

R E S O L U T I O N

WHEREAS, Mediterranean Home Corporation is the owner of a 10.51-acre parcel of land known as Parcel 313 and Parcel 314, Tax Map 36, Grid F-3 said property being in the 14th Election District of Prince George's County, Maryland, and being zoned R-R; and

WHEREAS, on June 2, 2004, Mediterranean Homes filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 13 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-04068 for Forest Cove 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 18, 2004, 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 18, 2004, 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/54/04), and further APPROVED Preliminary Plan of Subdivision 4-04068, Forest Cove for Lots 1-13 with the following conditions:

1. Prior to signature approval of the preliminary plan, the TCPI shall be revised as follows:
  - a. Include in TCPI Note 1 a reference to the Preliminary Plan 4-04068 at the end of the first sentence.
  - b. Add TCPI Note 6 regarding the reference number assigned by the DER for the Conceptual Stormdrain Plan.
  - c. Have the qualified professional who prepared the revised plans sign and date the plans.
2. Development of this subdivision shall be in conformance with an approved Type I Tree Conservation Plan (TCPI/54/04). 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/54/04), 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.”

3. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the Patuxent River Primary Management Area Preservation Areas and shall be reviewed by the Environmental Planning Section prior to approval of the final plat. The following note shall be placed on the final plat:

“Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.”
4. Prior to signature approval of the preliminary plan, General Note 13 shall be removed from the preliminary plan.
5. Prior to signature approval of the preliminary plan, the Conceptual Stormwater Management Plan shall be submitted. The TCPI shall be revised to show the proposed locations of the drywells and the plunge pool at the outfall. If the plunge pool results in an impact to the PMA, this impact shall be considered approved if it is minimized to the fullest extent possible.
6. A Type II tree conservation plan shall be approved prior to the issuance of any permits.
7. Prior to the issuance of permits, the applicant, heirs, successors and/or assignees shall have the scrap tires on-site hauled by a licensed scrap tire hauler to a licensed scrap tire disposal/recycling facility. A receipt shall be turned in to the Health Department. All other trash and debris shall be removed and discarded.
8. Prior to signature approval of the preliminary plan, the applicant shall revise the plan to show a Type C bufferyard on Lot 8.
9. The building footprint shown on Lot 10 shall be reoriented to avoid having a back yard oriented to the side yard of the house on Lot 11.
10. The applicant shall demonstrate that grading shall proceed in such a manner as to minimize any impacts on existing wildlife. Grading shall be minimized to the fullest extent possible between the months of April through August.
11. The applicant shall work with DPW&T to provide adequate lighting for the shared driveway aprons. The lights shall be full cut-off fixtures to minimize light spillage onto adjoining residential lots.

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 property is located on the east side of Hillmeade Road, extending through to the north side of Thompson Road.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone	R-R	R-R
Use(s)	Undeveloped	Single-family detached homes
Acreage	10.51	10.51
Lots	0	13
Parcels	2	0
Detached Dwelling Units	0	13

4. **Environmental**—Based on aerial photos from 2000, the site is fully wooded; there are wetlands, a stream, and four soil types present. Areas of 100-year floodplain and steep and severe slopes are not associated with the site. The soil types include Elkton silt loam, Fallingston sandy loam, Matapeake silt loam, and three types in the Sassafras sandy loam series. Two of the soil types have erodibility K-factors of 0.43 or greater, (the Elkton at 0.43 and the Matapeake at 0.49). The Elkton soils have hydric characteristics. Based on available information, Marlboro clays are not found at this site. An eight-inch sewer line is located on the site that runs north/south that is located on the rear yards of proposed Lot 4, 12, 11, 10, and 9. The site is in the Horsepen Branch watershed of the Patuxent River basin. There are no significant noise generators, scenic or historic roads in vicinity of the site. According to the Maryland Department of Natural Resources Natural Heritage Program publication titled “Ecologically Significant Areas in Anne Arundel and Prince George’s Counties,” December 1997, rare, threatened and endangered species are not found at this site. The property is in the Bowie and Vicinity Planning Area and the Developing Tier of the 2002 approved General Plan.

**Woodland Conservation**

A revised Detailed Forest Stand Delineation (FSD) has been submitted and reviewed. Based on minor revisions having been made to the FSD map, the FSD meets the requirements of the Prince George’s County Woodland Conservation Ordinance and Tree Preservation Technical Manual and Policy Document. Two forest stands (A and B) have been identified in the FSD. Forest stand A comprises 2.73 acres and is located on the western one-third portion of the site. Stand A is dominated by mixed hardwoods including willow oak and southern red oak. Forest stand B totals 7.72 acres and is located on the remaining two-thirds of the site. Mixed hardwoods

including sweetgums and yellow poplars dominate this stand. Seven specimen trees have been field located at the site, all of which are located in stand B.

Results in the FSD summary sheets for the two forest stands conclude that both stands have a forest structure value of “good” on the forest structure value scale. However, in the opinion of the qualified professional, both stands should be classified as Priority 2 save areas. Regarding forest stand A, this recommendation is based on the relatively young age of the stand; and forest stand B, because of the number of invasive plant species in the shrub and herbaceous layers.

The site is subject to the provisions of the Woodland Conservation Ordinance because the gross tract area is in excess of 40,000 square feet and there are more than 10,000 square feet of woodlands on-site. A revised Type I Tree Conservation Plan (TCPI/54/04) has been submitted.

Existing woodland at the site totals 10.45 acres and the site’s Woodland Conservation Threshold (WCT) is 2.10 acres. The proposed amount of woodland to be cleared is 6.70 acres. The site’s woodland conservation requirement totals 3.78 acres. The proposed amount of woodland preservation totals 3.21 acres on-site and 0.57 acres of off-site mitigation on another property. The preservation areas proposed meet the intent of the ordinance and contain the highest quality woodlands on the site. The revised TCPI has been reviewed. Two of nine required revisions to the TCPI have not been made. Note 1 does not include reference to the assigned preliminary plan number for the subject proposal and optional Note 6 of the Type I Tree Conservation Plan Notes must be shown on the plan to address the proposed method of stormwater management in the concept approval letter. After all the revisions have been made, have the qualified professional who prepared the plan should update the revision box, sign, and date it.

### **Wetlands, Streams and Floodplain**

A Wetland Delineation Report prepared by McCarthy and Associates, Inc., dated May 2004, has been submitted. Two areas of wetlands are identified on the plan. These wetlands are connected to a stream and as such they are part of the Patuxent River Primary Management Area (PMA). The full extent of the PMA on the subject property includes the stream, its 50-foot stream buffer, the wetlands and their 25-foot wetland buffer. The PMA is shown correctly on the TCPI and preliminary plan. No impacts to the PMA are proposed and as such the PMA will be preserved to the fullest extent possible.

A revised Preliminary Plan of Subdivision has been submitted and reviewed. General Note 13 is still on the plan with an inaccurate statement regarding environmental-related information as to the lack of wetlands being present at this site. General Note 13 must be removed from the preliminary plan because it is an inaccurate statement.

A stormwater management concept approval letter dated July 20, 2004, has been submitted. However, the conceptual stormwater management plan has not been submitted. There are three conditions of approval associated with Case 20766-2002-02. One of the three conditions references drywells for water quality treatment and a plunge pool at the outfall. Condition 3

reads as follows:

“The roadways shall be designed as an open section with grass swales meeting the MDE 2000 channel credit. Rear rooftops shown on the approved, revised concept plan with delineated disconnect flow meet the rooftop disconnect or sheet flow to buffer criteria. All other rooftops need drywells for water quality treatment. A plunge pool is required at the outfall for energy dissipation. Supercedes previous approval dated 1-13-03 & 1-6-04.”

The TCPI does not show the proposed locations of the drywells or the plunge pool at the outfall. The TCPI must be revised to show the locations of the drywells and the plunge pool at the outfall, so that there are no conflicts with the proposed woodland conservation areas. The conceptual stormwater management plan must be submitted so that the Environmental Planning Section can conduct a review of the proposed stormwater management methods in relation to the current TCPI.

#### **Water and Sewer Categories**

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

5. **Community Planning**—The property is in Planning Area 71A/Community V. The 2002 General Plan places this site 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 and Rural Tiers.

The 1991 Bowie-Collington-Mitchellville & vicinity master plan recommends residential land use at the Low-Suburban density of up to 2.6 dwelling units per acre for the property. This application conforms to the 1991 master plan recommendation for Low-Suburban residential land use.

6. **Parks and Recreation**—In accordance with Section 24-134 of the Subdivision Regulations, the Park Planning and Development Division recommends that the applicant pay a fee-in-lieu of parkland dedication because the land available for dedication is unsuitable due to its size and location.
7. **Trails**—There are no master plan trail issues identified in the 1991 Bowie-Collington-Mitchellville & vicinity master plan with regard to the subject property. The roads in the immediate vicinity of the subject site are open section and do not have sidewalks. These roads include Hillmeade Manor, most of Hillmeade Road, and Thompson Road. Where road frontage improvements have been made to Hillmeade Road, sidewalks have been included. However, due to the very limited amount of road frontage included in the subject site (approximately 110 feet, most of which is included in

“Road A”), no recommendations are made regarding this road.

8. **Transportation**—Due to the size of the subdivision, staff has not required that a traffic study be done. The staff did request traffic counts; however, it was noted that counts were available from the traffic study for Glenn Dale Golf Course property, preliminary plan of subdivision 4-03088, and these counts were less than one year old at the time of plan submittal. Therefore, the findings and recommendations outlined below are based upon a review of these materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*.

### **Growth Policy—Service Level Standards**

The subject property is in 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 is required in the Developing Tier.

**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.

### **Staff Analysis of Traffic Impacts**

The intersection of MD 450 and Hillmeade Road is determined to be the critical intersection for the subject property. This intersection is the nearest signalized intersection to the site, and would serve a large portion of the site-generated traffic. The staff had available traffic counts dated June 2003. These counts indicate that the critical intersection operates at Level-of-Service (LOS) B, with a critical lane volume (CLV) of 1,138, during the AM peak hour. During the PM peak hour, the intersection operates at LOS D with a CLV of 1,352.

There are no funded capital projects at this intersection in the County Capital Improvement Program; however, the State Consolidated Transportation Program includes an improvement that would involve the reconstruction and widening of MD 450 between MD 193 and Stonybrook Drive in the City of Bowie. There are many approved but unbuilt developments that would affect the intersection. With background growth added and the funded improvements to MD 450 taken into account, the critical intersection would operate as follows: AM peak hour—LOS C, with a CLV of 1,173; PM peak hour—LOS D, with a CLV of 1,374.

With the development of 13 residences, the site would generate 10 AM (2 in and 8 out) and 12 PM (8 in and 4 out) peak-hour vehicle trips. The site was analyzed with the following trip distribution: 15 percent—north along Hillmeade Road and 85 percent—south along Hillmeade Road. Given this trip generation and distribution, staff has analyzed the impact of the proposal. With the site added, the critical intersection would operate as follows: AM peak hour—LOS C, with a CLV of 1,177; PM peak hour—LOS D with a CLV of 1,380. Therefore, the critical intersection operates acceptably under existing background and total traffic.

Hillmeade Road adjacent to the site is a master plan collector facility within a right-of-way of 80 feet, and the plan correctly shows existing dedication of 40 feet from centerline along Hillmeade Road.

**Transportation Staff Conclusions**

Based on the preceding findings, adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code if the application is approved with a condition requiring dedication of 40 feet from centerline along Hillmeade Road.

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 3	Middle School Cluster 2	High School Cluster 2
Dwelling Units	13 sfd	13 sfd	13 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	3.12	0.78	1.56
Actual Enrollment	6141	5131	10098
Completion Enrollment	198.24	217.62	398.97
Cumulative Enrollment	491.52	286.80	574.08
Total Enrollment	6833.88	5636.20	11072.61
State Rated Capacity	5858	4688	8770
Percent Capacity	116.69%	120.23%	126.26%

Source: Prince George's County Planning Department, M-NCPPC, December 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 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 or expanded school facilities and renovations to existing school buildings or other systemic changes. The Historic Preservation and Public Facilities Planning Section staff 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 and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of public facilities and concluded the following.

The existing fire engine service at Glenn Dale Fire Station, Company 18 located at 11900 Glenn Dale Boulevard has a service travel time of 2.91 minutes, which is within the 5.25-minute travel time guideline.

The existing ambulance at Glenn Dale Fire Station, Company 18 located at 11900 Glenn Dale Boulevard has a service travel time of 2.91 minutes, which is within the 6.25-minute travel time guideline.

The existing paramedic service at Glenn Dale Fire Station, Company 18 located at 11900 Glenn Dale Boulevard has a service travel time of 2.91 minutes, which is within the 7.25-minute travel time guideline.

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

11. **Police Facilities**—The proposed development is within the service area for Police District II-Bowie. 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. This police facility will adequately serve the population generated by the proposed subdivision.

12. **Health Department**—The Health Department reviewed the application and noted a significant

amount of trash and other debris has been illegally dumped on the property, including domestic trash and tires. This must be removed prior to final plat approval. A licensed scrap tire hauler must remove the tires to a licensed scrap tire disposal/recycling facility. A receipt must be submitted to the Health Department.

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, Concept #20766-2002-00, has been approved. Development must be in accordance with this approved plan or any revisions thereto.
14. **Historic Sites and Cemeteries**—There are no known cemeteries on or adjoining the subject property, nor is it likely that archeological investigation would reveal evidence of slave dwellings or burials. However, the applicant should be aware that if burials are found during any phase of the development process, development activity must cease in accordance with state law.
15. **Public Utility Easement**—The preliminary plan includes the required ten-foot-wide public utility easement parallel and contiguous to all public rights-of-way. The easement will be shown on the final plat.
16. **Flag Lots**—The applicant proposes four flag lots in the subdivision. The flag lots are shown as Lot 8 and Lots 11-13 in the northeast section where the site is narrowed by a stream.

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 8 is a single tier. The proposed flag lots on Lots 11 and 12 are two tiers, where Lot 13 is a single tier. 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; however, the applicant does contemplate having driveways along the common boundary lines for Lots 10-13, thus minimizing the number of curb cuts along Thompson Road.
- 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 8 where it adjoins existing Parcel 188. 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 8 cannot otherwise be accessed without extreme impacts to the PMA. For Lots 11-13, a cul-de-sac at this location could be accommodated but would result in an unnecessary and intrusive expanse of asphalt into what would otherwise be a secluded forested area.

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

**Comment:** By combining the driveway cuts for the four lots in this area into two, the flag lot 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 lots will blend harmoniously with the rest of the development. The homes on the flag lots on Lots 11-13 are laid out so that they mimic a cul-de-sac arrangement, without having to further constrain the lots 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 areas, three of which exceed 28,000 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 fourth and narrowest lot, Lot 13, has a net lot area of 20,680 square feet.

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.

\* \* \* \* \*

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, November 18, 2004, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 16th day of December 2004.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

TMJ:FJG:TL:rmk