

R E S O L U T I O N

WHEREAS, Lina Talab is the owner of a 2.88-acre parcel of land known as Parcel 167, Tax Map 36, Grid F-4, said property being in the 14th Election District of Prince George's County, Maryland, and being zoned R-R; and

WHEREAS, on August 4, 2003, Lina Talab filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 4 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-03079 for Hillmeade Knolls 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 October 30, 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 October 30, 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/67/02), and further APPROVED Preliminary Plan of Subdivision 4-03079, Hillmeade Knolls for Lots 1-4 with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision the plan shall be revised as follows:
 - a. To label all required bufferyards.
 - b. To label the PMA.
 - c. To relabel the sewer house connection right-of-way as an easement.
 - d. To add a note that the flag lots are provided in accordance with Section 24-138.01 of the Subdivision Regulations and that appropriate bufferyards will be provided at the time of building permit in accordance with the *Landscape Manual*.
 - e. To provide the stormwater management 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 of Subdivision the applicant, his heirs, successors and or assignees shall pay a fee-in-lieu of parkland dedication.
4. Development of this property shall be in accordance with the approved Stormwater Management Concept Plan, #41529-2002-00.
5. The applicant shall provide standard sidewalks along the properties' entire street frontage unless modified by the Department of Public Works and Transportation at the time of issuance of street construction permits.
6. 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 Hillmeade Road, a 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.
7. At the time of final plat approval, the applicant shall dedicate right-of-way along Hillmeade Road of 40 feet from the centerline of the existing pavement, as shown on the submitted plan.
8. The Final Plat shall provide a note that the applicant shall provide driveways with turnaround capabilities to each lot in order to minimize the need for vehicles accessing these lots to back onto Hillmeade Road. The design of the driveways to each shall be verified at the time of building permit.
9. Prior to signature approval of the preliminary plan, the TCPI shall be revised as follows:
 - a. Provide a specimen tree table and state the proposed disposition of each tree (preserve, remove).
 - b. Add the source of the 100-year floodplain shown.
 - c. Provide a lot-by-lot chart of woodland conservation and clearing on-site.
 - d. Revise Note 16 to indicate that there are wetlands on-site, and the source of the wetlands delineation shown.
 - e. Correct the label in the legend to read "tree preservation area."
 - f. Have the revised plan signed and dated by the qualified professional who prepared the plan.
10. The following note 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/67/02), 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. "

11. At time of TCPII review, the location of the proposed off-site mitigation shall be identified.
12. Prior to the issuance of any permits for the subject property, a recorded easement for off-site woodland mitigation must be submitted to the Environmental Planning Section.
13. 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 associated mitigation plans.
14. At time of final plat, the area that is delineated as the PMA, except for areas of approved disturbance, shall be described by bearings and distances and shall be placed in a conservation easement. 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. Disturbance of woodland conservation areas may also require a revision to the TCPII. The removal of hazardous trees, limbs, branches, or trunks is allowed."

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 Hillmeade Road approximately 500 feet north of Daisy Lane in Glenn Dale.

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	Residential
Acreage	2.88	2.88
Lots	0	4
Parcels	1	0
Dwelling Units:		
Detached	0	4

4. **Environmental**— A revised Detailed Forest Stand Delineation (FSD) was submitted with this application and found acceptable. This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the property is greater than 40,000 square feet gross tract area, there are more than 10,000 square feet of existing woodland, and more than 5,000 square feet of woodland clearing will be proposed. A revised TCPI was submitted on October 1, 2003 (TCPI/67/02). The Woodland Conservation Threshold for the subject property is 0.42 acre (20 percent of the net tract) plus additional acreage due to removal, totaling 0.42 acre of woodland, for a total minimum requirement of 0.84 acre.

The revised TCPI has proposed to meet the woodland conservation requirement with 0.42 acre of on-site preservation and 0.49 acre of off-site mitigation. The woodland conservation proposed on this site meets the woodland conservation threshold, and providing additional woodland conservation on-site is difficult due the amount of 100-year floodplain present and necessary utility connections. The clearing proposed appears to be the minimum necessary to provide reasonable active yards and achieve positive grading. The revised TCPI has been found to require minor revisions in order to fulfill the requirements of the Woodland Conservation/Tree Preservation Technical Manual prior to signature approval.

The TCPI proposes that the woodland conservation requirement for this site will be partially met off-site. The location of the proposed off-site mitigation is required to be identified at time of TCPII review and approval. Prior to the issuance of grading permits, a recorded easement for the required off-site woodland mitigation should be submitted to the Environmental Planning Section. Staff recommends approval of TCPI/67/02.

Wetlands and a 100-year floodplain exist on this property, and the 50-foot stream buffer from the adjacent Horsepen Branch extends onto this property. The Department of Environmental Resources (DER) has approved the 100-year floodplain elevation. These features and the associated buffers, including adjacent slopes in excess of 25 percent and slopes in excess of 15 percent with highly erodible soils, compose the Patuxent River Primary Management Area (PMA) in accordance with Section 24-130 of the Subdivision Ordinance. These features and the associated buffers are required to be shown on the Preliminary Plan of Subdivision and the Type I

Tree Conservation Plan as the delineation of the PMA. The TCPI and preliminary plan should show the correct extent of all existing environmental features and their associated buffers, and delineate and label the Patuxent River Primary Management Area that includes all these features.

The Subdivision Ordinance requires that the PMA be preserved to the fullest extent possible (Section 24-130(b)(5)). Impacts for necessary utility installations are appropriate as long as the design has minimized the impacts. Each impact must be identified and a Letter of Justification must be submitted. A Letter of Justification for impacts to the PMA was received by the Countywide Planning Division; the letter states that all impacts proposed are necessary for utility installations and are the minimum to achieve the purpose of the disturbance. The Environmental Planning Section concurs with the applicant that the PMA has been preserved to the fullest extent possible and recommends approval of the proposed impacts to the PMA for installation of the sewer connections only.

Approval of the request to impact the PMA does not constitute approval to disturb the wetlands on this site. Those impacts must also be evaluated and approved by the appropriate federal or state agency with jurisdiction. Therefore, 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 associated mitigation plans.

In order to protect streams, nontidal wetlands and buffers, and 100-year floodplain, the area of the PMA should be placed in a protective conservation easement at time of final plat.

5. **Community Planning**—The subject property is located within the limits of the Glenn Dale-Seabrook-Lanham and Vicinity Master Plan, Planning Area 70, in the Annapolis Road Community. The 2002 General Plan locates the property in the Developing Tier. The master plan land use recommendation for the property is low suburban. The proposed subdivision is consistent with the recommendation of the master plan and General Plan.
6. **Department of Parks and Recreation**—In accordance with Section 24-134(a) of the Subdivision Regulations, the Department of Parks and Recreation recommends that the applicant pay a fee-in lieu of the mandatory dedication of parkland because the land available for dedication is unsuitable due to its size and location. Staff would note that an exemption from the payment of a fee-in-lieu exists for lots that have a net lot area greater than one acre. As noted, the net lot area of the proposed lots range in size from 20,000 to 20,817 square feet.
7. **Trails**—The Adopted and Approved Glenn Dale-Seabrook-Lanham and Vicinity Master Plan recommends that Hillmeade Road be designated as a Class III bikeway with appropriate signage. Because Hillmeade 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 plat for payment to be received prior to the issuance of the first building permit. If road frontage improvements are required, a standard sidewalk is recommended along Hillmeade Road, per the concurrence of DPW&T. Standard sidewalks currently exist along portions of both sides of Hillmeade Road in the vicinity of the

subject site.

8. **Transportation**—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 MD 450 and Hillmeade Road. The proposed development would generate 3 AM and 4 PM peak-hour vehicle trip as determined using *Guidelines for the Analysis of the Traffic Impact of Development Proposals*.

There is a project in the state Consolidated Transportation Program that provides full construction funding within five years for the widening of MD 450 between MD 193 and Stonybrook Drive. These improvements are currently under construction.

Staff has no recent counts at the critical intersection of MD 450 and Hillmeade Road. 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. While the critical intersection of MD 450 and Hillmeade Road currently fails during at least one peak hour with existing traffic and the existing lane configuration, funded improvements to MD 450 will address the inadequacy. Staff would therefore recommend that the Planning Board find that 3 AM and 4 PM peak hour trips will have a de minimus impact upon delay in the critical movements at the MD 450/Hillmeade Road intersection.

Based on the preceding findings, 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 2	Middle School Cluster 2	High School Cluster 2
Dwelling Units	4 sfd	4 sfd	4 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	0.96	0.24	0.48
Actual Enrollment	6182	4896	9660
Completion Enrollment	234	197	393
Wait Enrollment	96	225	451
Cumulative Enrollment	101.76	54.12	108.24
Total Enrollment	6614.72	5372.36	10612.72
State Rated Capacity	6616	4638	8770
Percent Capacity	99.98%	115.83%	121.01%
Funded School	N/a	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 I-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 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 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 proposed subdivision will be within the adequate coverage area of the nearest existing fire/rescue facilities for fire engine, ambulance and paramedic services and 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 travel 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 Hillmeade Knolls development.

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 June 30, 2002, 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 additional 69 sworn personnel.

- 12. **Health Department**—The water and sewer travel categories are W-3 and S-4 and will be served by public systems according to water and sewer maps obtained from the Department of Environmental Resources dated September 2002. There are no other subdivision issues at this time.

- 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, #41529-2002-00, 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. **Flag Lots**^{3/4} The proposal includes two flag lots, proposed Lots 1 and 3. Flag lots are permitted pursuant to Section 24-138.01 of the Subdivision Regulations in the R-R Zone. The proposed flag lots satisfy the design standards found in Section 24-138.01(d) as follows:

- a. **A maximum of two tiers are permitted.** The applicant is proposing only one tier of flag lots.
- b. **The flag stem has a minimum width of 25 feet for the entire length of the stem.** The applicant is proposing two 25-foot wide flag stems.
- c. **The net lot area, exclusive of the stem, must meet the minimum lot size standard.** Lot 1 has a gross lot area of 44,136 square feet and a net lot area of 20,000 square feet (exclusive of the 100 year floodplain and the flag stem). Lot 3 has a gross lot area of

38,861 square feet and a net lot area of 20,817 square feet (exclusive of the 100 year floodplain and the flag stem.)

Staff has requested that the applicant pay close attention to the proposed lot sizes. Several of the proposed lots have a net lot area of exactly 20,000 square feet. Therefore, if at the time of final plat the applicant finds that inadequate lot sizes exist, there is not much flexibility. If it is determined at the time of review of the final plat that inadequate net acreage exists for four lots, the plat shall be recorded with three lots and the lot lines adjusted accordingly and in accordance with staff recommendations.

Section 24-138.01(d)(6) of the Subdivision Regulations requires that the preliminary plan demonstrate compliance to the *Landscape Manual* where a rear yard is oriented toward a driveway that accessed other lots, or toward a front or side yard of another lot. The applicant has provided a tree conservation plan that demonstrates that adequate lot sizes and woodland conservation exists to adequately buffer the dwellings. However, the preliminary plan should be revised to depict the required bufferyards in accordance with the *Landscape Manual*.

Section 24-138.01(f) establishes specific findings for the approval of the use of flag lots. The Planning Board must find the following:

(A) The design is clearly superior to what would have been achieved under conventional subdivision techniques;

The applicant has proposed two flag lots that conform to the design standards recommended in Section 24-138.01. The two flag lots are stacked behind the two lots at the street providing the ability to utilize the entire site and provide the recommended courtyard effect. Utilizing the optional design approach of flag lots creates four standard shaped lots with adequate yard areas to provide optimum use of the lot areas for the future residences.

(B) The transportation system will function safely and efficiently; and

The proposed lotting pattern provides individual driveways for each lot with frontage on and direct vehicular access to Hillmeade Road, a dedicated public collector street. Staff is recommending that the driveways serving each lot be designed to provide turnaround capabilities to avoid backing onto Hillmeade Road, a collector facility. This condition will assist in promoting a safe and efficient transportation system.

(C) The use of flag lots will result in the creative design of a development that blends harmoniously with the site and with adjacent development; and

Adequate yard areas and tree conservation will provide for buffers and areas for buffers between the proposed dwellings and the dwellings on abutting lots. The environmental features on the property are protected with the proposed lot layout with disturbances for sewer connections only, as discussed further in Finding 2 of this report.

- (D) **The privacy of adjoining property owners has been assured in accordance with the evaluation criteria established above.**

Adequate yard areas will ensure the full bufferyards will be provided in conformance with Section 24-138.01 of the subdivision regulations at the time of building permit, assuring the privacy of adjoining property owners.

Staff recommends the use of flag lots in conformance with the above findings.

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 Eley, seconded by Commissioner Harley, with Commissioners Eley, Harley, Vaughns, Squire and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, October 30, 2003, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 4th day of December 2003.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:WC:rmk