

R E S O L U T I O N

WHEREAS, Marvin F. and Marjorie M. Bosley is the owner of a 6.40-acre parcel of land known as Parcel 9 and Lot 2 (NLP 95/22), Tax Map 5, Grid C-1 said property being in the 10th Election District of Prince George's County, Maryland, and being zoned R-R; and

WHEREAS, on August 4, 2004, Marvin F. and Marjorie M. Bosley 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 4-04128 for Bosley Subdivision 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 January 20, 2005, 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 January 20, 2005, 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/71/04), and further APPROVED Preliminary Plan of Subdivision 4-04128, Bosley Subdivision for Lots 1-3 with the following conditions:

1. Prior to signature approval of the preliminary plan, the applicant shall:
 - a. Remove the reference to a Type I Tree Conservation Plan in the plan's title block.
 - b. Provide a copy of the stormwater management concept approval letter and note the approval number and date on the plan.
 - c. Revise the plan to show a single access point (curb cut) within the right-of-way for Bond Mill Road to serve the separate driveways for Lots 2 and 3.
2. The applicant shall provide for the installation of one "Share the Road with a Bike" sign along Bond Mill Road in accordance with county requirements.
3. The applicant shall place a note on the final plat of subdivision assuring a single curb cut for Lots 2 and 3.

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 site is located on the north side of Bond Mill Road, opposite Bounds Avenue and approximately 1,000 feet west of Sherwood Avenue.
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
Uses	Single-Family Residences	Single-Family Residences
Acreage	6.4	6.4
Lots	1	3
Parcels	1	0
Outparcels	0	0
Dwelling Units	2	3 (1 new)

4. **Environmental**—Based on available information, there are no regulated environmental features at the site. There are no scenic or historic roads in vicinity of the site. The site is not located within the vicinity of any traffic noise generators.

On September 3, 2004, the Environmental Planning Section issued a Standard Letter of Exemption from the Woodland Conservation Ordinance (WCO). This letter is valid for two years. Since the site is exempt from the WCO, no further review from this perspective is necessary. However, in the review of the revised preliminary plan, it was noticed that the title of the plan includes a reference to a Type I Tree Conservation Plan. Reference to the TCPI should be removed from the preliminary plan since the site is exempt from the WCO.

Water and Sewer Categories

The water and sewer service categories are W-3 and S-3 according to water and sewer maps dated June 2003 obtained from the Department of Environmental Resources. The proposed development will utilize these public systems.

5. **Community Planning**—The property is in Planning Area PA60/West Laurel. The 2002 General Plan places the property in the Developing Tier. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial centers, and employment areas that are increasingly transit serviceable. This application is not inconsistent with the 2002 General Plan Development Pattern policies for the Developing Tier.

The 1990 Subregion I master plan recommends a Low-Suburban Residential Use. This

application conforms to the master plan recommendation.

6. **Parks and Recreation**—In accordance with Section 24-134(a)(3) of the Subdivision Regulations, proposed Lots 2 and 3 of this subdivision are exempt from mandatory dedication of parkland since both are more than one acre in area. Lot 1 is also exempt, since it contains a legally existing dwelling, which is to be retained.
7. **Trails**—The 1990 Subregion I master plan designates Bond Mill Road as a trail/bicycle corridor. Previous approvals for subdivisions along Bond Mill Road (4-03103 and 4-02013) have required bikeway signage along the road. A “Share the Road with a Bike” sign would serve to alert motorists to the possibility of in-road bicycle traffic along this designated bikeway. At the time of road improvements or resurfacing, DPW&T can determine if designated bike lanes are necessary along this road. A standard sidewalk exists along the site’s frontage of Bond Mill Road, providing connections to the nearby Bond Mill Elementary School and the undeveloped West Laurel #2 Neighborhood Park.
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. Based on the three single-family lots that would be created, two of which are already improved with single-family residences, the proposed development would generate 1 AM and 1 PM peak-hour vehicle trips as determined using the “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 2002 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 study and install the signal (or other less costly traffic controls) if deemed warranted by the appropriate operating agency.

Transportation Staff Comments

The traffic generated by the proposed preliminary plan would impact the intersection of Bond Mill Road and Bounds Avenue.

Staff has no recent counts at the critical intersection of Bond Mill Road and Bounds Avenue. 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. Staff would therefore recommend that

the Planning Board found that CB-31-2003 PM makes school facilities such as in the impact of delay in \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan Access

The proposed layout shows two separate driveways accessing the existing Bond Mill Road serving proposed Lots 2 and 3. Since Bond Mill Road is a planned collector facility and must accommodate more vehicular trips than residential streets, efforts should be made to minimize curb cuts along this roadway. Staff recommends the applicant have the separate driveways for Lots 2 and 3 meet at the common boundary line to establish a single point of access within the Bond Mill Road right-of-way. This would limit the number of new curb cuts required along Bond Mill Road.

Transportation Conclusion

Based on the preceding findings, the Transportation Planning Section finds that 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 this subdivision plan for adequacy of school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and CB-30-2003 and CR-23-2003 and concluded the following:

Finding

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 1	Middle School Cluster 1	High School Cluster 1
Dwelling Units	1 sfd	1 sfd	1 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	0.24	0.06	0.12
Actual Enrollment	5645	1832	4520
Completion Enrollment	87.60	21.90	44.88
Cumulative Enrollment	0	0	0
Total Enrollment	5732.84	1853.96	4565
State Rated Capacity	5299	1759	4123
Percent Capacity	108.19%	105.40%	110.72%

County Council bill CB-31-2003 establishes a school facilities surcharge in the amount 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 an 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. This project meets the adequate public facilities policies of Section 24-122.02, CB-30-2003, CB-31-2003 and CR-23-2003.

10. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of public facilities and concluded the following.

The existing fire engine service Laurel Fire Station, Company 10, located at 7411 Cherry Lane, has a service travel time of 5.45 minutes, which is beyond the 5.25-minute travel time guideline.

The existing ambulance service at Laurel Rescue Squad, Company 49, located at 14910 Bowie Road, has a service travel time of 7.06 minutes, which is beyond the 6.25-minute travel time guideline.

The existing paramedic service at Laurel Rescue Squad, Company 49, located at 14910 Bowie Road, has a service travel time of 7.06 minutes, which is within the 7.25-minute travel time guideline.

In order to alleviate the negative impact on fire and rescue services due to the inadequate service discussed, an automatic fire suppression system shall be provided in all new buildings proposed in this subdivision, unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate. Since this is a matter of law, no condition is necessary.

The existing ambulance service located at Laurel Rescue Squad, Company 49, is beyond the recommended travel time guideline. The nearest fire station, Laurel Fire Station, Company 10, located at 7411 Cherry Lane, is 5.45 minutes from the development. This facility would be within the recommended travel time for ambulance and paramedic services if an operational decision to locate these services at that facility were made by the county.

The above findings are in conformance with the standards and guidelines contained in the *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 VI-Beltsville. 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 January 2, 2004, the county had 823 sworn staff and a total of

101,303 square feet of station space. Based on available space, there is capacity for an additional 57 sworn personnel. Therefore, in accordance with Section 24-122.01(c) of the Subdivision Regulations, existing county police facilities will be adequate to serve the proposed development.

12. **Health Department**—The Health Department reminds the applicant that a raze permit is required prior to the removal of any structures on the site. In addition, any abandoned wells or septic tanks must be handled in accordance with applicable state and county laws.
13. **Stormwater Management**—The Department of Environmental Resources (DER), Development Service Division, has determined that on-site stormwater management is required. A stormwater management concept plan has been submitted, but is 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 an approved plan.
14. **Cemeteries**—There are no known cemeteries on the subject property. However, this land is close to and may be part of the antebellum P. Waters property. The applicant submitted a Phase IA Assessment on December 9, 2004. The M-NCPPC, Historic Preservation and Public Facilities Section, in their referral response dated December 20, 2004, agreed with the study's conclusion that no additional archeological fieldwork is required on this property.
15. **Public Utility Easement**—The preliminary plan includes the required ten-foot-wide public utility easement. This easement will be shown on the final plat.
16. **Flag Lot**—The applicant proposes two flag lots, one with an existing dwelling in the northern section of the subdivision (Lots 2 and 3).

Flag lots are permitted pursuant to Section 24-138.01 of the Subdivision Regulations. Staff supports this flag lot based on the following findings and reasons.

- a. A maximum of two tiers is permitted. The proposed Lot 2 is a single tier located to the rear of Lot 1. Lot 3 is an existing flag lot with a single-family dwelling. The houses would be sited such that each would have a private rear yard area.
- b. Each flag stem is a minimum width of 25 feet for the entire length of the stem.
- c. The net lot area for each proposed lot (exclusive of the flag stem) exceeds the minimum lot size of 20,000 square feet in the R-R Zone.
- d. The proposal includes no shared driveways.
- e. Where rear yards are oriented toward driveways, an "A" bufferyard is required. This does not occur on the plan.
- f. Where front yards are oriented toward rear yards, a "C" bufferyard is required. This

occurs on Lot 2 where it adjoins Lot 1. There appears to be ample area to accommodate the required bufferyard.

Prior to approval of a flag lot, the Planning Board must make the following findings of Section 24-138.01(f):

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

Comment: The proposed flag lot yields a superior design to that which would be allowed conventionally. Lot 2 cannot otherwise be accessed without requiring a costly residential cul-de-sac.

B. The transportation system will function safely and efficiently.

Comment: By allowing Lots 2 and 3 as flag lots, the applicant's proposal adds one driveway in lieu of an internal secondary residential road. No significant impact on the transportation system is expected.

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

Comment: The flag lot will blend harmoniously with the rest of the development. In fact, proposed Lot 3 currently exists as a flag lot to the rear of two parcels fronting on Bond Mill Road. It has apparently existed in this configuration for many years.

D. The privacy of property owners has been assured in accordance with the evaluation criteria.

Comment: Given the size of the net lot area of Lot 2 (2.28 acres), the flag-style development of the lot will not impair the privacy of either the homeowner of this lot or the homeowners of other lots.

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 Squire, with Commissioners Harley, Squire, Vaughns and Hewlett voting in favor of the motion, and with Commissioner Eley absent at its regular meeting held on Thursday, January 20, 2005, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 17th day of February 2005.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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