

R E S O L U T I O N

WHEREAS, Joseph P. McMahon is the owner of a 8.57-acre parcel of land known as Parcels 40 and 390, Tax Map 36, Grid D-1 said property being in the 14th Election District of Prince George's County, Maryland, and being zoned R-R; and

WHEREAS, on December 3, 2002, Joseph P. McMahon filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 12 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-02108 for Prospect Hills 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 February 20, 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 February 20, 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/78/97-01), and further APPROVED Preliminary Plan of Subdivision 4-02108, Prospect Hills for Lots 1-12, including the Variation Request to Section 24-121(A)(4) of the Subdivision Regulations with the following conditions:

1. 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 is 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 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.
2. Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction, and (c) have an agreed-upon timetable for construction with the SHA/DPW&T:
  - A. **MD 193 at Prospect Hill Road:** Construct an acceleration lane area along northbound MD 193 in order to provide a free-flow right-turn from the westbound Prospect Hill Road

approach, in accordance with SHA requirements.

- B. **MD 193 at Prospect Hill Road:** Provide a second southbound left-turn lane onto eastbound Prospect Hill Road. These improvements shall include the widening of Prospect Hill Road to accept the double left turns. These improvements shall also include any signal, signage, and pavement marking modifications that are determined to be necessary.
3. At the time of final plat approval, the applicant shall dedicate a right-of-way along Prospect Hill Road of 40 feet from the centerline of the existing pavement.
  4. 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 Prospect Hill Road. On lots 1 through 10, common curb cuts shall be provided at the appropriate property boundaries, unless otherwise prohibited by the Department of Public Works and Transportation.
  5. At the time of final plat, the applicant, his heirs, successors and/or assigns shall provide a fee-in-lieu of park dedication for all lots less than one acre in size.
  6. Development of this subdivision shall be in compliance with an approved Type I Tree Conservation Plan (TCPI/78/97-01). 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 (TCPI/78/97-01), 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.”
  7. Prior to the issuance of building permits, the applicant, his heirs, successors 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 along Prospect Hill 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.
  8. Prior to approval of the final plat of subdivision, the applicant shall submit to the Division of Environmental Health a certification that all trash and debris have been removed from the property.

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 on the north side of Prospect Hill Road, south of the Penn Central Railroad and approximately 500 feet west of Hillmeade Road in the Genn Dale area.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone	R-R	R-R
Use(s)	Vacant	Residential
Acreage	8.37 acres	8.37 acres
Lots	0	12
Parcels	2	0
Dwelling Units:		
Detached	0	12

4. **Environmental**—The Environmental Planning Section reviewed the subject preliminary plan and the Type I tree conservation plan stamped as revised by the Subdivision Section on December 27, 2002. The revised plans have been found to address the environmental constraints of the site and to address the requirements of the Prince George's County Woodland Conservation Ordinance.

This site was previously reviewed by the Environmental Planning Section in conjunction with the approvals of Preliminary Plan of Subdivision 4-97125 and Type I Tree Conservation Plan TCPI/78/97, and with Preliminary Plan of Subdivision 4-20032, which was withdrawn. The plans have been revised since the last review.

A review of the available information indicates that streams, wetlands, 100-year floodplain, severe slopes, and areas of steep slopes with highly erodible soils are not found to occur on the property. Transportation-related noise has been found to impact this property. The soils found to occur, according to the Prince George's County Soil Survey, include Christiana silt loam, Keyport fine sandy loam, and Woodstown sandy loam, each of which has limitations that would affect the development of this property. According to available information, Marlboro clay is not found to occur on this property. The sewer and water service categories are S-3 and W-3, according to information obtained from the Department of Environmental Resources dated September 2001. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program publication entitled, "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. There are no designated scenic and historic roads in the vicinity of this property. This property is located in the Horsepen Branch watershed of the Patuxent River Basin and is in the Developing Tier as reflected in the adopted General Plan.

Although a forest stand delineation (FSD) was not included with this application, an FSD was reviewed previously and was found to address the requirements for an FSD during the review and

approval of Preliminary Plan of Subdivision 4-97125. Because less than five years have passed and the aerial photography available does not reflect any noticeable changes to the woodlands, the previous FSD can be used with this application.

This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the gross tract area is greater than 40,000 square feet, the existing woodland is greater than 10,000 square feet, and there is a previously approved Type I Tree Conservation Plan, TCPI/78/97. This 8.57-acre property has a woodland conservation threshold (WCT) of 1.71 acres and replacement requirements of 1.10 acres, for a total requirement of 2.81 acres. That requirement is being satisfied by 4.16 acres of on-site preservation. TCPI/78/97-01 is recommended for approval in conjunction with Preliminary Plan of Subdivision 4-02108.

The Penn Central railroad tracks that abut this property carry passenger and freight train traffic, which are known transportation-related noise generators. Although a Phase I Noise Study was not submitted with this application, a recent application for a site less than 0.5 miles east included a Phase I Noise Study that identified the 65 dBA Ldn noise contour at 180 feet from the centerline of the existing tracks. Because the topography, volume of rail traffic, and other site conditions are not significantly different for the two properties, the 180-foot line was shown as the 65 dBA Ldn noise contour on this property in accordance with prior Environmental Planning Section comments for Preliminary Plan of Subdivision 4-02032. It should be noted that none of the proposed residences will be located within the noise impact zone adjacent to the railroad tracks.

The Subdivision Ordinance provides for the protection of proposed residential lots adjacent to transportation-related noise generators. Section 24-121(a)(4) states *"Residential lots adjacent to an existing or planned roadway of 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."* Because this application proposes two lots with a depth of less than 300 feet, a variation request was submitted with the application.

The variation request has been reviewed and was found to address the required findings for the granting of the variation in accordance with Section 24-113 of the Subdivision Ordinance. Staff supports the proposed variation request in that it is deemed to be necessary. The following is an analysis of the variation. The text in *italics* represents text from the Subdivision Ordinance.

*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;*

The 300-foot lot depth requirement along an existing or proposed transportation facility was implemented to help minimize adverse noise impacts to residences located adjacent to these facilities. Because the 65 dBA Ldn noise contour on this property is located 180 feet from the centerline of the railroad tracks and the lot depth from the edge of the right-of-way is 265 feet, the house and rear yard area will not be adversely impacted by noise generated by the trains. Additionally, the applicant has revised the Type I tree conservation plan to include a supplemental planting of evergreen trees at the rear of Lots 11 and 12. Therefore, the granting of this variation will not be detrimental to the public safety, health, or welfare, or injurious to other property.

- (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;*

The conditions of the property are unique with respect to the volume of train traffic, the topography, and the location of the existing 65 dBA Ldn noise contour not extending into the useable rear yard area.

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

No other variances, departures, or waivers are required.

- (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;*

Due to the configuration of the site, the southwestern portion of the property is rendered unbuildable by the angle of Prospect Hill Road and Prospect Place in the proximity of the railroad tracks. The location of these two public rights-of-way and the 300-foot lot depth requirement present a particular hardship to the applicant. With the granting of the variation request, the hardship is removed.

5. **Community Planning**—The *Approved Master Plan for Glenn Dale-Seabrook-Lanham and Vicinity* (1993) recommends low suburban residential land use for the property. The property was retained in the R-R Zone upon Council approval of the *Glenn Dale Sectional Map Amendment* in 1993. The 2002 General Plan placed the property within the Developing Tier.

The master plan shows Prospect Hill Road as a proposed collector (80-foot-wide right-of-way) with a trail, and Prospect Hill Place is not classified other than as a residential street. The master plan text (Living Areas Chapter, Living Area A-7 recommendation, page 62) specifically addresses the subject property and adjoining area. The plan states that any development proposal for this area

need careful site planning to minimize any impacts from the abutting railroad and Prospect Hill Road. The master plan encourages tree preservation along the railroad right-of-way and Prospect Hill Road. The plan also suggests the use of the cluster subdivision technique to allow more undisturbed areas and to preserve trees for the entire undeveloped residentially zoned area north of Prospect Hill Road in Living Area A-7, which includes the subject property. Lastly, the plan recommends that the narrow and elongated area in Living Area A-7, which includes the subject property, develop in a comprehensive manner to promote controlled access on Prospect Hill Road.

The applicant proposes to subdivide the subject property into relatively long and narrow lots with every two lots sharing a common access point on the frontage road. The proposed lotting pattern appears to be the most feasible given the shape of the property and the lot depth requirement for lots adjacent to railroad rights-of-way.

No other master plan issues are raised and the application is consistent with the General Plan.

6. **Parks and Recreation**—Section 24-135(a) of the Subdivision Regulations requires mandatory park dedication for all residential lots less than one acre in size. Under the provisions of Section 24-135(a), the Planning Board may require recreation facilities or a fee-in-lieu of park dedication if the land available for dedication is unacceptable for any reason. In this case, the land available is not acceptable because of its size and location. Therefore, a fee-in-lieu of park dedication is recommended for Lots 2 through 12 only, since Lot 1 is greater than one acre in size.
7. **Trails**—The *Adopted and Approved Glenn Dale-Seabrook-Lanham and Vicinity Master Plan* (1993) designates Prospect Hill Road as a Class III bikeway. Appropriate signage is recommended. Since Prospect Hill Road is a county-maintained right-of-way, the applicant should be required to provide a financial contribution of \$210.00 for a sign.
8. **Transportation**—The Transportation Planning Section reviewed the subject application. Because of the size of the subdivision, a traffic study was not required. Staff relied upon a traffic study dated June 2002 submitted in support of Preliminary Plan 4-02049 (Glendale Forest) for developing findings, and the recommendations are consistent with that approval and another smaller property. Therefore, 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*.

#### **Growth Policy—Service Level Standards**

The subject property is located 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.

Staff determined that the intersection of MD 193 and Prospect Hill Road should be the critical intersection for the subject property. This intersection is the nearest signalized intersection to the site and would serve virtually all of the site-generated traffic. The transportation staff has available counts from a traffic study dated June 2002 that was submitted in support of Preliminary Plan 4-02049 for Glendale Forest. These counts indicate that the critical intersection operates at LOS D, with a CLV of 1,400 during the AM peak hour. During the PM peak hour, the intersection operates at LOS C with a CLV of 1,170.

The traffic study for Glendale Forest identified several approved but unbuilt developments in the vicinity of the subject site, and Glendale Forest and Glenn Dale Village (on the west side of MD 193) have also been added to the background condition since those developments have been approved. There are no funded capital projects in the area of this intersection. With background growth added, the critical intersection would operate as follows: AM peak hour—LOS F with a CLV of 1,736; PM peak hour—LOS E with a CLV of 1,517.

With the development of 12 residences, the site would generate 9 AM (2 in and 7 out) and 11 PM (7 in and 4 out) peak-hour vehicle trips. The site was analyzed with the following trip distribution: 55 percent—north along MD 193; 6 percent—east along Prospect Hill Road; and 39 percent—south along MD 193. Given this trip generation and distribution, staff has analyzed the impact of the proposal. With the site added, the critical intersection would operate as follows: AM peak hour—LOS F, with a CLV of 1,740; PM peak hour—LOS E with a CLV of 1,523.

The analysis identifies severe inadequacies at the critical intersection, and in accordance with staff's review of Glendale Forest, improvements were identified to alleviate the inadequacy. The improvements would include construction of an acceleration lane area along northbound MD 193 in order to provide a free-flow right-turn from the westbound Prospect Hill Road approach, along with construction of a second southbound left-turn lane onto eastbound Prospect Hill Road (with the widening of Prospect Hill Road to accept the double left turns). These improvements would satisfy the requirement of adequacy at the critical intersection. The same improvements were also imposed on another nearby smaller subdivision, Preliminary Plan 4-02076 for Glenn Dale Village (14 lots). With the recommended improvements in place, the critical intersection would operate as follows: AM peak hour—LOS D with a CLV of 1,447; PM peak hour—LOS D with a CLV of 1,407.

The plan reflects 40 feet from centerline dedication along Prospect Hill Road, which is a master plan collector facility. It is generally undesirable to have individual lots with driveway access to a collector roadway, but due to lot depth requirements this situation is unavoidable in this circumstance. Because of the higher vehicle speeds that occur along a collector-type roadway, each lot driveway should have a turnaround capability to avoid having vehicles back onto Prospect Hill Road. Additionally, the driveway curb cuts should be located at lot boundaries so that they are next to the adjacent lot.

Based on the preceding findings, the Transportation Planning Section concluded that 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 conditions.



9. **Schools**—The Historic Preservation and Public Facilities Planning Section reviewed the subdivision plans for adequacy of public 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).

**Impact on Affected Public School Clusters**

Affected School Clusters #	Elementary School Cluster 2	Middle School Cluster 2	High School Cluster 2
Dwelling Units	12 sfd	12 sfd	12 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	2.88	0.72	1.44
Actual Enrollment	6182	4896	9660
Completion Enrollment	234	197	393
Wait Enrollment	96	225	451
Cumulative Enrollment	3.36	4.68	9.36
Total Enrollment	6518.24	5323.40	10514.80
State Rated Capacity	6616	4638	8770
Percent Capacity	98.52%	114.78%	119.90%
Funded School	N/a	N/a	Frederick Douglass addn.

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

These figures are correct on the day this memo was written. They are subject to change under the provisions of CB-40 and CR-23. 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 of approval are the ones that apply to this project.

The affected elementary, middle, and high school cluster capacities are greater than 105 percent. There is no funded school in the affected elementary cluster. There is no funded school in the affected middle 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, 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 public facilities.

The existing fire engine service at Glenn Dale Fire Station, Company 18, located at 11900 Glenn Dale Boulevard has a service travel time of 2.66 minutes, which is within the 5.25-minute travel time guideline.

- A. The existing ambulance service at Glenn Dale Fire Station, Company 18, located at 11900 Glenn Dale Boulevard has a service travel time of 2.66 minutes, which is within the 6.25-minute travel time guideline.
- B. The existing paramedic service at Glenn Dale Fire Station, Company 18, located at 11900 Glenn Dale Boulevard has a service travel time of 2.66 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 services.

- 11. **Police Facilities**—The proposed development is within the service area of the District II-Bowie. In accordance with Section 24-122.01(c)(A) and (B) of the Subdivision Regulations of Prince George's County, the staff concludes that the existing county police facilities will be adequate to serve the proposed Prospect Hill development. This police facility will adequately serve the population generated by the proposed subdivision.
- 12. **Health Department**—The Division of Environmental Health reviewed the subject application and offered comments relating to the provision of water and sewer access to adjoining properties (11520 and 11610 Prospect Place) and existing trash and debris on the property that need to be removed.
- 13. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is not required. A Stormwater Management Concept Plan, #14344-2002-00, 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.
- 14. **Historic Sites and Cemeteries**<sup>3/4</sup> No historic sites or resources will be affected by the subject application. General Note #23 on the preliminary plan states that there are no cemeteries on the subject property.

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 Lowe, with Commissioners Scott, Lowe, Eley and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, February 20, 2003, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 20th day of March 2003.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

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