

R E S O L U T I O N

WHEREAS, Eolia and Wallis Sibila are the owners of a 3.88-acre parcel of land known as Parcel 22 and located on Tax Map 37 in Grid A-4, said property being in the 14th Election District of Prince George's County, Maryland, and being zoned R-R; and

WHEREAS, on May 15, 2008, Eolia and Wallis Sibila filed an application for approval of a Preliminary Plan of Subdivision (Staff Exhibit #1) for 4 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-08007 for Cedar Hill, Addison's 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 September 4, 2008, 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 September 4, 2008, 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/18/08), and further APPROVED Preliminary Plan of Subdivision 4-08007, Cedar Hill, Addison's Addition to, for Lots 1-4 with the following conditions:

1. Prior to signature approval of the preliminary plan, the TCPI shall be revised as follows:
  - a. Show all existing and proposed utilities and easements (water, sewer, stormdrain etc.)
  - b. Provide labels to indicate which portions of the driveway are to be removed and what is new construction.
  - c. Show all gravel driveways to be removed within the limits of disturbance and label accordingly.
  - d. Revise the LOD so that it reflects all proposed disturbance to the site.
  - e. After all these revisions have been made, have the qualified professional who prepared the plan sign and date it and update the revision box with a summary of the revision.

2. Development of this subdivision shall be in compliance with an approved Type I Tree Conservation Plan (TCPI/018/08). The following note shall be placed on the final plat of subdivision:

“This development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/018/08), 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 approval of the final plat of subdivision, the applicant, the applicant’s heirs, successors and or assignees shall pay a fee-in-lieu of parkland dedication for Lots 1, 2 and 3.
4. The applicant, the applicant’s heirs, successors, and/or assignees shall provide standard sidewalks across the property’s entire frontage of Homestake Drive, unless modified by DPW&T.
5. Development of this site shall be in conformance with approved Stormwater Management Concept Plan No. 2838-2008-00 and any subsequent revisions.
6. Prior to signature approval of the subject preliminary plan, a Phase I (Identification) archeological investigation, according to the Planning Board’s *Guidelines for Archeological Review* (May 2005), is recommended on the subject property to determine if any cultural resources are present. The entire 3.88 acres should be surveyed for archeological sites. The applicant, the applicant’s heirs, successors, and/or assignees shall submit a Phase I research plan for approval by the staff archeologist in the Countywide Planning Section prior to commencing Phase I work. Evidence of M-NCPPC concurrence with the final Phase I report and recommendations is required prior to signature approval of the subject preliminary plan.
7. The Maryland Inventory of Historic Properties form for Cedar Hill, No. 71A-8, shall be updated to reflect current conditions at the property, such as additions, alterations, or changes to the setting. The updated form shall be reviewed by Historic Preservation Section staff prior to signature approval of the preliminary plan of subdivision.
8. Prior to final plat, a limited detailed site plan review shall be approved by the Planning Board or its designee. The review shall include the following:
  - a. To ensure the compatibility of the new construction with the character of Cedar Hill, the dwellings on Lots 1–3 shall address the siting of the new houses to ensure that they are located as far away from Cedar Hill as possible, the massing, design and materials of the

rear and side elevations to ensure compatibility with the façade of each new house and the character of Cedar Hill.

- b. The applicant shall submit a Phase II and/or Phase III archeological evaluation or mitigation if recommended by the Phase I. Prior to the approval of the limited detailed site plan, the applicant shall provide a final report detailing the Phase II and/or Phase III investigations and ensure that all artifacts are curated in a proper manner.
- c. Depending upon the significance of findings (at Phase I, II, or III level), the applicant shall provide interpretive signage. The siting, contents, and triggers for installation shall be determined by the limited detailed site plan.

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 proposed subdivision is located east of Chapel Road, on the north side of South Homestake Drive, approximately 85 feet west of Vein Drive.
- 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)	Single-Family Residential	Single-Family Residential
Acreage	3.88	3.88
Lots	0	4
		(1 existing and 3 proposed)
Parcels	1	0
Public Safety Mitigation Fee		No

- 4. **Community Planning**—The subject property is located 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, for four single-family residences on nearly four acres, is not inconsistent with the 2002 *Prince George's County Approved General Plan* Development Pattern policies for the Developing Tier. The 2006 *Approved Master Plan for Bowie and Vicinity and Sectional Map Amendment for Planning Areas 71A, 71B, 74A, 74B* retained the property in the R-R Zone. The proposed development of four single-family detached residential units on approximately four acres conforms to the 2006 *Approved Master Plan for Bowie and Vicinity* recommendations for residential low-density.

5. **Environmental**—The site contains an existing two-story structure and a stand-alone garage, and is approximately 30 percent wooded. There are no streams, wetlands, or floodplain on the property which is located in the Horsepen Branch watershed of the Patuxent River basin. According to the *Prince George's County Soils Survey*, the principal soils on this site are in the Collington series. Marlboro clay does not occur in this area. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program, rare, threatened, or endangered species do not occur on this property or on adjacent properties.

#### **Environmental Issues Addressed in the Bowie and Vicinity Master Plan**

The master plan does not indicate any environmental issues associated with this property

#### **Countywide Green Infrastructure Plan Conformance**

The subject property is not within or near the designated network of the *Approved Countywide Green Infrastructure Plan*.

#### **ENVIRONMENTAL REVIEW**

An approved Natural Resources Inventory (NRI), NRI/085/07, was submitted with the application. The NRI notes that there are no streams, wetlands or 100-year floodplain on the subject property. The Type I tree conservation plan (TCPI) and the preliminary plan are in conformance with the NRI. The simplified FSD indicates a total of 1.22 acres of woodland and the presence of 26 specimen trees on-site, many of which are open grown tulip poplars. There are no high priority woodlands on-site and mature tulip poplars are difficult to preserve during the construction process because of their sensitivity to soil compaction. No revisions are required for conformance to the NRI.

The property is subject to the provisions of the Prince George's County Woodland Conservation and Tree Preservation Ordinance because the site is greater than 40,000 square feet in area and contains more than 10,000 square feet of woodland. A Type I Tree Conservation Plan (TCPI/018/08) was submitted with the review package. The woodland conservation threshold (WCT) for this 3.88-acre property is 20 percent of the net tract area or 0.78 acre. The total woodland conservation requirement based on the amount of clearing proposed is 0.95 acre. This requirement is proposed to be satisfied by 0.71 acre of on-site preservation and 0.25 acre of on-site reforestation. The design of the woodland conservation areas preserves the existing tulip poplars because they are not impacted by the proposed disturbance. The plan requires some technical changes to be in conformance with the Woodland Conservation Ordinance. Development of this subdivision should conform with approved Type I Tree Conservation Plan (TCPI/018/08). A note should be placed on the final plat of subdivision citing the restrictions shown on approved Type I Tree Conservation Plan (TCPI/018/08), or as modified by the Type II tree conservation plan.

The stormwater management concept approval letter and associated plan have been submitted.

Stormwater will be managed through the use of drywells on each proposed lot. The drywells are also shown on the TCPI. According to the *Prince George's County Soils Survey*, the principal soils on the site are in the Collington series. This information is provided for the applicant's benefit. The Prince George's County Department of Environmental Resources may require a soils report in conformance with CB-94-2004 during the building permit process review.

### **Water and Sewer**

The property is located within water and sewer Category 3. Water and sewer lines in the right-of-way of South Homestake Drive abut the property. Water and sewer mainlines are available to serve the proposed subdivision. This development will be served by public systems.

6. **Parks**—In accordance with Section 24-134(a) of the Prince George's County Subdivision Regulations, proposed Lot 4 of the subject subdivision is exempt from mandatory dedication of parkland requirements because it is over an acre in size. In accordance with Section 24-134(a) of the Prince George's County Subdivision Regulations, the Park Planning and Development Division recommends that the Planning Board require the payment of a fee-in-lieu of dedication, as applicable for proposed Lots 1–3 in the subject subdivision, because land available for dedication is unsuitable due to its size and location.
7. **Trails**—There are no master plan trails issues identified in the Bowie and Vicinity Master Plan that impact the subject site. Staff recommends the construction of standard sidewalks along South Homestake Drive along the entire frontage of the subject site.
8. **Transportation**—The Transportation Planning Section has reviewed the subdivision application referenced above. The applicant proposes a residential subdivision consisting of four lots. One of those lots is currently improved with buildings, both of which will remain. Consequently, an adequacy finding will be based on three net new lots.

Based on the “Guidelines for the Analysis of the Traffic Impact of Development Proposals,” the three-lot single-family development will generate 2 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. 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 finds that traffic impact of small developments is de minimus. A de minimus development is defined as one that generates five

trips or fewer in any peak period.

The property fronts Homestake Drive, a 50-foot roadway. Consequently, dedication of 25 feet from centerline should be required. There are no issues regarding the on-site circulation of traffic.

**Transportation Findings**

Based on the fact that the subject application is considered to be *de minimus*, adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George’s County Subdivision Regulations.

- 9. **School Findings**—The Special Projects Section has reviewed this preliminary plan for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations 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	4 DU	4 DU	4 DU
Pupil Yield Factor	.24	.06	.12
Subdivision Enrollment	.96	.24	.48
Actual Enrollment	6,198	4,920	10,050
Completion Enrollment	134.4	99.84	199.8
Cumulative Enrollment	0	0	0
Total Enrollment	.96	5,020	10,250.28
State Rated Capacity	4,838	6,356	10,254
Percent Capacity	130.89 %	78.98%	99.96%

Source: Prince George's County Planning Department, M-NCPPC, January 2007

County Council Bill CB-31-2003 established 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. CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts are \$7,870 and \$13,493 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 Special Projects Section finds that this project meets the

adequate public facilities policies for school facilities contained in Section 24-122.02, CB-31-2003 and CR-23-2003.

10. **Fire and Rescue**—The Special Projects Section has reviewed this subdivision plan for adequacy of fire and rescue services in accordance with Section 24-122.01(a)(2), Section 24-122.01(d) and Section 24-122.01(e)(1)(B)–(E) of the Subdivision Regulations. Special Projects staff has determined that this preliminary plan is within the required 7-minute response time for the first due fire station, Bowie Fire/EMS Station, Company No. 39, using the 7 Minute Travel Times and Fire Station Locations Map provided by the Prince George’s County Fire/EMS Department. Pursuant to CR-69-2006, the Prince George’s County Council and the County Executive suspended the provisions of Section 24-122.01(e)(1)(A) and (B) regarding sworn fire and rescue personnel staffing levels. The Fire/EMS Chief has reported that the Fire/EMS 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, Bowie. The standard for priority calls response is ten minutes and the standard is 25 minutes for non-priority calls. The times are based on a rolling average for the proceeding 12 months. The preliminary plan was accepted for processing by the Planning Department on May 15, 2008.

Reporting Cycle	Previous 12 Month Cycle	Priority Calls	Non-priority Calls
Acceptance Date May 15, 2008	4/07 - 4/08	9 minutes	13 minutes
Cycle 1			
Cycle 2			
Cycle 3			

The response time standards of ten minutes for priority calls and 25 minutes for non-priority calls were met May 28, 2008. The Police Chief has reported that the Police Department has adequate equipment to meet the standards stated in CB-56-2005.5. Pursuant to CR-69-2006, the Prince George’s County Council and the County Executive suspended the provisions of Section 24-122.01(e)(1)(A) and (B) regarding sworn police personnel staffing levels.

12. **Stormwater Management**—A Stormwater Management Concept Plan, No. 2838-2008-00, was approved by the Department of Public Works and Transportation (DPW&T) on February 28, 2008, and expires on February 28, 2011. Copies of the stormwater management concept approval letter and plan were submitted with this application. Development of the site must be in accordance with this approved plan and any revisions.
13. **Health Department**—The Environmental Engineering Program has reviewed the preliminary plan of subdivision for the Cedar Hill Subdivision and has no comments to offer.
14. **Archeology/Historic Preservation**—The two-and-one-half story house on the subject property

was built in 1916 on the site of an earlier structure, known as Cedar Hill. The earlier house was destroyed in the early 20<sup>th</sup> century. Cedar Hill was first recorded on a Maryland Inventory of Historic Properties (MIHP) form (No. 71A-008) in 1974, which was updated in 1985. The current house was built by local carpenter Millard Schafer for the family of Joseph Addison, a descendant of the Bowie family who lived at Cedar Hill in the 19<sup>th</sup> century. Cedar Hill resembles two other similar Colonial Revival style houses, Boyden House (No. 71A-034) and Boxlee (No. 70-039), both built by carpenter Schafer in the immediate vicinity. The Boyden House and Boxlee are County Historic Sites. Cedar Hill was recommended for review to the Historic Preservation Commission, sitting as the Citizen's Advisory Committee (CAC) in 1990 as part of the Historic Sites and Districts Plan Amendment. In 1990, Cedar Hill was found to meet four of the criteria for classification as a historic site:

1. The house at Cedar Hill was built for a descendant of the family which had occupied the land for many generations. It exemplifies the social and historical heritage of the County, in the continuity of County families in its rural communities (1d).
2. The house at Cedar Hill, with its Georgian plan and classical architectural details, embodies the distinctive characteristics of the early 20<sup>th</sup> century Colonial Revival style of domestic architecture (2a).
3. The house at Cedar Hill was built by a locally well-known master craftsman, Millard Schafer (2b), who had access to important historic buildings in deteriorating condition, and preserved some of their decorative elements by incorporating them into his new buildings.
4. With its commanding site on a knoll framed by large old trees, Cedar Hill is an outstanding visual feature in the neighborhood which has grown up around it (2e).

However, the then owner of Cedar Hill, William B.C. Addison, did not want his property designated a County Historic Site. Therefore, the CAC agreed not to review the property. Cedar Hill is currently listed in Appendix L (a list of documented properties that are not subject to the Historic Preservation Ordinance) of the 1992 Historic Sites and Districts Plan.

Although the Planning Board does not have the benefit of an updated MIHP form to review at this time, it appears that the house at 6406 Homestake Drive retains its historic character as an important local example of early 20<sup>th</sup> century Colonial Revival domestic architecture, and could therefore be found to meet historic site designation criteria. The proposed subdivision will have a major impact on the quality of the property's setting.

The proposed creation of three building lots in the front yard of the subject property will have a substantial visual impact on the character of the existing dwelling when viewed from the public street. As laid out, the three building lots will result in rear elevations and rear yards, and potentially side elevations that will face or be visible from Cedar Hill. Because the architectural focus of these new structures will likely be the street-facing façades, extra care should be taken to

ensure that the massing, design and materials of the rear and side elevations of the new houses be of comparable architectural quality with Cedar Hill.

An earlier house known as Cedar Hill existed on this property until the early 20<sup>th</sup> century. James William Lock Weems and his family resided on a plantation consisting of land in the Darnall's Grove and Widow's Purchase tracts in the 18<sup>th</sup> century. He and his family members are buried in a small family cemetery located to the west of and outside of the subject property. Robert and Margaret French Bowie lived on the Cedar Hill property in the 19<sup>th</sup> century. Robert Bowie of Cedar Hill was active in the County Agricultural Society and in the movement toward the construction of the Baltimore and Potomac Railway, the bed of which is located to the west of and near the subject property. A slave quarter that was associated with the earlier Cedar Hill house was referred to in the 1974 MIHP form, but it was not located within the subject property. The Maryland Inventory of Historic Properties (MIHP) form for Cedar Hill (No. 71A-008) should be updated to reflect current conditions at the property, such as additions, alterations, or changes to the setting.

Two multi-component archeological sites, 18PR201 and 18PR510, were identified within a one-mile radius of the subject property. Site 18PR201 is associated with Marietta, a late 18<sup>th</sup> to early 20<sup>th</sup> century plantation and site 18PR510 is associated with Willow Grove, a late 18<sup>th</sup> to late 20<sup>th</sup> century plantation and farm. Both sites contain prehistoric materials. In addition, there are seven County Historic Sites, Boyden House (No. 71A-034), Holy Trinity Church and Cemetery (No. 71A-009a), Holy Trinity Rectory (No. 71A-009b), Boxlee (No. 70-039), Arthur G. Bowie House (No. 70-021), Grigsby Station Log Cabin (No. 70-038), Maple Shade (No. 70-031), and one Historic Resource, the Duvall Cemetery Site (No. 70-022), within a one-mile radius of the subject property.

In accordance with the Planning Board's directives, as described in the *Guidelines for Archeological Review*, May 2005, and consistent with Subtitle 24-104, 121(a)(18), and 24-135.01, the subject property should be the subject of a Phase I archeological investigation to identify any archeological sites that may be significant to the understanding of the history of human settlement in Prince George's County, including the possible existence of slave quarters and slave graves, as well as archeological evidence of the presence of Native American peoples. Special attention should be paid to landscape features such as mature plantings and terracing.

15. **Limited Detailed Site Plan**—A limited detailed site plan shall be approved by the Planning Board or its designee for the subject site to address specific concerns outlined in the Archeology/Historic Preservation finding regarding a Phase I archeological study, interpretive signage and the architectural compatibility of the existing residence, identified as Cedar Hill, to the new construction of homes on the three proposed lots. This includes attention to and preservation of the historical setting through the use of landscape buffers. A Phase I archeological study should occur prior to signature approval of the preliminary plan, due to any possible impact further archeological studies may have on the proposed development.

16. **The City of Bowie**—The City of Bowie has reviewed the subject application and has no comments.

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 date of notice of 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 Cavitt, with Commissioners Squire, Cavitt, Vaughns, Clark and Parker voting in favor of the motion at its regular meeting held on Thursday, September 4, 2008, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 25th day of September 2008.

Oscar S. Rodriguez  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

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