

R E S O L U T I O N

WHEREAS, George and Frances Delaney is the owner of a 4.35-acre parcel of land known as Lot 4, Plat Book WWW 22 @ 2, Tax Map, Grid E-1 said property being in the 7th Election District of Prince George's County, Maryland, and being zoned R-E; and

WHEREAS, on January 15, 2003, George P. Delaney filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 3 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-03002 for Delaney 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 March 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 March 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/04/02), and further APPROVED Preliminary Plan of Subdivision 4-03002, Delaney Property for Lots 1-3 with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision the plan shall be revised as follows:
 - a. To indicate that the site contains no 100-year floodplain.
 - b. To clearly indicate the limits of the 20-foot-wide trail easement along MD 3.
 - c. To provide the stormwater management concept approval number and approval date.
2. Prior to the issuance of permits, a Type II Tree Conservation Plan shall be approved.
3. Prior to signature approval of the TCPI the plan shall be revised to:
 - a. Use the standard TCPI notes.
 - b. Clearly identify on the TCPI, with a hatching pattern, where the woodland preservation is

and include the symbol in the legend.

- c. Adjust the Limits of Disturbance to include the installation of the stormwater management device on Lot 2.
 - d. Show the existing graded road that will access the shared septic field for Lots 2 and 3.
 - e. Show all of the wording in the Woodland Conservation Worksheet.
4. Development of this property shall be in compliance with an approved Type I Tree Conservation Plan (TCPI/04/02). 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/04/02), 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.”
5. The following note shall be added to the final plat:
- “Access to the shared septic drainfield located on the south side of the stream is to be via the existing graded road or directly from MD Rt. 3 shoulder. Access to the shared sewage disposal area on the north side of the stream shall be via the existing graded roadway. No clearing to be allowed for access.”
6. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain all of the Patuxent River Primary Management Area (PMA). 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 allowed.”
7. The final plat of subdivision shall indicate the direct access to MD 3 is denied.
8. The preliminary plan shall be revised to show dedication for a service road associated with the future F-10 facility. Dedication should be shown along the line on the plan labeled “Possible Future State Highway Right of Way Taking.”
9. Prior to approval of the final plat of subdivision the applicant, his heirs, successors and/or assignees shall demonstrate to the satisfaction of the Health Department that the shared sewage disposal area serving Lots 2 and 3 is to be perpetually maintained. The necessary provision would include the establishment of financial resources to operate, maintain and, if need be, repair or replace the sewage disposal system.

10. 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.
11. Development of this property must be in conformance with the approved stormwater management concept plan.
12. Prior to the issuance of permits a Type II Tree Conservation Plan shall be approved.
13. The final plat shall indicate that access is provided pursuant to Section 24-128 (b)(9) and that access is denied from Lots 2 and 3 to Forest Drive.

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 approximately 750 linear feet south of the intersection of Forest Drive and MD 3 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-E	R-E
Use(s)	Single-family residential	Single-family residential
Acreage	4.35	4.35
Lots	1	3
Dwelling Units:		
Detached	1	2 (3 Total)

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 revised Type I Tree Conservation Plan, TCPI/04/02, was reviewed and was found to require additional minor revisions. TCPI/04/02 is recommended for approval subject to conditions. The Forest Stand Delineation as revised has been found to address the criteria for a Forest Stand Delineation as found in the Woodland Conservation and Tree Preservation Technical Manual.

The subject property was previously reviewed by the Environmental Planning Section as Pre-Preliminary Plan P-00003 and Preliminary Plan 4-02004 (with TCPI/04/02). Preliminary Plan 4-02004 was withdrawn.

A review of the information available indicates that the site is substantially wooded and is characterized with terrain sloping to the east into a stream which traverses the property. Isolated areas of wetlands are located within the stream bed. The site is located in the Patuxent River watershed. The predominant soil type found to occur on this property according to the Prince George's County Soil Survey is Collington. This soil series generally exhibits moderate limitations to development due to steep slopes. No Marlboro clay has been identified on this site. There are no floodplains associated with the site. There are no rare, threatened, or endangered species located in the vicinity of this property based on information provided by the Maryland Department of Natural Resources, Natural Heritage Program. There are no historic or scenic roads affected by the proposal. The property is located in the Developing Tier according to the adopted General Plan.

The site contains features that are required to be preserved by Section 24-130 of the Subdivision Ordinance. This property is within the Patuxent River watershed, and Section 24-130(b)(5) requires the preservation of the Patuxent River Primary Management Area (PMA) to the fullest extent possible. The extent of the PMA has been correctly identified on this site, and there are no proposed impacts to the PMA. At time of final plat, a conservation easement should be described by bearings and distances. The conservation easement should contain all of the Patuxent River Primary Management Area (PMA).

Staff previously expressed concerns about PMA impacts that may occur in order to access the shared sewage disposal area proposed on the south side of the stream. The applicant has indicated in a letter dated December 23, 2002, that access to the shared sewage disposal area will be via an existing graded road or from the shoulder of MD 3. Either of these options will not require any disturbance to the PMA for access to the septic fields. A note regarding access to the shared sewage disposal area has been added to the revised preliminary plan and should be added as a note to the final plat.

This site borders US 3, which is a significant noise generator. A Phase I Noise Study has been submitted with this application as previously requested and indicates that the 65 dBA Ldn is located 460 feet from the centerline of US 3. The preliminary plan has been revised to show the 65 dBA Ldn contour. The 65 dBA Ldn noise contour is located outside of the proposed houses and outdoor recreational areas. Noise mitigation from US 3 will not be required.

5. **Community Planning**—The subject property is located within the limits of the Bowie-Collington-Mitcheville and Vicinity Master Plan (1991), in Planning Area 71B. The 2002 General Plan locates this property in the Developing Tier. The master plan land use recommendation for the property is for Large-Lot development. The preliminary plan as proposed is consistent with the land use recommendations contained in the master plan and the General Plan.

6. **Parks and Recreation**—In accordance with Section 24-134(a)(3)(C) of the Subdivision Regulations, proposed Lot 1 is exempt from the requirements of the mandatory dedication of parkland because the lot being created is improved with a legally existing dwelling.

In accordance with Section 24-136(a)(3)(B), any lot being created in a one-family zone that has a net lot area of one acre or more is exempt from the requirements of mandatory dedication of parkland. Lots 2 and 3 are both greater than one acre.

7. **Trails**—The Adopted and Approved Bowie-Collington-Mitchellville and Vicinity Master Plan recommends a trail along the subject property's entire frontage of US 301. This trail will ultimately link the residential community located off of Belair Drive with the existing trail system and recreational facilities at Whitemarsh Park. The 20-foot-wide trail easement indicated on the submitted preliminary plan is acceptable for accommodating this planned future trail. However, the exact limits of the trail easement should be more clearly indicated on the plan. One side of the easement is marked and labeled on the submitted plan. The other side of the trail easement appears to be the edge of the possible future SHA right-of-way taking, but is not labeled as such.
8. **Transportation**—The application is a preliminary plan of subdivision for a residential development consisting of two single-family dwelling units (a total of three lots are proposed; one existing residence will remain). It is intended that all three lots would share a common driveway easement for access onto Forest Drive. Given the sight distance concerns, the transportation staff would support the use of the easement. This property shall have no direct access onto MD 3.

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* (April 1989))

The traffic generated by the proposed preliminary plan would impact the intersection of Forest Drive and MD 3. This intersection is not programmed for improvement with 100 percent construction funding within the next six years in the current Maryland Department of Transportation Consolidated Transportation Program or the Prince George's County Capital Improvement Program.

The Prince George's County Planning Board, in the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*, has defined a maximum delay of 50.0 seconds in any movement as the lowest acceptable operating condition for unsignalized intersections. The transportation staff has determined that two peak hour trips will have a de minimus impact upon delay in the critical movements at the MD 3/Forest Drive intersection.

MD 3 is part of the future F-10 facility. As part of the recommendations for F-10 along MD 3, local access for the area would be gained on the west side of MD 3 via a service road, and the limits of this service road are correctly delineated on the plan as "Possible Future State Highway Right-of-Way Taking." The plan should reflect dedication of the proposed service road.

Based on the preceding findings, the Transportation Planning Section concludes that adequate transportation facilities would exist to serve the proposed subdivision as required by 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	4886	9660
Completion Enrollment	276	197	393
Wait Enrollment	202	225	451
Cumulative Enrollment	7.44	5.40	10.80
Total Enrollment	6104.92	5313.52	10515.04
State Rated Capacity	5094	4638	8770
Percent Capacity	119.85%	114.56%	119.90%
Funded School	Bowie, Whitehall	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 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.

This subdivision is served by public water and a private sewerage system. In accordance with Section 124.02(a) an exemption from the APF test is granted if the subdivision contains fewer than 36 dwelling units which will not be served by public water and sewerage systems. Since the proposed subdivision is served by public water, it is not exempt from the APF test for schools.

10. **Fire and Rescue**—The 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 Bowie Fire Station, Company 39, located at 15454 Annapolis Road, has a service response time of 4.81 minutes, which is within the 5.25-minute response time guideline.
- b. The existing ambulance service at Bowie Fire Station, Company 39, located at 15454 Annapolis Road, has a service response time of 4.81 minutes, which is within the 6.25-minute response time guideline.
- c. The existing paramedic service at Bowie Fire Station, Company 43, located at 16400 Pointer Ridge Drive, has a service response time of 6.21 minutes, which is within the 7.25-minute response time guideline.

The above findings are in conformance with the *Adopted and Approved Public Safety Master Plan 1990* and the *Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities*.

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

11. **Police Facilities**—The proposed development is within the service area for District II-Bowie police station. In accordance with Section 24-122.1(c) of the Subdivision Regulations, the existing county police facilities will be adequate to serve the proposed Delaney Property development. This police facility will adequately serve the population generated by the proposed subdivision

12. **Health Department**—The Health Department has evaluated the proposed preliminary plan and notes that to ensure that the shared sewage disposal area serving Lots 2 and 3 is perpetually maintained, the applicant will be required to enter into an agreement with Maryland Environmental Services (MES). This “controlling authority” is a qualified third party, recognized by the State of Maryland, and shall make such provision as is necessary to ensure that all facilities under its control cannot be dissolved or otherwise made functionally inoperative (unless the facilities are replaced with public system). The necessary provision would include the establishment of financial resources to operate, maintain and, if need be, repair or replace the

sewage disposal system. The only acceptable controlling authority to the Health Department at this time is Maryland Environmental Services (MES).

13. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management maybe 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 Lowe, seconded by Commissioner Eley, with Commissioners Lowe, Eley, Scott and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, March 20, 2003, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 10th day of April 2003.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:WC:rmk