

R E S O L U T I O N

WHEREAS, PDC Adnell, LLC. is the owner of a .86-acre parcel of land known as Tax Map 29 in Grid B-1, said property being in the 14th Election District of Prince George's County, Maryland, and being zoned R-R; and

WHEREAS, on September 5, 2006, PDC Adnell, LLC. filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 2 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-06064 for Adnell Property, Addition To, 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 November 9, 2006, 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 November 9, 2006, 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 Variance Application No. VP-06064, and further APPROVED Preliminary Plan of Subdivision 4-06064, Adnell Property, Addition To, for Lots 13 and 14, Block D, including a Variation from Section 27-442(g) with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the following technical corrections shall be made:
  - a. Verify the correct stormwater management concept approval number. The approved stormwater management concept plan and the approved concept letter have identical four digit numbers, but have a discrepancy in the year issued.
  - b. Provide a general note that references the variance number (VP-06064), and further indicates the nature of the requested variances.
  - c. Label the adjacent HOA Parcel to the north and to the east as Parcel A, Adnell Woods HOA, Plat VJ 187 @ 75.
  - d. Provide a general note that indicates that there are no rare, threatened, or endangered species found to occur within the vicinity of the subject property.

- e. Revise general note number 18 to include the receipt number (1329) of the issued woodland conservation exemption letter.
  - f. Delineate and label the proposed water and sewer house connections.
  - g. Correct the plat reference for adjacent Lots 1 thru 8, Block D to VJ 187 @ 75.
2. Development of this site shall be in conformance with the stormwater management concept plan, 2154-2005-00 and any subsequent revisions.
3. Prior to issuance of any building permits, the applicant, his heirs, successors and/or assignees shall have a limited detailed site plan approved by the Planning Board or its designee. The limited detailed site plan shall include, but not be limited to:
- a. Ensuring the two proposed dwellings will be architecturally compatible with the existing subdivision that was developed under the optional cluster approach.
  - b. The house siting and elevations of the two proposed dwellings to ensure consistency with the prior approved detailed site plan.
  - c. Landscaping in accordance with the requirements of the *Landscape Manual*.
4. Prior to the approval of the final plat of subdivision the applicant, his heirs, successors and/or assignees shall pay a fee-in-lieu of mandatory park dedication for Lots 13 and 14.

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 east side of Chestnut Avenue, approximately 20 feet north of its' intersection with Myrtle Avenue.
- 3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

Zone Use(s)	EXISTING	PROPOSED
	R-R Vacant	R-R Detached Single-Family Dwellings
Acreage	.86	.86
Lots	0	2
Parcels	1	0
Dwelling Units:		
Detached	0	2
Public Safety Mitigation Fee		No

4. **Environmental**—The Environmental Planning Section has reviewed revised plans for Preliminary Plan of Subdivision, 4-06064, stamped as received on October 12, 2006. A valid letter of exemption to the Prince George’s County Woodland Conservation and Tree Preservation Ordinance is on file. Because this proposal will be developed under a conventional subdivision and this is not an addition to the Adnell Property cluster, the exemption to the ordinance is valid. The Environmental Planning Section recommends approval of Preliminary Plan 4-06064 because all environmental requirements have been met.

The Environmental Planning Section previously reviewed development plans that completely surround the subject property. A WSSC-operated water tower was located on the property until several years ago. The water tower has been dismantled and removed. WSSC sold the land to the developer of the Adnell Property Subdivision.

On March 2005, Preliminary Plan of Subdivision 4-04203 was reviewed for the site. The Planning Board denied the plan based mainly on inadequate public facilities. The Board’s action is found in PGPB Resolution No. 05-144. In February 2006, Preliminary Plan of Subdivision 4-05134 was reviewed for this site. The applicant withdrew the application prior to review by the Planning Board. The current proposal is to create two lots for single-family detached dwellings under conventional R-R Zone standards with variances for lot width and size requirements.

There are no regulated environmental features associated with this site, such as: streams, wetlands and areas of 100-year floodplain. No woodland exists on the property. According to the Countywide Green Infrastructure Plan, the site is not within the designated network. The site is in the Newstop Branch watershed of the Patuxent River basin, the Bowie and vicinity planning area, and the Developing Tier of the adopted General Plan.

A signed copy of the Natural Resources Inventory (NRI/009/06) was included in the initial submittal of the preliminary plan. The NRI has been reviewed in relation to the revised preliminary plan and all the required information on NRI/009/06 has been correctly shown on the latter plan. No further information is required regarding the NRI.

On January 13, 2005, the Environmental Planning Section issued a standard letter of exemption from the Woodland Conservation Ordinance because a note on the Adnell Woods TCPI indicates

that the 0.86 acres owned by WSSC was not included in the overall Adnell Woods boundary. This exemption letter is valid through January 13, 2007. This letter must be submitted with all county permit applications for these two lots. No further information regarding woodland conservation is required.

Information regarding the proposed method of stormwater management has been submitted. The stormwater management concept plan shows two dry wells on each lot to control stormwater runoff. A DER stormwater management concept approval letter 2154-2005-00 has been submitted with the preliminary plan for this case. No further information regarding stormwater management is necessary.

### **Water and Sewer Categories**

The water and sewer service categories are W-3 and S-3 according to water and sewer maps obtained from the Department of Environmental Resources dated June 2003, and will therefore be served by public systems.

5. **Community Planning**—The subject property is located in Planning Area 71B, and is within the limits of the 2006 *Preliminary Master Plan for Bowie and Vicinity and Proposed Sectional Map Amendment for Planning Areas 71A, 71B, 74A, 74B*. The master plan recommends a low-density residential land use. The proposed development of two detached single-family dwelling units conforms to the 2006 Bowie and vicinity master plan's recommendation for low-density residential land use.

The 2002 *Prince George's County Approved General Plan* locates the subject 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. Since this application proposes a low- to moderate-density suburban residential community, it is consistent with the 2002 General Plan Development Pattern policies for the Developing Tier.

The 2006 Bowie & Vicinity Sectional Map Amendment retained the subject property in the R-R (Rural Residential) Zone.

6. **Parks and Recreation**—In accordance with Section 24-135(a) of the Prince George's County Subdivision Regulations, staff recommend a fee-in-lieu of mandatory park dedication.
7. **Trails**—There are no master plan trails issues identified in the adopted and approved Bowie and vicinity master plan that impact the subject property. Chestnut Road is an important pedestrian connection to Old Town Bowie, and a standard sidewalk is indicated along the subject property's street frontage.
8. **Transportation**—The following are the Transportation Planning Section's comments concerning the site access, geometric design and traffic impact of the subject application.

The subject application involves two proposed lots that would have a minimal impact on the adjacent roadways and a traffic study was not required. Both lots have direct access to a primary residential street. This is acceptable. The site is not within or adjacent to any master plan transportation facilities.

The application is a preliminary plan of subdivision for a residential development consisting of two detached single-family dwellings. The proposed development of two residences would generate 2 AM and 2 PM peak hour vehicle trip as determined using *Guidelines for the Analysis of the Traffic Impact of Development Proposals*.

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 Old Laurel-Bowie Road and 3<sup>rd</sup> Street. This intersection is unsignalized.

There are no projects to improve this intersection in either the county Capital Improvement Program or the state Consolidation Transportation Program.

The Transportation Planning Section has no recent available turning movement counts at the critical intersection of Old Laurel-Bowie Road and 3<sup>rd</sup> Street. 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. Therefore, The Transportation Planning Section would recommend that the Planning Board find that 2 AM and 2 PM peak hour trips will have a de minimus impact upon delay in the critical movements at the Old Laurel-Bowie Road and 3<sup>rd</sup> Street intersection.

## **TRANSPORTATION STAFF CONCLUSIONS**

Based on the preceding findings, The Transportation Planning Section concludes that adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code. No transportation-related conditions are warranted.

9. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this preliminary plan for impact on 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.

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	5137	7218	10839
Completion Enrollment	178	112	223
Cumulative Enrollment	31.92	305.34	611.76
Total Enrollment	5,347.40	7,635.46	11,674.00
State Rated Capacity	4,838	6,569	8,920
Percent Capacity	110.53%	116.23%	130.87%

Source: Prince George's County Planning Department, M-NCPPC, December 2005

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. Council bill CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts are \$7,671 and \$13,151 to be a paid at the time of issuance of each building permit.

The school surcharge may be used for the construction of additional or expanded school facilities and renovations to existing school buildings or other systemic changes.

The Historic Preservation and Public Facilities Planning Section finds that this project meets the adequate public facilities policies for school facilities contained in Section 24-122.02, CB-30-2003 and CB-31-2003 and CR-23-2003.

10. **Fire and Rescue**—The Historic Preservation & Public Facilities Planning Section has reviewed this subdivision plan for fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(B)-(E) of the Subdivision Ordinance.

The Prince George's County Planning Department has determined that this preliminary plan is within the required 7-minute response time for the first due fire station Bowie, Company 19,

using the *Seven-Minute Travel Times and Fire Station Locations Map* provided by the Prince George's County Fire Department.

Pursuant to CR-69-2006, Prince George's County Council and the County Executive suspended the provisions of Section 24-122.01(e)(1)(A, B) regarding sworn police and fire and rescue personnel staffing levels.

The Fire Chief has reported that the department has adequate equipment to meet the standards stated in CB-56-2005.

11. **Police Facilities**—The subject property is located in Police District II. The response standard is 10 minutes for emergency calls and 25 minutes for nonemergency calls. The times are based on a rolling average for the preceding 12 months. The preliminary plan was accepted for processing by the Planning Department on September 05, 2006.

Reporting Cycle	Date	Emergency Calls	Nonemergency
Acceptance Date	01/05/05-08/05/06	10.00	22.00
Cycle 1			
Cycle 2			
Cycle 3			

The response time standards of 10 minutes for emergency calls and 25 minutes for non-emergency calls were met on August 5, 2006.

The Police Chief has reported that the department has adequate equipment to meet the standards stated in CB-56-2005.

Pursuant to CR-69-2006, Prince George's County Council and the County Executive suspended the provisions of Section 24-122.01(e)(1)(A, B) regarding sworn police and fire and rescue personnel staffing levels.

12. **Health Department**—The Environmental Engineering Program has reviewed the preliminary plan of subdivision for the addition to the Adnell Property and has no comments to offer.
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, 2154-2005-00 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**- The subject property was previously reviewed by Paula Bienenfeld for archeological resources on March 4, 2005, under prior case number 4-05134. The Historic Preservation Section concurs with her findings, in that a Phase I archeological survey is not recommended for this property. However, the applicant should be aware that state or federal agencies may require

archeological investigation through the provisions of Section 106 of the National Historic Preservation Act.

15. **City of Bowie**—The City of Bowie has responded to a referral request for this application by letter dated September 30, 2006. The city has stated that the Adnell Subdivision, as well as the underlying parcel which is the subject of this application, are not within the corporate limits of the City of Bowie, and there is no agreement between the city and the developer to annex these properties into the city. The project is an in-fill development, and any additional traffic generated by the two lots would be insignificant when compared to the overall Adnell development. Because the property is not within the corporate limits of the city, and because the city has no jurisdiction to rule on the variances associated with this application, they have offered “no comment.”

16. **Variance Request for Section 27-442(g), Lot Area and Lot Width**

Section 27-442(b), Table I and Table III of the Zoning Ordinance establish minimum lot size and minimum lot frontage respectively for lots in the R-R Zone. Variances may be granted provided the application meets the following criteria, contained within Section 27-230(a) of the Prince George’s County Code.

- (1) **A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographical conditions, or other extraordinary situations or conditions;”**

The property does not have exceptional narrowness, shallowness, or shape, or exceptional topographical conditions. However, the subject property has been encompassed within the Adnell Cluster Subdivision since the inception of that development. The property previously contained a WSSC water tower that was to be removed. Had the timing of that removal occurred sooner, this property could have been incorporated into the adjacent cluster development, which had additional open space to offset the required lot reduction. If it had, the minimum permitted lot size would have been 10,000 square feet. A series of unrelated legislative initiatives precluded previous actions on previous submissions. In July 2006, the District Council precluded the future use of the cluster approach in an effort to promote the use of conservation subdivisions. The proposed size of Lot 13 (18,727 square feet) and Lot 14 (18,713 square feet) and the proposed lot width at the building line (5 feet below the minimum 80 feet required) either far exceed (lot area) or are consistent with (lot width) the lots in the adjacent cluster development. Additionally, the two lots are surrounded (except for the street frontage) by common open space in the adjacent cluster development. These factors combine to create an extraordinary situation not generally applicable to other properties in the area.

- (2) **The strict application of this Subtitle will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property;**

The hardship to the owner would be the loss of 50 percent of the development or the



additional expense to attempt to resubdivide a portion of the adjacent cluster development (which was developed by the applicant for the subject property) to provide two 20,000 square foot size lots and open space that would be slightly smaller, but still in accordance with the minimum requirements. Staff considers either of these two scenarios as an undue hardship to the property owner and sees no public purpose being served if either were to be required.

**(3) The variance will not substantially impair the intent, purpose, or integrity of the General Plan or Master Plan.**

The granting of this variance will not substantially impair the intent, purpose, or integrity of the 2006 Master Plan and Sectional Map Amendment for Bowie and Vicinity. The plan calls for low to moderated suburban residential density, which is exactly what is proposed by the subject application.

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 Clark, seconded by Commissioner Eley, with Commissioners Clark, Eley, Vaughns, Squire and Parker voting in favor of the motion at its regular meeting held on Thursday, November 9, 2006, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 30th day of November 2006.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

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