guideline.
- b. The existing ambulance service at Glenn Dale Fire Station, Company 18, located at 11900 Glenn Dale Boulevard, has a service travel time of 4.92 minutes, which is within the 6.25-minute travel time guideline.
- c. The existing paramedic service at Glenn Dale Fire Station, Company 18, located at 11900 Glenn Dale Boulevard, has a service travel time of 4.92 minutes, which is within the 7.25-minute travel 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 fire engine, ambulance and paramedic service.

11. **Police Facilities**—The proposed development is within the service area for Police District II-Bowie. In accordance with Section 24-122.01(c) of the Subdivision Regulations the existing county police facilities will be adequate to serve the proposed Towanda's Place development. This police facility will adequately serve the population generated by the proposed subdivision.

12. **Health Department**—The Health Department has no comment to offer.

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 has been submitted, but not yet approved. To ensure that development of this site does not result in on-site or downstream flooding, this concept plan must be approved prior to signature approval of the preliminary plan. Development must be in accordance with this approved plan.

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 Scott, seconded by Commissioner Eley, with Commissioners Scott, Eley, Lowe and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, April 17, 2003, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 8th day of May 2003.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

TMJ:FJG:WC:rmk