

R E S O L U T I O N

WHEREAS, Antonio/Maria Oliveira are the owners of a 1.07-acre parcel of land known as part of Lot 70 in Schultz Subdivision, said property being in the 9th Election District of Prince George's County, Maryland, and being zoned R-80; and

WHEREAS, on March 1, 2000, Oliveira Homes, Inc. filed an application for approval of a Preliminary Subdivision Plat (Staff Exhibit #1) for 3 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plat, also known as Preliminary Plat 4-00011, 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 May 4, 2000, 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 May 4, 2000, 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/66/00), and further APPROVED Preliminary Plat of Subdivision 4-00011 for two lots only with the following conditions:

1. Prior to signature approval, the preliminary plat shall be revised:
 - a. In accordance with staff AExhibit A.@
 - b. To show the existing and conceptual alignment of water and sewer lines.
 - c. To locate all existing wells.
2. Development of this subdivision shall be in accordance with the approved Stormwater Management Concept Plan 998003110.
3. Any abandoned well or septic system shall be pumped, backfilled and/or sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnesses be a representative of the Health Department prior to final plat.
4. Development of the subdivision shall be in compliance with an approved Type I Tree

Conservation Plan (TCPI/06/00). The following note shall be placed on the Final Plat of Subdivision:

A Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/06/00), 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. @

5. A Type II Tree Conservation Plan shall be approved for this site prior to the issuance of building permits.

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 Schultz Road approximately 1,300 feet southwest of its intersection with Branch Avenue (MD 5).
3. Environmental - The site is subject to the provisions of the Woodland Conservation Ordinance because the site is more than 40,000 square feet and contains more than 10,000 square feet of woodland. A Type I Tree Conservation Plan TCPI/06/00 has been submitted. The plan proposes on-site conservation of .24 acres to meet the minimum requirements of the Woodland Conservation Ordinance. Additionally the applicant is preserving woodland not required.

There are no wetlands, streams, or floodplain on the site. There are no soils issues, noise impacts, or designated historic, or scenic roads associated with this proposal.

The property is in Water and Sewer Category 3 and will be served by the public system.

4. Community Planning and Design Issues - Section 24-104 of the Prince George's County Subdivision Regulation establishes the purpose of Subtitle 24. Section 24-104(a)(2) provides that one purpose of the regulations is to guide development according to the area master plan. The 1993 *Adopted and Approved Subregion V Master Plan* contains the following statement in the Goal for Living Areas in Subregion V:

A To create a residential structure and housing pattern which strengthens the sense of community identity, provides for a range of housing opportunities, fosters residential stability, community character, and enhances the overall quality of life in the Planning Area. @

A Master Plan Living Area Development Guideline that is relevant states that:

- A18. Residential structures should be designed in *harmonious relationships to one another*, to the terrain, the adjacent roadways, and should be situated to create interesting, useable spaces@ (emphasis added).

Although the surrounding lots are zoned R-80, the community along Schultz Road resembles more closely the visual lotting pattern of the R-R Zone as it relates to lot width and frontage requirements. The neighborhood surrounding this proposed subdivision, more specifically the Charles Schultz subdivision to the north and across Schultz Road to the east, and Clinton Estates to the south are all developed with single-family homes. All of the lots in this neighborhood are developed in a traditional manor with the dwellings fronting on a public street and backyards and sideyards abutting neighboring back and side yards. This traditional lotting pattern creates a recognizable visual housing pattern along Schultz Road, that helps to establish a suburban-like setting for these residents. The existing neighborhood dwelling unit orientation creates a harmonious relationship, providing usable spaces for the residents and visible continuity in the neighborhood.

The applicant has proposed a flag style lot appearance for Lot 2. Lot 2 is 176 feet wide in the flag portion of the lot with the stem narrowing down to 25 feet wide where it passes between the building envelopes of Lots 1 and 3. As it passes the front building lines of Lots 1 and 3, it fans back out to 50 feet wide at the street to meet the minimum frontage requirement of the R-80 Zone.

This type of design orients the rears of the dwellings on Lots 1 and 3, towards the front of the dwelling on Lot 2. Stacking lots in this manor is a planning tool used to assist in the preservation of unique natural features and environmentally sensitive areas. This type of design tool is used in larger lot zones (R-R and R-E) with very specific design standards that limit building envelopes, setbacks, and buffering. In addition, the Subdivision Regulations establish specific findings for this type of lotting pattern relating to surrounding properties, superior design and privacy of adjoining property owners.

While staff supports the use of optional design approaches where appropriate the applicant is for all intents and purposes developing Lot 2 as a flag lot without any of the design and justification required for a flag style lot development. Moreover, the Prince George=s County Zoning Ordinance does not allow the use of flag lots in the R-80 Zone unless the lot is within the Chesapeake Critical Areas (CBCA) overlay zone.

By fanning the stem of the lot at the street line to meet the minimum frontage required for a conventional R-80 zoned lot, confusion may occur regarding the actual versus perceived front yards for Lots 1 and 3. Additionally, staff finds that the application will forego the guidelines established for flag lots which are intended to promote sound planning methods. Notwithstanding these issues, staff believes that a three-lot subdivision as proposed will compromise the recommendations of the master plan and the purposes established by Section 24-104(a)(2) and (9). Specifically that development

will be guided by the recommendations in the master plan and strengthen the residential structure and housing pattern of the neighborhood through efficient design and layout of land.

Based on the previous discussion, this property would most appropriately be developed with two lots. In keeping with the existing lotting pattern along Schultz Road, the preliminary plat should be revised in accordance with staff AExhibit A@ (attached to the end of this report).

5. Parks and Recreation - In accordance with Section 24-131(a) of the Subdivision Regulations, the Department of Parks and Recreation has determined that a fee-in-lieu for park dedication is required because the land available for dedication is unsuitable due to size.
6. Trails - There are no master plan trail issues associated with this application.
7. Transportation - The traffic generated by the proposed preliminary plan would impact the unsignalized critical intersection of Schultz Road/Springbrook Lane and the ramps to and from southbound MD 5. The staff has determined that 2 AM and 2 PM peak hour trips generated by the site is sufficiently minor that they would have a de minimus impact on peak hour traffic operations at this location. Therefore, adequate access roads will exist as required by Section 24-124 of the Subdivision Regulations.
8. Schools - Growth Policy and Public Facilities Planning has reviewed the preliminary plat for adequacy of public facilities in accordance with Section 24-122.01 and 24-122.02 of the Subdivision Regulations and the *Regulations to Analyze the Development Impact on Public School Facilities* (revised January 2000) (CR-4-1998) and concludes the following:

Projected Impact on Affected Public Schools

Affected School Name	D.U. by Type	Pupil Yield Factor	Development Pupil Yield	5-Year Projection	Adjusted Enrollment	Total Projected Enrollment	State-Rated Capacity	Projected Percent Capacity
Waldon Woods Elementary School	2 SFD	0.22	0.44	634	0	634.44	663	95.69%
Stephen Decatur Middle School	2 SFD	0.08	0.16	978	0	978.16	828	118.14%
Surrattsville High School	2 SFD	0.13	0.26	1341	0	1341.26	1265	106.03%

Source: Prince George's County Planning Department, M-NCPPC, January 2000.

The amount of Adequate Public Facilities fee for schools is \$2260. This amount is offset by the School Facilities Surcharge fee of \$2,500.00 per dwelling unit. Therefore, no

Adequate Public Facilities fee is required.

9. Fire and Rescue - Growth Policy and Public Facilities Planning has reviewed the subdivision plans for adequacy of fire and rescue facilities in accordance with Section 24-122.01 of the Subdivision Regulations, and concludes the following.
 - a. The existing fire engine service at Clinton Fire Station, Company 25 located at 9025 Woodyard Road has a service response time of 2.42 minutes, which is within the 5.25 minutes response time guideline.
 - b. The existing ambulance service at Clinton Fire Station, Company 25 located at 9025 Woodyard Road has a service response time of 2.42 minutes, which is within the 6.25 minutes response time guideline.
 - c. The existing paramedic service at Clinton Fire Station, Company 25 located at 9025 Woodyard Road has a service response time of 2.42 minutes, which is within the 7.25 minutes response time guideline.

The above findings are in conformance with the *Adopted and Approved Public Safety Master Plan 1990* and the *Guidelines For The Analysis Of Development Impact On Fire and Rescue Facilities*. The proposed subdivision will be within the adequate coverage area of the nearest existing fire and rescue facilities for engine, ambulance, and medic service.

10. Police Facilities - The proposed development is within the service area for District V-Clinton Police. In accordance with Section 24-122.01(c)(1)(A) and (B) of the Subdivision Regulations, the staff concludes that the existing County's police facilities will be adequate to serve the proposed subdivision. This police facility will also adequately serve the population generated by the proposed subdivision.
11. Health Department - The Health Department has reviewed the proposed subdivision and has concerns regarding what appears to be a partially backfilled shallow well on site. The preliminary plat should be revised to denote the location of this well. Prior to final plat the applicant should demonstrate to the satisfaction of the Health Department that the well has been properly backfilled and sealed.
12. Stormwater Management - The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is not required. A Stormwater Management Concept Plan, #998003110, 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.

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 Brown, seconded by Commissioner Boone, with Commissioners Brown, Boone and McNeill voting in favor of the motion, and with Commissioner Hewlett absent, at its regular meeting held on Thursday, May 4, 2000, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 25th day of May 2000.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:WSC:aj