

R E S O L U T I O N

WHEREAS, Herndon and Mary Peach, Jr. is the owner of a 5.74-acre parcel of land known as Parcel A, WWW 41@65, said property being in the Tax Map 63, Grid B-2, Parcel 122 in the 7th Election District of Prince George's County, Maryland, and being zoned R-80; and

WHEREAS, on July 14, 2003, K and P Mitchellville, LLC filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 14 lots and 1 parcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-03065 for Peach Preserves 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 December 18, 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 December 18, 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/49/03), and further APPROVED Preliminary Plan of Subdivision 4-03065, Peach Preserve for Lots 1-14 and Parcel A with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision the plan shall be revised as follows:
  - a. To provide the conceptual stormwater management approval number and approval date by the City of Bowie.
  - b. To clearly delineate the 471 square feet to be dedicated to public use for the right-of-way of Mitchellville Road in the northeast corner of Lot 14.
  - c. To label Parcel One as Parcel A and indicate that it is to be conveyed to a homeowners association.
  - d. To reflect the lot layout in Staff Exhibit A.
  - e. To note that mandatory dedication is being fulfilled by on-site recreational facilities in the

form of a trail connection to the park property.

- f. To provide the square footage of the access window to the Pointer Ridge park/school site to the southwest.
2. Prior to the approval of building permits (except for the existing dwelling), the existing dwelling shall be relocated to a lot in accordance with Subtitle 27 or razed.
3. Prior to signature approval of the preliminary plan, the applicant shall submit a copy of the approved stormwater management plan.
4. Prior to approval of the final plat the applicant shall obtain approval of a vacation petition in accordance with Section 24-112 and as delineated on the preliminary plan.
5. Prior to signature approval of TCPI/49/03 the plan shall be revised as follows:
  - a. To eliminate all reforestation areas from proposed Lots 6–8.
  - b. To eliminate the tree save area from proposed Lot 7.
  - c. To provide for additional off-site mitigation in order to satisfy the woodland conservation requirements for this site and adjust the woodland conservation worksheet appropriately.
  - d. To be signed and dated by a qualified professional.
6. Development of this subdivision shall be in compliance with an approved Type I Tree Conservation Plan (TCPI/49/03). The following notes shall be placed on the Final Plat of Subdivision:

“This development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/49/03), 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. 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 except for approved impacts and all woodland conservation areas as shown on an approved Type II Tree Conservation Plan. 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 are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.”

8. A Type II Tree Conservation Plan shall be approved prior to permits.
9. At the time of final plat, the applicant, his heirs, successors and/or assignees shall convey Parcel A to the homeowners association (HOA). Land to be conveyed shall be subject the following:
  - a. Conveyance shall take place prior to the issuance of building permits.
  - b. A copy of unrecorded, special warranty deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division (DRD), Upper Marlboro, along with the final plat.
  - c. All waste matter of any kind shall be removed from the property, prior to conveyance, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section, or the entire project.
  - d. The conveyed land shall not suffer the disposition of construction materials, soil filling, discarded plant materials, refuse or similar waste matter.
  - e. 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 DRD. This shall include, but not be limited to, the location of sediment control measures; tree removal, temporary or permanent stormwater management facilities, 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.
  - f. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to a homeowners association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by DRD prior to the issuance of grading or building permits.
10. Prior to the issuance of building permits the applicant, his heirs, successors and/or assignees shall demonstrate that a homeowners association has been established and that the common areas have been conveyed to the homeowners association.
11. The applicant, his heirs, successors and/or assignees shall submit three original Recreational Facilities Agreements (RFA) to DRD for construction of recreational facilities on homeowners land, if required, prior to the approval of the building permit for the dwelling located on the lot

abutting the south property line of Parcel A or 50% of the building permits in the subdivision, which ever comes first. Upon approval by the DRD, the RFA shall be recorded among the

County Land Records.

12. The applicant, his heirs, successors and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee prior to the approval of the building permit for the dwelling located on the lot abutting the south property line of Parcel A or 50% of the building permits in the subdivision, which ever comes first for the construction of recreational facilities on homeowners land if required.
13. The applicant, his heirs, successors and/or assignees shall submit, to the Park Planning and Development Division, three original Recreational Facilities Agreements (RFA) for construction of recreational trail facilities on park property if required. The RFA shall be approved prior to the approval of the building permit for the dwelling located on the lot abutting the south property line of Parcel A or 50% of the building permits in the subdivision, which ever comes first. Upon approval by the Park Planning and Development Division, the RFA shall be recorded among the County Land Records and noted on the final plat of subdivision.
14. The applicant, his heirs, successors and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee prior to the approval of the building permit for the dwelling located on the lot abutting the south property line of Parcel A or 50% of the building permits in the subdivision, which ever comes first for the construction of recreational facilities on park property if required.
15. The abandoned well or septic system shall be pumped, backfilled and/or sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative of the Health Department prior to final plat approval. If the dwelling is relocated it shall be connected to public water and sewer.
16. In conformance with the Adopted and Approved Bowie-Collington-Mitchellville and Vicinity Master Plan, the applicant and the applicant's heirs, successors, and/or assigns shall provide:
  - a. An eight-foot wide, asphalt master plan trail the entire length of the subject property's road frontage of Mitchellville Road, per the concurrence of DPW&T.
  - b. A standard sidewalk along both sides of all internal roads, per the concurrence of DPW&T, consistent with recently completed subdivisions in the vicinity of the subject site.
17. At the time of final plat approval, the applicant shall dedicate a right-of-way along Mitchellville Road of 20 feet from the baseline. At that time, staff will ensure that the dedication is consistent with information provided at the time of preliminary plan review.
18. The final plat shall note that Lots 2 and 13 shall be denied direct vehicular access to Mitchellville Road.

19. Prior to the issuance of the building permit for the dwelling located on the lot abutting the south property line of Parcel A or 50% of the building permits in the subdivision, which ever comes first, a determination shall be made by the Department of Parks and the applicant if the construction of a trail connection to the abutting park property if feasible. If it is determined feasible, a Limited Detailed Site plan (LDSP) shall be approved by the planning Board or it's designee. The LDSP shall include detailed construction and grading drawings to determine the extent, location and type of materials for the trail connection. Construction cost of the trail connection shall not exceed \$13,000 to be paid by the applicant. If determined not feasibly the applicant shall pay a fee-in-lieu of the mandatory dedication of parkland.
20. Prior to the issuance of building permits for the four (4) lots fronting on Mitchellville Road and Lot 12 (corner lot) a Limited Detailed Site Plan shall be approved by the planning Board or it's designee to address the City of Bowie recommendations dated November 12, 2003, applicable to those lots.
21. Prior to the issuance of grading permits a Limited Detailed Site plan shall be approved by the Planning Board or it's designee for Parcel A to ensure pleasing views of the stromwater management facility. Review shall include provision of a possible trail connection to park property along the south property line within the limits of Parcel A. Appropriate setback sand screening will be provided for the trail if constructed.

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 west side of Mitchellville Road approximately 900 feet south of Mt. Oak Road.

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-80	R-80
Use(s)	Residential	Residential
Acreage	5.74	5.74
Lots	0	14
Parcels	2	1
Dwelling Units:		
Detached	1	14
Approved		13

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. TCPI/49/03, stamped as received by the Environmental Planning Section on September 22, 2003, has been found to generally address the requirements of the Prince George's County Woodland Conservation Ordinance. Type I Tree Conservation Plan TCPI/49/03 is recommended for approval subject to the conditions.

As currently shown, the proposed woodland conservation areas on Lots 6 and 7 are not realistic because they are located on lots less than 20,000 square feet in size, are not likely to survive long term, and result in minimal useable area on the subject lots. In addition, the proposed reforestation on Lot 8 forces the house to be placed in close proximity to the primary management area (PMA) and does not provide for a realistic limit of disturbance. Therefore, the reforestation proposed on Lots 6–8 and the tree save area proposed on Lot 7 shall be eliminated and that portion of the requirements shall be satisfied by the use of off-site mitigation that is already proposed to satisfy a significant portion of the requirements for this site unless determined otherwise at the time of review of the detailed site plan if required.

This 5.74-acre property in the R-80 Zone has a 20 percent (1.15 acre) woodland conservation threshold. In addition, there is a 0.67-acre replacement requirement for clearing woodlands. The 1.81-acre requirement is proposed to be satisfied by 0.5 acre of on-site preservation in a priority retention area, 0.53 acre of on-site afforestation, and 0.78 acre of off-site mitigation at a site to be determined prior to the issuance of any permits. TCPI/49/03 is recommended for approval.

Although wetlands are found to occur on this property, there are no streams, areas of 100-year floodplain, steep slopes with highly erodible soils or severe slopes. The wetlands and the associated 25-foot buffer have been accurately shown on the plans in accordance with the approved jurisdictional determination made by the U.S. Army Corps of Engineers. The wetlands and the associated 25-foot buffer comprise the Patuxent River PMA. The plans, stamped as received by the EPS on September 23, 2003, do not propose any disturbances to the PMA. At time of final plat, bearings and distances should describe a conservation easement. The

conservation easement should contain all of the Patuxent River PMA.

There are no transportation-related noise impacts to this site. The soils found to occur, according to the Prince George's County Soil Survey, include Monmouth fine sandy loam and Shrewsbury fine sandy loam. The Shrewsbury soils have limitations with respect to high water tables and impeded drainage. According to available information, Marlboro clay is not found to occur in the vicinity of the property that is the subject of this application. 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 or historic roads located in the vicinity. This property is located in the Collington Branch watershed of the Patuxent River basin..

5. **Community Planning**—The property is located within the limits of the Bowie-Collington-Mitchellville and Vicinity Master Plan (1991), Planning Area 71B in Community I. The land use recommendation is for a suburban land use. The proposed subdivision is consistent with the land use recommendation of the master plan. The 2002 General Plan locates the property within the Developing Tier. One of the visions for the Developing Tier is to maintain a pattern of low-to moderate density suburban residential communities. The proposed subdivision is consistent with this recommendation relating to the density.
6. **Parks and Recreation**—In accordance with Section 24-134(a) of the Subdivision Regulations, the Park Planning and Development Division recommends that the applicant provide recreational facilities for the fulfillment of the mandatory dedication of parkland requirements. The facilities will be in the form of a trail connection to the park/school site located to the southwest. The preliminary plan, in accordance with Staff Exhibit A, can provide 25-foot-wide access window on HOA property for the construction of the trail to the park/school site if required. The Department of Parks and Recreation would like the opportunity to meet with the applicant to discuss the possible extent, location and materials of the trail. If the Department of Parks determines that it is not feasible to construct the trail the applicant should pay a fee-in-lieu of mandatory dedication. Any portion of the trail to be constructed on park property would be under the jurisdiction of DPR, if required.
7. **Trails**—One master plan trail impacts the subject site. The master plan recommends a master plan trail along the entire length of Mitchellville Road. This trail has been constructed along the west side of Mitchellville Road from MD 197 to Mount Oak Road. It is planned that this trail will be extended the entire length of Mitchellville Road, including along the subject property's frontage. If road frontage improvements are required by DPW&T, it is recommended that the trail be constructed along the subject property's entire road frontage of Mitchellville Road, per the concurrence of DPW&T. If road frontage improvements are not required at this time, the trail will be constructed through a DPW&T road improvement project. It should also be noted that there is M-NCPPC parkland immediately to the west of the subject site. The Pointer Ridge park/school site provides for active recreation in the form of playgrounds and ball fields. Staff recommends that the preliminary plan be revised in accordance with Staff Exhibit A to provide a trail connection to this site.

8. **Transportation**—The applicant has not prepared a traffic impact study. It was not required by the transportation staff based on the proposed use of the site. The proposed development would generate 11 AM and 13 PM peak-hour vehicle trips as determined using *Guidelines for the Analysis of the Traffic Impact of Development Proposals* (revised September 2002). 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 application is a plan for a residential subdivision consisting of 14 single-family detached residences. The traffic generated by the proposed plan would primarily impact the intersection of US 301 and Mitchellville Road, which is signalized. The transportation staff has available a count taken in September 2003. This count indicates that the critical intersection operates at LOS D (CLV 1,420) during the AM peak hour and LOS D (CLV 1,352) during the PM peak hour.

Staff has assumed a growth rate of two percent on US 301 and on Mitchellville Road. With background growth added, the critical intersection would operate at LOS D (CLV 1,447) during the AM peak hour and LOS D (CLV 1,377) during the PM peak hour. Approximately 40 percent of the trips to and from the site are expected to use the US 301/Mitchellville Road intersection, during the AM and PM peak hours. With site traffic added, the critical intersection would still operate within the policy standard of LOS D (CLV 1,450) for intersections within the Developing Tier. Under total traffic conditions the critical intersection operates at LOS D (CLV 1,449) during the AM peak hour and LOS D (CLV 1,381) during the PM peak hour.

The proposed development site would have access to Mitchellville Road. Two internal cul-de-sacs would serve 12 of the 14 lots. The other two lots would have direct access to Mitchellville Road. Lots 1 and 14 with frontage along Mitchellville Road will need turnaround driveways to safely access Mitchellville Road. Staff notes that the planned development originally came in with two access points on Mitchellville Road. The current plan improves on the prior submission by providing for only one access point to Mitchellville Road. This will remove potential conflicts between turning vehicles and provide safer access/egress along Mitchellville Road.

The Bowie Master Plan calls for an 80-foot-wide right-of-way and two to four lanes on C-58



(Mitchellville Road). The northeast portion of the subdivision plan is affected by the right-of-way and the preliminary plan should be revised to clearly provide for the existing dedicated 471 square feet. Dedication of 20 feet from baseline, consistent with the preliminary plan, is required.

Based on the preceding findings, adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code.

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	13 sfd	13 sfd	13 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	3.12	0.78	1.56
Actual Enrollment	5619	4896	9660
Completion Enrollment	276	197	393
Wait Enrollment	202	225	451
Cumulative Enrollment	77.28	62.52	125.04
Total Enrollment	6177.40	5381.30	10630.60
State Rated Capacity	5094	4638	8770
Percent Capacity	121.27%	116.03%	121.22%
Funded School	Bowie, Whitehall	N/a	N/a

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

County Council bill CB-31-2003 establishes a school facilities surcharge in the amounts of: \$7,000 per dwelling if a building is located between Interstate Highway 495 and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts on existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$12,000 per dwelling for all other buildings.

The school surcharge may be used for the construction of additional school facilities, which are expected to accommodate the new students that will be generated by this development proposal. The Historic Preservation and Public Facilities Planning Section staff finds that this project meets the adequate public facilities policies of Section 24-122.02, CB-30-2003 and CB-31-2003.

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 Bowie Fire Station, Company 43, located at 16400 Pointer Ridge Drive has a service travel time of 3.11 minutes, which is within the 5.25-minute travel time guideline.
  - b. The existing ambulance service at Bowie Fire Station, Company 43, located at 16400 Pointer Ridge Drive has a service travel time of 3.11 minutes, which is within the 6.25-minute travel time guideline.
  - c. The existing paramedic service at Bowie Fire Station, Company 43, located at 16400 Pointer Ridge Drive has a service travel time of 3.11 minutes, which is within the 7.25-minute travel time guideline.

The proposed subdivision will be within the adequate coverage area of the nearest existing fire/rescue facilities for fire engine, ambulance and paramedic services. The above findings are in conformance with the *Adopted and Approved Public Safety Master Plan* (1990) and the *Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities*.

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 Peach Preserve development. This police facility will adequately serve the population generated by the proposed subdivision.

The Planning Board's current test for police adequacy is based on a standard for square footage in police stations relative to the number of sworn duty staff assigned. The standard is 115 square feet per officer. As of 6/30/02, the county had 874 sworn staff and a total of 101,303 square feet of station space. Based on available space, there is capacity for an additional 69 sworn personnel.

12. **Health Department**—The existing dwelling if relocated should be connected to public water and sewer upon availability and relocation. The existing well and septic area should be properly abandoned.
13. **Stormwater Management**—The property is located within the municipality of the City of Bowie. The city has jurisdiction over approval of the stormwater management plan. The City of Bowie has indicated conceptual approval of the stormwater management plan but the applicant has not submitted a copy of the approved plan. Prior to signature approval of the preliminary plan of subdivision, the applicant should submit a copy of the approved stormwater management plan 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. **City of Bowie/Detailed Site Plan**—The City of Bowie, at its regular meeting on November 3, 2003, recommended approval of the preliminary plan subject to 12 conditions. The city's decision, dated November 12, 2003, (Mayor Robinson to Chairman Hewlett) recommends 12 conditions to the Planning Board that relate to the development of the property. In general, the conditions relate to architectural elevations, usable rear yards, orientations of dwellings and the variety of colors, materials and features of the dwellings. Staff supports the city's decision and recommends that a detailed site plan be required to ensure the consideration of the cities comments at the time of review of site improvements.

The City of Bowie, as well as the Transportation staff, recommend that the improvements on Lots 1 and 14 be constructed with driveways with turnaround capabilities to ensure that vehicles will not be required to back out onto Mitchellville Road. Because of the lot configurations, meeting the required setbacks and providing these driveways will require careful house siting and should be reviewed with the LDSP. Another condition of the city relates to the views of the stormwater management facility. This facility is a dominant feature in the community and should be reviewed with careful attention to the fencing and landscaping to create the most desirable views and environment for the residents of this facility.

At the Planning Board hearing staff recommended revisions to the proposed conditions generally relating to the revised preliminary plan, Staff Exhibit A. The City of Bowie also recommended that one additional lot be added to the lots that would be subject to the limited detailed site plan requirement of Condition 22, Lot 12 the corner lot in the generally vicinity of the location of the existing dwelling. The Planning Board adopted the revised staff conditions and the recommendation of the City of Bowie for Lot 12.

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 Harley, seconded by Commissioner Vaughns, with Commissioners Harley, Vaughns, Eley and Squire voting in favor of the motion, and with Chairman Hewlett absent at its regular meeting held on Thursday, December 18, 2003, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 8th day of January 2004.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

TMJ:FJG:WC:rmk