

R E S O L U T I O N

WHEREAS, Jack Hillegas is the owner of a 2.17-acre parcel of land known as Glenndale Village, Hillegas Addition, Tax Map 36 in Grid D-3, said property being in the 14th Election District of Prince George's County, Maryland, and being zoned R-R; and

WHEREAS, on October 31, 2006, Jack Hillegas 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 4-06127 for Glenndale Village, Hillegas Addition 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 25, 2007, 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 25, 2007, 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/53/06), and further APPROVED Preliminary Plan of Subdivision 4-06127, Glenndale Village, Hillegas Addition, for Lots 1-4 with the following conditions:

1. Prior to signature approval of the preliminary plan, the Type I tree conservation plan shall be revised as follows:
 - a. Show house footprints a minimum of 3,000 square feet in size.
 - b. Show proposed Lots 1 and 4 with 40 feet of cleared rear yard area from the back of the house and 20 feet of cleared side yard area from the side of the house to the residential edge of the tree preservation treatment.
 - c. Show the larger of the woodland treatments at a minimum of 35 feet wide, if necessary.
 - d. Show the proposed 10-foot wide public utility easement (PUE) in the rear yards of proposed Lots 1, 3 and 4 as shown on the revised preliminary plan. Adjust the worksheet accordingly to subtract the portion of the PUE to exclude woodland conservation from counting toward the site's requirement.
 - e. After these revisions have been made, have the qualified professional who

prepared the plan sign and date it.

2. Development of this subdivision shall be in compliance with an approved Type I Tree Conservation Plan (TCPI/53/06). The following note shall be placed on the final plat of subdivision:

“Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/53/06), 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 Ordinance. This property is subject to the notification provisions of CB-60-2005. Copies of all approved Tree Conservation Plans for the subject property are available in the offices of the Maryland-National Capital Park and Planning Commission, Prince George’s County Planning Department.”
3. Prior to signature approval of the preliminary plan, the preliminary plan and TCPI shall be revised to graphically demonstrate each proposed lot has, at a minimum, a lot depth of 150 feet in relation to MD 193. This may result in a loss of lots.
4. Prior to signature approval of the preliminary plan, the preliminary plan shall be revised to clearly label the unmitigated 65 dBA Ldn noise contour in relation to MD 193.
5. Prior to signature approval of the preliminary plan, the TCPI shall be revised to show no proposed houses or 40 feet of useable rear yard areas within the 65 dBA Ldn noise contour.
6. Prior to signature approval of the preliminary plan, a copy of the approved stormwater management concept plan and concept plan approval letter shall be submitted.
7. Development shall be in conformance with approved Stormwater Management Concept Plan 38336-2004-00, and any subsequent approved revisions thereto. Prior to signature approval of the preliminary plan, the concept plan number and approval date shall be noted on the plan.
8. The Adopted and Approved Glenn Dale-Seabrook-Lanham and vicinity master plan recommends that Prospect Hill Road be designated as a Class III bikeway with appropriate signage. Because Prospect Hill Road is a county right-of-way, the applicant, and the applicant's heirs, successors, and/or assigns shall provide a financial contribution of \$210 to the Department of Public Works and Transportation for the placement of this signage. A note shall be placed on the final plat for payment to be received prior to the issuance of the first building permit.
9. The applicant shall provide a standard sidewalk along the subject site’s entire frontage of Prospect Hill Road, unless modified by DPW&T.

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 at the northwest quadrant of the intersection of Prospect Hill Road and Glenn Dale Boulevard. The site is undeveloped and wooded. Adjoining the site to the west is the Glenndale Village subdivision, a 14-lot development of which seven are flag lots. To the south, across Prospect Hill Road are single-family residences and a church in the R-R Zone. Glenn Dale Boulevard, a divided highway (MD 193), adjoins the site to the north and east.
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)	Undeveloped	Single-family Residences
Acreage	2.17	2.17
Lots	0	4
Outparcels	0	0
Parcels	1	0
Dwelling Units:	0	4
Public Safety Mitigation Fee		No

4. **Environmental**—A review of available information indicates there are no streams, 100-year floodplain, wetlands, and severe or steep slopes on this site. Based on a review of year 2005 air photos the site is 100 percent wooded. According to the Prince George's County Soil survey, three soils series are associated with the site. These include Christiana fine sandy loam (two types in this series), Sunnyside loam and Keyport silt loam soils. Both Christiana soils have a K-factor of 0.37 and the Keyport soil has a K- factor of 0.43. Limitations are associated with both Christiana soils; when house foundations are built on them, these soils are prone to high shrink-swell potential. Marlboro clays are not associated with this site. MD 193 is an existing major arterial road and is a traffic-noise generator; noise impacts from the road are anticipated. The site is not in vicinity of designated scenic or historic roads. According to information obtained from the Maryland Department of Natural Resources Wildlife and Natural Heritage Program staff, there are no rare, threatened, or endangered species in vicinity of this property. According to the Green Infrastructure Plan, the site has two network features from the plan associated with it: an evaluation area and a network gap. The site is in the Folly Branch watershed of the Patuxent River basin, the Glenn Dale-Seabrook-Lanham and Vicinity Planning Area and the Developing Tier in the adopted General Plan.

Master Plan Conformance

The environmental envelope chapter of the Glenn Dale-Seabrook-Lanham and vicinity planning

area master plan recognizes MD 193 as one of several major traffic noise generators. Because this site is in close proximity to an existing arterial road, MD 193, noise impacts are anticipated. The noise intrusion subsection of this chapter describes the overall noise assessment of the planning area as:

“...an average noise level mostly within acceptable levels, except for habitable structures that are located within close proximity to major noise generators. It should be noted however, that the closeness of structures to a noise source is not necessarily a negative factor, provided adequate sound mitigation is in place and appropriate precautionary measures are taken.

There are three major techniques by which existing noise can be ameliorated: (1) controlling the noise source, such as establishing noise emission standards for automobiles and trucks; (2) attenuating the transmission of noise with barriers that affect sound propagation and / or the use of sound absorbing materials in construction; and (3) protecting existing and potential receivers through land use control by recognizing noise sources and minimizing incompatible land uses.”

Although revised plans were submitted to address noise impacts discussed in the November 28, 2006 review memo, not all of the required revisions were made to the preliminary plan and TCPI regarding the minimum lot depth of proposed Lots 1, 3 and 4 in relation to MD 193. Additional discussion regarding noise impacts is contained in this report.

Natural Resources Inventory

A staff signed Natural Resources Inventory (NRI/133/06) was included in the submittal of the preliminary plan. The NRI has been reviewed in relation to the preliminary plan and all the required information on NRI/133/06 has been correctly shown on the preliminary plan.

A simplified forest stand delineation (FSD) was conducted. The forest is described as a young stand, not dense woodlands. No specimen trees were located on-site. The dominant tree species include Northern pin and Southern red oaks, willow and white oaks, red maples, Virginia pine and American holly. No further information regarding the NRI is required.

Green Infrastructure Plan

Two features from the Green Infrastructure Plan are located on the site. These include an evaluation area and a network gap. The site's Type I tree conservation plan proposes to meet the site's woodland conservation requirement with on-site preservation in these areas, thereby implementing the goals of the Green Infrastructure Plan. No further information regarding the Green Infrastructure Plan is required.

Woodland Conservation

This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the gross tract area of the property is greater than 40,000 square feet and there are more than 10,000 square feet of existing woodland on-site. A revised Type I Tree Conservation Plan, TCPI/53/06, was submitted and has been reviewed. Further revisions are required in order for the plan to meet the requirements of the ordinance.

The site has 2.17 acres of existing woodland. The site's woodland conservation threshold (WCT) is 0.43 acres and the woodland conservation requirement is 0.70 acres. This requirement is proposed to be met with 1.12 acres of on-site preservation.

Proposed house footprints are unrealistic at 1,500 square feet. Typical house footprints are 3,000 square feet in this portion of the county. It appears the footprints can be enlarged on proposed Lots 1 and 4 to allow for 40 feet of useable rear yard area from the back of the house and 20 feet of cleared side yard area to the residential edge of the woodland conservation area. In addition, the proposed larger of the two woodland conservation areas can be shown at a minimum of 35 feet wide. The plan should be revised to demonstrate these two cleared yard areas are provided on proposed Lots 1 and 4.

The revised preliminary plan shows the proposed location of a 10-foot-wide public utility easement (PUE) in the rear yards of proposed Lots 1, 3 and 4. However, the revised TCPI does not show this easement area and in addition, the revised TCPI shows this area with a woodland treatment for on-site preservation intended to count toward the site's requirement. Easement areas cannot have woodland treatments intended to count toward a site's requirement as preservation areas. The TCPI must be revised to remove this woodland treatment in the PUE and the worksheet must be adjusted accordingly in relation to the on-site tree preservation acreage.

Noise

Noise impacts are anticipated from MD 193, because it is an existing four-lane major arterial road. A Phase I noise study was not submitted in order to determine the impacts from MD 193; however, the Environmental Planning Section's noise model was used to determine the approximate location of the unmitigated 65 dBA Ldn noise contour. Based on this noise model, the revised TCPI shows the unmitigated 65 dBA Ldn noise contour approximately 181 feet from the centerline of MD 193. The revised preliminary plan shows the noise contour; however, it is not clearly labeled on the plan.

Because MD 193 is an existing arterial road and is recognized as a major traffic noise generator, proposed residential lots in relation to arterial roads must have, at a minimum, a lot depth of 150 feet in accordance with Section 24-121(a)(4). As shown, Lot 4 fails to meet this requirement. The plan must be revised to graphically demonstrate that each lot has the minimum lot depth of 150 feet in relation to MD 193. This may result in a loss of one of the four lots.

All of the proposed houses are outside the unmitigated 65 dBA Ldn noise contour on the revised

TCPI; however, when appropriate sized house footprints are shown this may not be the case. Because of the location of this site is so close to MD 193, and the fact that a homeowner's association will not likely be created, the construction of a noise mitigation feature on future HOA property is not an option. In order to meet the minimum lot depth requirement from MD 193 and avoid the need to construct a noise barrier on individual lots, all proposed houses should be located outside the 65 dBA Ldn noise contour, along with an area 40 feet in depth to the rear of each house footprint.

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 property is within the limits of the 1993 *Approved Master Plan and Sectional Map Amendment for Glenn Dale-Seabrook-Lanham and Vicinity*, planning area 70/Annapolis Road. The master plan recommended land use is for single-family residential. The 2002 General Plan locates the property in the Developing Tier. One of the visions for the Developing Tier is to maintain a pattern of low-to moderate-density residential communities. The proposed preliminary plan is consistent with the recommendations of the master plan and the 2002 General Plan.
6. **Parks and Recreation**—In accordance with Section 24-134 of the Subdivision Regulations, the Park Planning and Development Review Division recommends that the applicant pay a fee-in-lieu of mandatory park dedication because land available for dedication is unsuitable due to size and location.
7. **Trails**—The Adopted and Approved Glenn Dale-Seabrook-Lanham & Vicinity Master Plan identifies two master plan trails in the vicinity of the subject site. Glenn Dale Boulevard (MD 193) and Prospect Hill Road are designated as Class III bikeways. The existing asphalt shoulders along MD 193 currently serve to accommodate bicycle traffic. The State Highway Administration has also provided bikeway signage and bicycle compatible pavement markings along MD 193 as part of the College Park to Upper Marlboro bike route. The retention of these shoulders is recommended.

The provision of bikeway signage is recommended along Prospect Hill Road to alert motorists to the possibility of on-road bicycle traffic. It should also be noted that the adjacent development includes a standard sidewalk along its frontage of the north side of Prospect Hill Road. Staff recommends a continuation of this sidewalk across the frontage of the subject site, unless modified by DPW&T.

8. **Transportation**—Based on the “Guidelines for the Analysis of the Traffic Impact of Development Proposals,” the 4-lot single-family development will generate 3 AM peak hour trips, and 3 PM peak hour trips. The subject property is located 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.

Pursuant to provisions in the Guidelines, the Planning Board may find that traffic impact of small developments is *de minimus*. A *de minimus* development is defined as one that generates 5 trips or fewer in any peak period.

Regarding on-site circulation of traffic, staff has no issues.

Findings and Recommendations

Based on the fact that the subject application is considered to be *de minimus*, the Transportation Planning Section finds that adequate transportation facilities exist to service the proposed subdivision as required under Section 24-124 of the Prince George's County Code if the application is approved.

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 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	6,327	7,218	10,839
Completion Enrollment	132	112	223
Cumulative Enrollment	13.44	305.58	612.24
Total Enrollment	6,473.4	7,635.82	11,674.72

State Rated Capacity	6,339	6,569	8,920
Percent Capacity	102.12%	116.24%	130.88%

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

These figures are correct on the day the referral was written. They are subject to change under the provisions of CB-30-2003 and CR-23-2003. Other projects that are approved prior to the public hearing on this project will cause changes to these figures. The numbers shown in the resolution will be the ones that apply to this project.

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 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. 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 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 18, 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 October 31, 2006.

Reporting Cycle	Date	Emergency Calls	Nonemergency
Acceptance Date	09/05/05-09/05/06	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 September 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 Health Department reviewed the application and has no comments
13. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. Stormwater Management Concept Plan 38336-2004-00 has been approved. Prior to signature approval of the preliminary plan, the applicant should submit a copy of the concept approval letter and indicate the approval date on the preliminary plan. Development must be in accordance with that approved plan to ensure that development of this site does not result in on-site or downstream flooding.
14. **Historic Preservation**—Phase I archeological survey is not recommended on the above-referenced 2.17-acre property in Glenn Dale, Maryland. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low. This property has probably been previously impacted by the construction of MD Route 193, adjacent to it on the north and east and possibly even by a recent housing development to the west. However, the applicant should be aware that there are several historic sites within a one-mile radius of the subject property, including Prospect Hill, an early 19th century plantation house. Very few archeological sites have been recorded in the vicinity due to widespread development throughout the area.

Moreover, Section 106 review may require archeological survey for state or federal agencies. Section 106 of the National Historic Preservation Act requires Federal agencies to take into account the effects of their undertakings on historic properties, to include archeological sites. This review is required when state or federal monies, or federal permits are required for a project.
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 one flag lot in the subdivision. The flag lot is shown as Lot 1.

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 flag lot is a single tier. The house would be sited such that it 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) meets or 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 relationship does not occur.
- f. Where front yards are oriented toward rear yards, a “C” bufferyard is required. This relationship occurs on the flag lot. Given the size of the flag lot (33,829 square feet), ample room exists for these bufferyards to be established.

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 use of flag lots in this case allows the applicant to continue the development scheme found in the remainder of the Glenndale Village subdivision to the west. The buildable area of the flag lot is set back in the woods from the rest of the development, more than 200 feet from the front street line. Reducing the amount of paving on this site and taking advantage of the entire site in this case creates a better environment than that which could be achieved with the exclusive use of conventional lots.

- B. The transportation system will function safely and efficiently.**

Comment: The Transportation Planning Section and the Department of Public Works and Transportation have evaluated the applicant’s proposed layout and find that the location of the driveways for the flag lot does not adversely impact the safety or efficiency of the street layout. The location of the driveways onto Prospect Hill Road conforms to the spacing standards required by Subtitle 23 (Roads and Sidewalks). Similarly, configured flag lots proximate to the site have not proven to have a deleterious

impact on the surrounding transportation system.

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: Lot 1 will blend harmoniously with the rest of the development. The homes on the flag lot are laid out so that they continue the flag lot arrangement of the adjoining subdivision, without having to further constrain the lots or impact the substantial slopes on the site by placing them on an unnecessary public road.

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

Comment: Given the size of the net lot area, which far exceeds 20,000 square feet, 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. The applicant's proposal does not result in stacking of dwelling units. As shown on the sketch plan, the front of the proposed house on Lot 1 is set back 125 feet from the rear of the existing house on Lot 2, much of which is mature woods that are to be retained. There is sufficient horizontal separation and buffering to ensure privacy.

Given these findings, staff recommends approval of the flag 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 Squire, seconded by Commissioner Clark, with Commissioners Squire, Clark, Vaughns, Eley and Parker voting in favor of the motion at its regular meeting held on Thursday, January 25, 2007, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 1st day of March 2007.

R. Bruce Crawford
Executive Director

By Frances J. Guertin

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Planning Board Administrator

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