

R E S O L U T I O N

WHEREAS, Holly Ridge Development Company is the owner of a 21.82-acre parcel of land known as Allentown Farms, Lots 1 through 4, Plat Book NLP 181 @ 74, said property being in the 9th Election District of Prince George's County, Maryland, and being zoned R-80; and

WHEREAS, on December 15, 2000, Holly Ridge Development Company filed an application for approval of a Preliminary Subdivision Plat (Staff Exhibit #1) for 35 lots and 2 outlots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plat, also known as Preliminary Plat 4-00075, Allentown Farms 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 April 26, 2001, 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 April 26, 2001, 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/7/97-01), and further APPROVED Preliminary Plat of Subdivision 4-00075, Allentown Farms for Lots 1-35 and Outlots A&B with the following conditions:

1. In accordance with Section 24-134(a) of the Subdivision Regulations, a payment of a fee-in-lieu of parkland dedication is required at the time of final plat.
2. The final plat shall contain the following notes:
 - a. The R-E zoned portion of this subdivision was approved in accordance with the Lot Size Averaging provision of Section 24-121(a)(12).
 - c. Lot 31 was platted pursuant to the R-E zoning regulations.
3. Development of this subdivision shall be in accordance with the approved Stormwater Management Concept Plan #8329122-2000-00.
4. Prior to signature approval of the preliminary plat of subdivision, the plan shall be revised:

- a. To accurately reflect the front building line on Lot 22 as 120 feet.
 - b. To reflect existing structures on site and any wells associated with these structures for evaluation by the Health Department.
5. Prior to signature approval of the preliminary plat of subdivision, the drums found on the subject site shall be evaluated as to the hazardous potential of the contents. If the material is found not to be hazardous, the drums shall be disposed of by a licensed contractor. If the material is hazardous, a copy of the manifest for the disposal of the contents and the drums shall be provided to the Health Department.
6. Development of this subdivision shall be in compliance with the approved Type I Tree Conservation Plan (TCP I/7/97-01). 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 (TCP I/7/97-01), 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 is a violation of the approved Tree Conservation Plan and makes the owner subject to mitigation under the Woodland Conservation Ordinance.@
7. Prior to certification of TCPI/7/97-01, the plan shall be revised:
 - a. To remove all TCP Type II notes and details.
 - b. To remove all reforestation from individual lots.
 - c. To show a revised Woodland Conservation Worksheet that reflects the revised reforestation/afforestation areas and the corresponding acreage of those areas. These revised figures shall be in accordance with the guidelines set forth in the A Technical Manual For Woodland Conservation with Development in Prince George=s County.@
 - d. To accurately reflect the preliminary plat lot numbering.
8. Prior to the issuance of permits, a Type II Tree Conservation Plan shall be approved and the location of all on- and off-site woodland conservation areas shall be identified. The applicant shall record easements for off-site woodland conservation areas and submit copies of the recorded documents to the Environmental Planning Section, M-NCPPC.
9. The approved Technical Stormwater Management plan shall be submitted in conjunction with the TCPII and shall mirror the TCPII in the placement of reforestation areas. Reforestation on Outlot A shall be no less than what is required under the Woodland

Conservation Technical Manual.

10. The TCPII shall provide adequate information to demonstrate and ensure the retention and management of individual trees proposed for preservation.
11. At the time of approval of the final plat of subdivision, the applicant shall:
 - a. Submit an executed deed for the conveyance of Outlot B to the owner of Parcel 483, or
 - b. Remove the outlot designation and incorporate Outlot B into Lot 1.
12. At the time of approval of the final plat of subdivision, Outlot A shall be conveyed to Prince George's County.

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 east of Allentown Road on the east side of Lanham Lane approximately 530 feet south of its intersection with Pental Drive in Camp Springs.
3. Environmental - This property has been previously reviewed by the Environmental Planning Section as Preliminary Plat 4-97015, submitted on February 4, 1997. TCPI/7/97 was approved with the previous preliminary plat. The site continues to be subject to the Woodland Conservation and Preservation Manual because it is greater than 40,000 square feet in area and contains more than 10,000 square feet of tree stand. TCP I/7/97 and the FSD have been revised to reflect the current application and meet the requirements of the Woodland Conservation Ordinance. Also included in the TCPI is the preservation of one large American Holly specimen tree.

TCPI/7/97-01 accurately shows the woodland conservation threshold for this site as 5.07 acres (23.23 percent of the Net Tract). This percentage represents a combination of the R-80 and R-E Zone requirements because the property is split-zoned. The plan shows clearing of 8.4 acres of woodland, resulting in an 8.97-acre woodland conservation requirement. The applicant has proposed to meet the requirement with on-site preservation and off-site mitigation.

However, prior to certification of the TCPI, staff recommends that the plan be revised to demonstrate that reforestation will not occur on any private lots. Staff has found that when an applicant proposes to meet the requirements of the Woodland Conservation Manual in part, with reforestation areas on individual homeowners' lots, the survival of these reforested areas can be compromised

Prior to certification of TCPI/7/97-01, the Woodland Conservation Worksheet should reflect the revised reforestation/afforestation areas and provide the corresponding acreage. These revised figures should be in accordance with the guidelines set forth in the A Technical Manual For Woodland Conservation with Development in Prince George=s County.@ Further, the TCPII submitted for review and approval should provide detailed information regarding the retention and management of the individual trees proposed for preservation.

The applicant has proposed reforestation on Outlot A in conjunction with the stormwater management pond. Any reforestation area proposed on Outlot A should be approved by the Department of Environmental Resources and meet the minimum width and planting requirements of the Woodland Conservation Manual. At the time of approval of the TCPII, the applicant should provide a copy of the approved Stormwater Management Technical plan, clearly delineating the areas of the reforestation and conservation.

Prior to the issuance of permits, a Type II Tree Conservation Plan should be approved with the location of all on- and off-site woodland conservation areas identified. The applicant will record easements for off-site woodland conservation areas and provide a copy to the Environmental Planning Section prior to approval of the TCPII.

No streams, steep and severe slopes, or 100-year floodplains have been identified on the property. This site is located in the Tinkers Creek watershed, which is a tributary of the Anacostia River.

The Prince George=s County Soil Survey indicates the presence of Beltsville silt loam series soils on the site. These soils have a high water table and impeded drainage that may cause flooding in houses with basements. This soil series is also in Hydrology Class C and has a K factor of 0.43. A soils study may be required at the time of permit review by the Department of Environmental Resources in areas of potential soil problems. Marlboro clay has not been identified on this site.

No adverse off-site noise impacts have been identified that would limit the development of this property for this use. There are no rare, threatened or endangered species located in the vicinity of this property based on information provided by the Maryland Department of Natural Resources - Natural Heritage Program. Historic sites, cemeteries, or scenic/historic roads will not be affected by this application and the site is not located within a designated rural legacy area. Outlot A and Lots 19, 20, and 21 border the Tinkers Creek Stream Valley Park. The sewer and water service categories are S-3 and W-3.

4. Community Planning - The 1984 *Subregion VII Master Plan and Sectional Map Amendment* classified the northwest portion of the property in the R-80 Zone and the southeast portion of the property in the R-E Zone. The master plan land use recommendation for R-80 zoned portion of this property is for Suburban residential,

which is consistent with the R-80 zoning density. The recommendation for the R-E zoned portion of this property is for Estate residential, which is consistent with the R-E zoning density and the applicant's proposal.

The master plan provides for relocation of Allentown Road, however, the reservation plat recorded in Plat Book NLP 181 @ 89 was valid for three years and expired on July 1, 2000.

Staff found no master plan issues associated with this plan.

5. Lot Size Averaging - The applicant has proposed to utilize the Lot Size Averaging (LSA) provision in Section 24-121(a)(12) of the Subdivision Regulations for the portion of this property in the R-E Zone.

Approximately 12.96 acres of the 21.82 acres of this subdivision are in the R-E Zone. Section 27-423 of the Prince George's County Zoning Ordinance establishes the zoning requirements for lot size averaging. Specifically, in the R-E Zone:

- A. The maximum number of lots permitted is equal to the gross acreage divided by the largest minimum lot size in the zone (40,000 square feet).
- B. At least 50 percent of the lots created shall equal or exceed the largest minimum lot size in the zone (40,000 square feet).

For the 12.96 acres located in the R-E Zone, 14 lots would be allowed (564,699 square feet/40,000). The applicant proposes 14 lots. Seven of the proposed lots meet or exceed 40,000 square feet. Therefore, the proposed subdivision meets the minimum zoning ordinance standards for lot size averaging.

Further, Section 24-121(a)(12) requires that the Planning Board make the following findings in permitting the use of lot size averaging:

- A. **The subdivision design provides for better access, protects or enhances historic resource or natural features and amenities, or otherwise provides for a better environment than that which could be achieved by the exclusive use of standard lots.**

The property abuts existing single-family homes to the north and northwest and the Tinkers Creek Stream Valley Park to the east. By utilizing lot size averaging in this unique situation, with one property containing both the R-80 Zone and the R-E Zone, the applicant has been able to accomplish a fluid transition from the small 9,500 square-foot lot size requirement of the R-80 Zone to the larger one-acre requirement of the R-E Zone, which abuts the Tinkers Creek Stream Valley Park. From west to east through the subdivision, the lots gradually

become larger until reaching the park property. The majority of the largest lots in the subdivision are proposed abutting the park property. This allows for a gradual change in the density which could not be accomplished with the use of conventional R-E lot standards.

B. The subdivision design provides for an adequate transition between the proposed lot sizes and locations of lots and the lots, or lot size standards, of any adjacent residentially zoned parcels.

All the adjacent properties are zoned residential. The surrounding higher density developed properties are located to the north and east, abutting the R-80 zoned portion of this property. Specifically, the Lanham Village subdivision is located abutting this site to the north and has a gradual transition of lot sizes, similar to the subject property. The lots gradually get larger from west to east through the subdivision. This is consistent with the lots proposed on the subject property.

The Tinkers Creek Stream Valley Park to the east is zoned residential. The applicant has proposed the majority of the largest lots in the subdivision along the property line common with the park. This provides a visual access to the park and an appropriate transition from the small lot-design to the large lots abutting the park.

C. The subdivision design, where applicable, provides for an adequate transition between the proposed natural features of the site and any natural features of adjacent parcels.

The placement of the largest lots next to the Tinkers Creek Stream Valley Park maximizes the natural features inherent to the park site and reduces the impacts to the natural setting of the park. However, there are no notable natural features present on the Allentown Farms property.

Staff supports the applicant's proposal to utilize the LSA provision for the development of this property.

6. Flag Lot - The subdivision proposal includes one flag lot, proposed Lot 23. Flag lots are permitted pursuant to Section 24-138.01 of the Subdivision Regulations in the R-E Zone. The proposed flag lot satisfies the design standards found in Section 24-138.01(d) as follows:

- a. **A maximum of two tiers are permitted.** The applicant is proposing only one flag lot.
- b. **The flag stem has a minimum width of 25 feet for the entire length of the stem.** The applicant is proposing a 25-foot-wide flag stem.

- c. **The net lot area, exclusive of the stem, must meet the minimum lot size standard.** The gross area of Lot 8 is approximately 47,586 square feet. The stem of the lot totals 3,177 square feet. Therefore, the net area of Lot 8 is 44,409 square feet, which exceeds the minimum 40,000 square feet of net lot area required for conventional development in the R-R Zone using LSA.

7. Parks and Recreation - In accordance with Section 24-134(a) of the Subdivision Regulations, the Park Planning and Development Division recommends that a payment of a fee-in-lieu of parkland dedication should be required because the land available for dedication is unsuitable because of its size and location.

The Department of Parks and Recreation reviewed the Stormwater Management Concept Plan #8329122-2000-00 approved by the Department of Environmental Resources (DER) and found no adverse impacts of the storm drain outfall, which falls solely on existing park property, from the stormwater management pond on Outlot A.

Discussions have occurred between the Parks Department and the applicant regarding a 25-foot-wide sewer easement that has been required by WSSC for an sewer extension. The connection is proposed on park property, extending from Lanham Lane through Lot 19 to the park property. The extension would serve all but four lots within the subdivision. The Parks Department has stated that they would allow the extension onto park property but would not grant an easement to contain the extension.

Because the extension is off site, the elements of the negotiations between the Parks Department, WSSC, and the applicant, with regard to this issue, are independent of this recommendation.

8. Trails - There are no master plan trails issues associated with this application.
9. Transportation - The application is a preliminary plat of subdivision for a residential development consisting of 35 single-family dwelling units. The proposed development would generate 27 AM and 32 PM peak hour vehicle trips as determined using *Guidelines for the Analysis of the Traffic Impact of Development Proposals*. The traffic generated by the proposed preliminary plan would impact the intersection of Allentown Road and Temple Hills Road. This intersection is programmed for improvement with 100 percent construction funding within the next six years in the current Prince George=s County *Capital Improvement Program* CIP # FD669091, which describes the project as the widening of the intersection on all four approaches.

The Prince George=s County Planning Board, in the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*, has defined level of service D (LOS D) as the lowest acceptable operating condition on the transportation system. Based on an October 5, 2000, traffic count provided by the applicant, staff did an analysis of the affected

intersection and determined the following results:

| EXISTING CONDITIONS | | |
|----------------------------------|--------------|---------------|
| Intersection | AM - CLV/LOS | PM - CLV/LOS |
| Allentown Road/Temple Hills Road | 1441/D | 1462/E |

With the inclusion of the funded improvements and the site-generated traffic, the intersection was reanalyzed and the following results were determined:

| TOTAL CONDITIONS with improvements | | |
|------------------------------------|--------------|--------------|
| Intersection | AM - CLV/LOS | PM - CLV/LOS |
| Allentown Road/Temple Hills Road | 900/A | 1156/C |

Therefore, the Countywide Planning Division concludes that adequate access roads will exist as required by Section 24-124 of the Prince George=s County Code if the application is approved.

10. Schools - Growth Policy and Public Facilities Planning has reviewed the subdivision plans for adequacy of public facilities in accordance with Section 24-122.02 of the Subdivision Regulations and the *Regulations to Analyze the Development Impact on Public School Facilities* (revised January 2001) (CR-4-1998) and concluded the following:

Finding

| Affected School Name | D.U. by Type | Pupil Yield Factor | Development Pupil Yield | 5- Year Enrollment | Adjusted Enrollment | Total Projected Enrollment | State Rated Capacity | Percentage of Capacity |
|---------------------------------|--------------|--------------------|-------------------------|--------------------|---------------------|----------------------------|----------------------|------------------------|
| Avalon Elementary School | 36 sfd | 0.24 | 8.64 | 398 | 0 | 406.64 | 439 | 92.63% |
| Thurgood Marshall Middle School | 36 sfd | 0.06 | 2.16 | 757 | 0 | 759.16 | 1022 | 74.28% |
| Crossland High School | 36 sfd | 0.12 | 4.32 | 1475 | 0 | 1479.32 | 2061 | 71.78% |

Source: Prince George=s County Planning Department, M-NCPPC, January 2001

Since the affected schools= projected percentage of capacities are not greater than 105 percent, an Adequate Public Facilities fee is not required. However, the School Facilities Surcharge Fee will be required at the time of building permit.

11. Fire and Rescue - Growth Policy and Public Facilities Planning has reviewed the subdivision plans for adequacy of public facilities and concluded the following:
 - a. The existing fire engine service at Allentown Fire Station, Company 32, located at 8709 Allentown Road has a service response time of 3.98 minutes, which is within the 5.25-minute response time guideline.
 - b. The existing ambulance service at Allentown Road Fire Station, Company 32, located at 8709 Allentown Road has a service response time of 3.98 minutes, which is within the 6.25-minute 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 11.18 minutes, which is beyond the 7.25-minute response time guideline.
 - d. The existing paramedic service located at Clinton Station, Company 25, is beyond the recommended response time guideline. The nearest fire station Allentown, Company 32, is located at 8709 Allentown Road, which is 3.98 minutes from the development. This facility would be within the recommended response time for paramedic service.

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*.

12. Police Facilities - The proposed development is within the service area for District V in Clinton. In accordance with Section 24-122.01(c)(1)(A) and (B) of the Subdivision Regulations of Prince George=s County, staff concludes that the existing county police facilities will be adequate to serve the proposed Allentown Farms development. This police facility will adequately serve the population generated by the proposed subdivision.
13. Health Department - The Health Department performed an evaluation of the subject site with representatives of the Environmental Planning Section and notes two items as follows:
 - a. Several drums were found on the site. At least one of the drums was partially filled with an unknown material. The material must be evaluated as to its hazardous potential and if found to be hazardous, disposed of by a licensed contractor. If the material is hazardous, a copy of the manifest must be provided

to the Health Department prior to the approval of the preliminary plat of subdivision.

- b. The location of the existing structures and any wells associated with the structures must be designated on the preliminary plat. A raze permit, which must be obtained through the Department of Environmental Resources, will be required prior to the removal of these structures.

- 14. Stormwater Management - The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. The stormwater management pond is to be located on Outlot A and conveyed to DER at the time of final plat approval.

A Stormwater Management Concept Plan, #8329122-2000-00, has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding.

- 15. Urban Design - The Urban Design Section has reviewed the plan for the subject property, which the applicant revised subsequent to staff's initial review, and provides the following comments:
 - a. The applicant has demonstrated conformance to the criteria of Section 24-121(a)(12)(A), which provides that Lot Size Averaging may be permitted if it is found that the proposed design provides for a better environment than that which could be achieved by the exclusive use of standard lots, by way of the preservation of natural features and amenities in environmentally sensitive areas on the subject property. The lot size averaging approach will help protect or enhance the said areas.
 - b. The proposed plan has been revised to provide for generally rectangular lot configurations, and although the roadway layout for the subdivision remains somewhat curvilinear, the introduction of cul-de-sacs off the spine road, and flag lots off those cul-de-sacs, is appropriate given the overall site configuration.
 - c. Staff is still concerned with the disposition of the long linear portion of the property identified as Outlot B, adjacent to the entrance at Lanham Place. It has been identified as an outlot to be conveyed to the adjacent property owner of Parcel 483. If not conveyed, the outlot designation should be removed and that portion of the property be incorporated into Lot 1.
 - d. Proposed Lot 31 is split zoned, located in both the R-80 and R-E zones. Although the lot frontage is located in the R-80 zoned portion of the lot, the majority of the square footage is located in the R-E Zone. Staff believes that Lot 31 provides a transition between the R-80 and R-E zoned portions of the property

by including it in the lot size averaging portion of the property. Therefore, Lot 31 should be developed in accordance with the R-E zoning standards.

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 Brown, seconded by Commissioner Lowe, with Commissioners Brown, Lowe, Eley and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, April 26, 2001, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 17th day of May 2001.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:WC:rmk