

R E S O L U T I O N

WHEREAS, Doris A. Pardee is the owner of a .33-acre parcel of land known as Hollaway Estates, Outlot A and Parcel 103, said property being in the 11th Election District of Prince George's County, Maryland, and being zoned R-R; and

WHEREAS, on October 25, 2001, Doris A. Pardee filed an application for approval of a Preliminary Subdivision Plan for 1 lot; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-01090 Lot 6, Block 2 for Hollaway Estates was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on January 10, 2002, for its review and action in accordance with Article 28, Section 7-116, Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

WHEREAS, the staff of The Maryland-National Capital Park and Planning Commission recommended APPROVAL of the application with conditions; and

WHEREAS, on January 10, 2002, 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 Variance Application No. VP-01090 and further APPROVED Preliminary Plan of Subdivision 4-01090, Hollaway Estates for 1 lot with the following conditions:

1. Prior to the issuance of a building permit, the applicant, his heirs, successors and/or assignees shall pay an Adequate Public Facilities fee of \$1,920.00 per dwelling unit for the schools, unless fully offset by a school facility surcharge payment. Any amount not offset shall be paid and divided among the schools at a rate determined by the guidelines. This adequate public facilities fee would be laced in an account to relive overcrowding at James Madison Middle and Frederick Douglass High Schools.
2. No permits shall be issued for this subdivision until the project capacities at all the affected schools are less than or equal to 130 percent or 4 years have elapsed since date of the adoption of the resolution for approval of this preliminary plan of subdivision.
3. Development of this subdivision shall be in accordance with the approved Stormwater Management Concept Plan, #27727-2001-00.
4. Prior to approval of the Final Plat of Subdivision, the applicant, his heirs, successors and/or assignees shall pay a fee-in-lieu of parkland dedication.

5. Prior to signature approval, the preliminary plan shall be revised:
 - a. To indicate the stormwater management concept approval number and approval date.
 - b. To clearly show that Outlot A is the old designation and that the property is to be known as Lot 6, Block 2.
 - c. To provide reference to the variance number and the specifics of the case.
6. A 35-foot front building setback will be provided and labeled as a building restriction line on the final plat of subdivision for Lot 6, Block 2.
7. Prior to the approval of a grading or building permit, a Limited Detailed Site Plan shall be approved by the Planning Board. That site plan shall address but not be limited to the following:
 - a. House siting
 - b. Buffering of views from adjoining properties.
 - c. Drainage impacts on adjoining properties.

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 west side of Rosaryville Road, approximately 100 feet north of its intersection with Tyrone Drive.
3. EnvironmentalC This site is not subject to the provisions of the Woodland Conservation Ordinance because the entire site is less than 40,000 square feet in size and does not have a previously approved Tree Conservation Plan. A Tree Conservation Plan is not required.

There are no streams, floodplain, or wetlands on the property. Current air photos indicate that none of the site is forested. No historic or scenic roads are affected by this proposal. There are no nearby noise sources. The proposed use is not expected to be a noise generator. No species listed by the State of Maryland as rare, threatened or endangered are known in the general region. The soils information included in the review package indicates that the principal soils on the site are in the Sassafras soils series.

4. Community PlanningCThe subject property is located within the limits of the 1993 Subregion VI Study Area Master Plan in Planning Area 82A in the Rosaryville community. The master plan land use recommendation for the subject property is for a A Low Suburban@ land use. There are no master plan issues associated with this application.
5. Parks and RecreationCIn accordance with Section 24-134 of the Subdivision Regulations, the Park Planning and Development Division recommends that a payment of a fee-in-lieu of parkland dedication be required because the land available for dedication is unsuitable due to its size and location.
6. TrailsCThere are no master plan trail issues associated with this application.
7. TransportationCThe proposed development would generate 1 AM and 1 PM peak hour vehicle trips as determined using the *Guidelines for the Analysis of the Traffic Impact of Development Proposals* (April 1989). The critical intersection for this development is Brookwood Avenue and Rosaryville Road, an unsignalized intersection. Based on the average daily traffic (ADT) volume along Rosaryville Road, staff estimates that the subject intersection operates within the acceptable threshold of less than 50 seconds of delay. Because the subject property would only generate one trip during each peak hour, staff concludes that its impact on any intersection within the study area would be diminimus.

The Transportation and Public Facilities Planning Division concludes that an adequate access road will exist as required by Section 24-124 of the Subdivision Regulations.
8. SchoolsCThe Growth Policy and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of school 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:

Projected Impact on Affected Public Schools								
Affected School Name	DU by Type	Pupil Yield Factor	Development Pupil Yield	5-Year Enrollment	Adjusted Enrollment	Total Projected Enrollment	State-Rated Capacity	Projected % Capacity
Cheltenham Forest Elementary School	1 sfd	0.24	0.24	756	0	756.24	790	95.73%
James Madison Middle School	1 sfd	0.06	0.06	1003	0	1003.06	864	116.09%
Frederick Douglass High School	1 sfd	0.12	0.12	2047	0	2047.12	1350	151.64%

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

Since the affected James Madison Middle and Frederick Douglass High Schools= projected percentage of capacities are greater than 105 percent, the amount of the Adequate Public Facilities fee for schools shall be offset by the Schools Facilities Surcharge. Any amount not offset shall be paid and divided among the schools at a rate determined by the guideliness

Section 24-122.02(a)(4) of the Subdivision Regulations states that if any affected school= s projected percentage of capacity exceeds 130 percent, no permits may be issued until (a) capacity exists below 130 percent in all affected schools; or (b) four years have elapsed since the time of the approval of the preliminary plan of subdivision.

9. Fire and RescueCThe Growth Policy and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of fire and rescue facilities and concluded the following:
 - a. The existing fire engine service at Marlboro Fire Station, Company 45, located at 7710 Croom Road, has a service response time of 5.22 minutes, which is within the 5.25-minute response time guidelines.
 - b. The existing ambulance service at Marlboro Fire Station, Company 45, located at 7710 Croom Road, has a service response time of 5.22 minutes, which is within the 6.25-minute response time guidelines.
 - c. The existing paramedic service at Clinton Fire Station, Company 25, located at 9025 Woodyard Road, has a service response time of 8.48 minutes, which is beyond the 7.25-minute response time guidelines. The nearest fire station, Marlboro Company 45, is located at 7710 Croom Road, which is 5.22 minutes

from the development. This facility would be within the recommended response time for paramedic service.

10. Police FacilitiesCThe proposed development is within the service area for District V-Clinton Police Station. In accordance with Section 24-122.01(c) of the Subdivision Regulations, the existing county police facilities will be adequate to serve the proposed Hollaway Estates Development and the population generated by the proposed subdivision.
11. Health DepartmentCThere are no Health Department issues associated with this application.
12. Stormwater ManagementCA Stormwater Management Concept Plan has been approved by the Department of Environmental Resources (DER), Development Services Division. Prior to signature approval of the preliminary plan the Stormwater Management Plan concept number should be referred to on the plan. Development must be in accordance with the approved plan.
13. VariancesCSection 27-422(b), Table 1 - Net Lot Area, of the Zoning Ordinance requires a minimum net lot area in the R-R Zone of 20,000 square feet for the construction of a single-family dwelling. Proposed Lot 6, Block 2, is 12,820 square feet. A variance of 7,198 square feet is required. At the time of subdivision of the property to the south and the north, the minimum net lot area in the R-R Zone was 10,000 square feet. The average lot size of the subdivision to the south is 10,000 square feet. The minimum net lot area of the lots to the north is 20,000 square feet. Proposed Lot 6 provides a transition from the subdivision to the south to the subdivision to the north.

The existing residue parcel is grandfathered from the 20,000-square-foot minimum lot size because it was created prior to 1966. Therefore, the existing residue meets the minimum 10,000-square-foot net lot area for the construction of a single family dwelling, without the addition of the outlot or the requirement of a preliminary plan of subdivision. However, a variance of eight feet would be required at the front building line without the outlot. The width of the existing parcel is 72 feet; 80 feet is required. When the outlot is added the width of the proposed lot is 80 feet. However, with the addition of the outlot a Anew@ lot is created which is required to meet current code requirements for net lot area, 20,000 square feet.

Section 27-230 of the Zoning Ordinance sets forth the required findings for approval of variance requests. The applicant addressed the required findings in the Statement of Justification. Staff concurs and supports the variance. A variance may only be approved if:

- a. **A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic conditions, or other extraordinary situations or conditions.** Proposed Lot 6 has an exceptional shape when compared to the

surrounding properties. The majority of the lots in Brookwood and Hollaway Estates subdivision are rectangular, having been the subject of preliminary plans of development. The unusual shape of Lot 6 would be due to its status as a residue parcel of land. Not having been the subject of a preliminary plan of development, it is Aleftover@ from the two previous subdivisions mentioned above. Residue parcels such as this rarely occur in the modern subdivision process. This type of omission would come into question with the development of the surrounding properties.

- b. **The strict application of the Zoning Ordinance will result in peculiar and unusual practical difficulties to or exceptional or undue hardship upon the owner of the property.** The property which is the subject of this application has remained vacant and in its configuration since the subdivision of Hollaway Estates in 1964. The abutting properties are developed with single-family dwellings and no additional land can be added to this property. Without the approval of the variance, the property will remain vacant and unusable as a single-family dwelling unit lot.
- c. **The variance will not substantially impair the integrity of the General Plan or Master Plan.** Staff has reviewed the subject application and associated variance for compliance with the current Master Plan and General Plan and has found the application in conformance with the recommendation contained in the Master Plan. Approval of this variance will not impair the intent, purpose, or integrity of the General Plan or Master Plan.

Staff recommends approval of VP-01090 from the minimum net lot area for Lot 6, Block 2, based on the preceding findings.

1. At the January 10, 2002, public hearing for this preliminary plan citizens raised concerns regarding the development of Lot 6 to construct a single family dwelling. Concerns regarding the views of the side and rear of the proposed dwelling on Lot 6 from Lot 27 to the north and the lots abutting to the south. This issue also related to the siting of the dwelling. This issue was partially addressed by the addition of Condition 6 which requires a 35-foot front building setback. This will be reflected as a building restriction line on the plat for Lot 6.

Concerns regarding adverse impacts to adjoining properties due to drainage problems in the area were discussed. Staff has been directed to advise the

Department of Environmental Resources and the Department of Public Works and Transportation of this citizen concern. In addition, the Planning Board will take into consideration, through the grading and development of this lot, any actions that could be taken to minimize adverse drainage impacts that affect adjoining lots. It was not determined that the development of this property would exacerbate existing drainage problems, only that if the Planning Board can effect positive change they would do so through the review of development plans.

In Condition 7, the Planning Board requires the review and approval of a Limited Detailed Site Plan (LDSP). The order of approval established by the Planning Board will require the approval of the LDSP prior to grading or building permits for the site. This would allow the applicant to record the final plat of subdivision for the property prior to permits and the review of the site plan. The review of the LDSP will include but not be limited to the review of drainage, house siting and buffering as discussed above

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 Eley, with Commissioners Brown, Eley, Lowe, Scott and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, January 10, 2002, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 31st day of January 2002.

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File No. 4-01090
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