

R E S O L U T I O N

WHEREAS, Clem C. and Anna F. Hamilton is the owner of a 18.88-acre parcel of land known as Lots 16 and 17, Plat Book 4 @34, said property being in the 9th Election District of Prince George's County, Maryland, and being zoned R-R; and

WHEREAS, on June 27, 2003, Washington Management and Development Company, Inc. filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 22 lots; and 1 parcel.

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-03062 for Chesterfield Estates Cluster 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 October 30, 2003, 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 October 30, 2003, 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/48/03), and further APPROVED Preliminary Plan of Subdivision 4-03062, Chesterfield Estates Cluster for Lots 1-22 and Parcel A with the following conditions:

1. Prior to signature approval of the preliminary plan:
 - a. The discarded tires on the property shall be hauled by a licensed scrap tire hauler to a licensed scrap tire disposal/recycling facility, with appropriate documentation presented to the Health Department.
 - b. The preliminary plan shall be revised to include building envelopes for the three flag lots.
 - c. Lot 6 shall be redesigned to include a flag stem of 25 feet in width, or it shall be eliminated from the preliminary plan.
2. A detailed site plan shall be approved prior to the approval of final plats.
3. 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/48/03), 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.”

4. A Type II Tree Conservation Plan shall be approved at the time of detailed site plan approval.
5. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the expanded stream buffer, excluding those areas where variation requests have been approved, and be reviewed by the Environmental Planning Section prior to certification. The following note shall be placed on the 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.”

6. Prior to the issuance of any permits which impact jurisdictional wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.

7. The following note shall be placed on the final plat:

“This site is subjected to noise levels greater than 65 dBA Ldn from aircraft landing and taking off from Andrews Air Force Base. This level of noise is above the Maryland designated acceptable noise levels for residential uses.”

8. Prior to the issuance of building permits for structures on this site, the building permits shall be modified to contain certification by a professional engineer with competency in acoustical analysis that the building shells within the noise corridors for Andrews Air Force Base have been designed to attenuate interior noise levels to 45 dBA Ldn or less.
9. At time of detailed site plan review, the design of the stormwater management facilities controlling on-site and off-site stormwater will be re-evaluated to determine if more of the stormwater reaching the stream can be pretreated.
10. Development of the site shall be in conformance with the approved Stormwater Management Concept Plan, Concept #11637-2003-00, or any approved revisions thereto.
11. At the time of final plat, the applicant, his heirs, successors and/or assignees shall pay a fee-in-lieu of mandatory park dedication.
12. Prior to the issuance of any building permits within the subject property, the following road improvements shall have full financial assurances, have been permitted for construction, and have

an agreed-upon timetable for construction with SHA and/or DPW&T:

- a. Lengthen the westbound right-turn lane on MD 223 to remove the westbound right turns from the through lane. This also will involve some re-striping along the MD 223 east leg of the intersection.
 - b. Re-stripe the northbound turn lanes on Dangerfield Road to provide separate left-turn, through, and right-turn lanes.
13. At the time of final plat approval, the applicant shall dedicate a right-of-way along Dangerfield Road 40 feet from the centerline of the existing pavement.

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 subject property is located on the west side of Dangerfield Road, approximately 300 feet south of Dangerfield Drive in Clinton.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	R-R	R-R
Use(s)	Vacant	Single-family detached homes
Acreage	18.88	18.88
Lots	0	22
Parcels	1	1
Detached Dwelling Units	0	22

4. Cluster Development Data as proposed by Applicant

Zone	R-R
Gross Tract Area	18.88 acres
Area with Slopes Greater than 25%	0.0 acres
Area within Preliminary 100-year Floodplain	0.93 acres
Cluster Net Tract Area	17.95 acres
Minimum Lot Size Permitted	10,000 sq.ft.
Minimum Lot Size Proposed	10,000 sq.ft.
Number of Lots Permitted	41
Number of Lots Proposed	22
Flag lots proposed	3
Cluster Open Space Required	6.23 acres
2/3 of Required Open Space to be Located Outside of the 100-Year Floodplain and Stormwater Management Facilities	4.67 acres
Cluster Open Space Proposed Outside of the 100-Year Floodplain and Stormwater Management Facilities	7.54 acres
Cluster Open Space Provided	8.42 acres
Mandatory Dedication Required	0.94 acres
Mandatory Dedication Proposed	Fee-in-lieu
Total Open Space Required (Cluster plus Mandatory Dedication)	7.17 acres
Total Open Space Provided	8.42 acres
Open Space to be Conveyed to Homeowners Association	8.42 acres
Open Space to be Conveyed to M-NCPPC	0 acres
Open Space to be Conveyed to Prince George's County	0 acres
Area of Nontidal Wetlands and Waters of the U.S.	1.39 acres

Standards Permitted in Cluster		in Zone	Allowed	Proposed
27-442(c)	Net Lot Coverage	25%	30%	30%
27-442(d)	Lot Width at Bldg. Line	100'	75'	75'
	Lot Frontage Along Street Line	70'	50'	50'
	Lot Frontage Along Cul-de-sac	60'	50'	50'

5. **Cluster Findings**—The design for the proposed cluster subdivision meets the purposes and criteria for approval of cluster developments in the R-R Zone found in Subtitles 27-Zoning and 24-Subdivision of the Prince George’s County Code. The following findings are required in accordance with Section 24-137 of the subdivision regulations:

- a. **Individual lots, streets, buildings and parking areas will be designed and situated in conformance with the provisions for woodland conservation and tree preservation set forth in Subtitle 25 of the Prince George’s County Code, and in order to minimize alteration of the historic resources or natural site features to be preserved.**

Comment: None of the proposed lots will be encumbered by tree conservation requirements; the proposed tree conservation plan meets all requirements of the Woodland Conservation Ordinance as described in the Environmental Finding of this report. There are no historic resources affected by the application and the natural feature on the site, a large area of wooded land, is preserved.

- b. **Cluster open space intended for a recreational or public use, conservation purposes, or as a buffer for a historic resource is appropriate, given its size, shape, topography and location, and is suitable for the particular purposes it is to serve on the site.**

Comment: The cluster open space is a large area of tree preservation in and around wetlands. This is the area of the site that should be preserved. The land preserved is suitable for the site.

- c. **Cluster open space will include irreplaceable natural features located on the tract (such as, but not limited to, stream beds, significant stands of trees, steep slopes, individual trees of significant size, and rock outcroppings).**

Comment: The open space is designed to protect the large wooded portion of the property. These woods are an irreplaceable feature of the site and area.

- d. **Cluster open space intended for recreational or public use will be easily accessible to pedestrians; and the means of access will meet the needs of the physically handicapped and elderly.**

Comment: The cluster open space is not intended for recreational use.

- e. **Cluster open space intended for scenic value will achieve this purpose through the retention of irreplaceable natural features described above; or where such natural features do not exist, such techniques as berms planted with trees and the use of landscaping material may be required to eliminate visual monotony of the landscape.**

Comment: As discussed, the cluster open space preserves the large wooded area in the rear of the property. This woodland connects to woodland on adjacent properties and helps separate the various pockets of developed land in the area.

- f. **Diversity and originality of lot layout and individual building design, orientation, and location will achieve the best possible relationship between development and the land.**

Comment: Because this open space preserves the most significant natural features on the site, the lot layout on the remainder of the property presents the best possible relationship between the development and the land. However, as discussed in more detail later in this report, several lots need further examination. This examination will come at the time of Detailed Site Plan, when a more detailed review of these lots will determine their appropriateness.

- g. **Individual lots, buildings, parking areas, and streets will be arranged, designed, situated, and oriented so as to harmoniously relate to surrounding properties, to improve the view from dwellings, and to lessen the area devoted to motor vehicle access and circulation.**

Comment: Very little of the site is devoted to motor vehicle access and circulation. In fact, the applicant has clustered the lots near Dangerfield Road and designed the subdivision so that all lots will have access to an internal public street. Lots along Dangerfield Road are 20,000 square feet in size and will harmoniously relate to the lots in the area.

- h. **Individual lots, buildings, parking areas, and streets will be so situated and oriented as to avoid the adverse effects of shadows, noise, and traffic on, and afford privacy to, the residents of this site.**

Comment: The lots that are of most concern here are the lots along Dangerfield Road. The *Landscape Manual* will require some landscape buffering along Dangerfield Road. While this will ensure that these lots are protected from shadows, noise and traffic, the Detailed Site Plan stage will provide a closer examination of this issue.

- i. **Not more than one-fourth (1/4) of any of the land having slopes greater than twenty five percent (25%) will be removed or altered, and then only when the slopes are isolated, small, or otherwise occur as insignificant knolls, so that the design of the**

development or cluster open space will not be adversely affected.

Comment: There are no steep slopes on this property.

- j. **Appropriate landscape screening techniques will be employed at each entrance to the subdivision and along adjoining existing streets, so as to assure the compatibility of the appearance of the cluster subdivision with that of surrounding existing and planned residential development not approved for cluster development, and to provide an attractive appearance from streets. Individual lots shall also be appropriately landscaped in such a manner as to provide an attractive appearance.**

Comment: This issue will be fully addressed at the Detailed Site Plan stage.

6. **Environmental**—There is a small area of 100-year floodplain on the property. There is a stream and associated wetlands on the property that drain into Piscataway Creek in the Potomac River watershed. Current air photos indicate that most of the site is forested. There are no severe slopes or steep slopes associated with highly erodible soils on the property. The Subregion V Master Plan does not show any Natural Reserve on the property. No scenic or historic roads are affected by this proposal. There are no nearby sources of traffic-generated noise. The proposed use is not expected to be a noise generator. Aircraft associated with Andrews Air Force Base create significant noise levels. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program publication entitled “Ecologically Significant Areas in Anne Arundel and Prince George’s Counties,” December 1997, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. The *Prince George’s County Soils Survey* indicates that the principal soils on the site are in the Bibb, Beltsville, Galestown, Matapeake and Sassafras series. Marlboro Clay does not occur in this area. The site is in the Developing Tier according to the adopted General Plan.

Woodland Conservation

This site is subject to the provisions of the Woodland Conservation Ordinance because the entire site is more than 40,000 square feet in size and it has more than 10,000 square feet of woodland. A Forest Stand Delineation (FSD) showing 28 sample areas, three forest stands and no specimen trees has been reviewed and was found to meet the requirements of the Woodland Conservation Ordinance.

A Type I Tree Conservation Plan, TCPI/48/03, has been submitted with this application. The plan proposes clearing 11.23 acres of the existing 17.31 acres of upland woodland and no clearing of any floodplain woodland. The woodland conservation requirement for this proposal has been correctly calculated as 6.40 acres. The plan proposes to meet this requirement by providing 6.08

acres of on-site preservation and 0.32 acres of off-site conservation. The layout will preserve most of the wooded stream valley and provide a connection to preserved woodland on a homeowners open space parcel to the south. No lots will be encumbered by woodland

conservation.

Streams, Wetlands and Buffers

This site contains natural features that are required to be protected under Section 24-130 of the Subdivision Regulations. A wetlands study including a Jurisdiction Determination was submitted. The wetlands, minimum 25-foot wetland buffers, streams, minimum 50-foot stream buffers, all areas with severe slopes and all areas with steep slopes containing highly erodible soils are shown on the Preliminary Plan and the Type I Tree Conservation Plan. The expanded stream buffer as defined in Section 24-130 of the Subdivision Regulations is correctly shown. At time of final plat, a conservation easement will be described by bearings and distances. An appropriate note should appear on the final plat.

Review of Variation Requests

The plan proposes impacts to stream buffers and wetland buffers. Impacts to these buffers are prohibited by Section 24-130 of the Subdivision Regulations unless the Planning Board grants a variation to the Subdivision Regulations in accordance with Section 24-113. Even if approved by the Planning Board, the applicant will need to obtain federal and state permits prior to the issuance of any grading permit. The additional permit review will assure that the impacts are minimized and that there will be no detrimental effects to public safety, health, or welfare, or be injurious to other property. Staff notes that the subject property is bisected by a major stream and the wetlands are irregular in shape. Requests for three individual impacts have been submitted.

Section 24-113(a) of the Subdivision Regulations sets forth the required findings for approval of variation requests. Section 24-113(a) reads:

Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon the evidence presented to it in each specific case that:

- A. That the granting of the variation will not be detrimental to the public safety, health or welfare, or injurious to other property.**
- B. The conditions of which the variation is based are unique to the property for which the variation is sought and are not applicable generally to other properties.**
- C. The variation does not constitute a violation of any other applicable law, ordinance, or regulation.**

D. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out.

All of the proposed impacts are essential for development. Without approval, the application could not go forward; this would create a particular hardship on the property owner. Staff supports these variations given the following findings:

Variation request #1 is for the construction of a storm drain outfall and will impact 3,000 square feet of expanded buffer. The details of construction will be reevaluated during the review of the detailed site plan to further reduce impacts. The proposal is not a violation of any other applicable law, ordinance or regulation because state and federal permits are required prior to construction.

Variation request #2 is for the construction of a stormwater management pond and associated outfall that will impact 23,089 square feet of expanded buffer. The details of construction will be reevaluated during the review of the detailed site plan to further reduce impacts. The proposal is not a violation of any other applicable law, ordinance or regulation because state and federal permits are required prior to construction.

Variation request #3 is for the construction of a sanitary sewer line and will temporarily impact 4,000 square feet of expanded buffer. The details of construction will be reevaluated during the review of the detailed site plan to further reduce impacts. The proposal is not a violation of any other applicable law, ordinance or regulation because state and federal permits are required prior to construction. The Environmental Planning Section supports variation request #3.

Noise

Based on the most recent Air Installation Compatible Use Zone Study (AICUZ Study) released to the public in August 1994 by Andrews Air Force Base, aircraft-generated noise is significant. The entire site is affected by noise levels exceeding 65 dBA (Ldn), and the northern portion is affected by noise levels exceeding 70 dBA (Ldn). This noise level is above the state acceptable noise level for residential land uses [65 dBA (Ldn) exterior and 45 dBA (Ldn) interior]. It will not be possible to mitigate noise in the outdoor activity areas; however, the use of proper construction materials must be used to ensure that the noise inside of the residential structures does not exceed 45 dBA (Ldn). The preliminary plan shows the 70 dBA (Ldn) contour established by the AICUZ Study. A note indicating the noise and its source should be included on the final plat.

Soils

The Prince George's County Soils Survey indicates that the principal soils on the site are in the Bibb, Beltsville, Galestown, Matapeake and Sassafras series. A soils report may be required by the

Prince George's County Department of Environmental Resources during the permit process review.

Stormwater Management

A Stormwater Management Concept Plan, CSD #11637-2003000, was approved by the Prince George's County Department of Environmental Resources on April 14, 2003. The approved plan utilizes an on-site stormwater management pond as illustrated on the Preliminary Plan and the Type I Tree Conservation Plan. The Tree Conservation Plan shows a pipe carrying off-site stormwater through the site and depositing it into the stream system untreated. At time of detailed site plan review this design will be reevaluated to determine if the off-site stormwater can be pretreated for water quality.

Water and Sewer Categories

The property is in water category W-3 and sewer category S-3; it will be served by public systems.

7. **Community Planning**—The property is in Planning Area 81A/Clinton. It is placed in the Developing Tier as described in the 2002 General Plan. 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 Tier.

The 1993 Subregion V Master Plan recommends residential land use at the low-suburban density of up to 2.6 dwelling units per acre. The 1993 Subregion V SMA classified this property in the R-R Zone. This application conforms to the recommendations of the master plan for low-suburban residential land use.

This site is located under the flight path for aircraft at Andrews Air Force Base, approximately two and one-half miles from the south end of the runway, within an area encompassed by Air Installation Compatible Use Zone (AICUZ) studies. The master plan text references Andrews Air Force Base as a major source of nonpoint noise. It notes that the AICUZ study identifies Accident Potential Zones and noise Compatible Use Districts (CUD) and recommends suitable land uses (p.135). The perceptual analysis identifies noise intrusion as a perceptual liability having negative qualities that call for corrective action (p.137). Environmental Guidelines (p.140) state:

“12. Developers shall be encouraged to include careful site planning and construction techniques which are designed to reduce the adverse impact of point and nonpoint source noise that exceeds the State's current maximum allowable levels for receiving land uses.”

The 1989 AICUZ study referenced in the master plan text (pp. 70, 75) has been updated to reflect changing operations at Andrews Air Force Base. The current AICUZ study is dated 1998 and identifies the subject property as in Accident Potential Zone Two (APZ II) and at the boundary of the 65-70 and 70-75 Ldn noise contours.

Master plan recommendations pertaining to residential development in airport environments which may apply to review of this application include:

- “Regulations should be adopted to require that subdivision plats and deeds of sale for any residential property located in areas around airports include language informing any buyer about areas identified as having increased accident potential or areas that exceed noise level of 65 Ldn due to aircraft operations.” (Living Areas Recommendations, p. 51)
 - “New homes in areas around airport that are subject to higher than desirable noise levels for residential areas (generally over 65Ldn) should be developed at as low a density as is practical; should be planned utilizing cluster development techniques to move homes away from noise impact areas; and units should be acoustically buffered to reduce interior noise to acceptable standards.”(Living Areas Recommendations, p. 52)
8. **Parks and Recreation**—The site is subject to the requirements of Section 24-134 of the Subdivision Regulations for mandatory park dedication. However, the size and location of land available for dedication is unsuitable for park purposes. Therefore, staff recommends a fee-in-lieu of park dedication be required.
9. **Trails**—There are no master plan trails issues identified for this site in the Adopted and Approved Subregion V Master Plan. In keeping with adjacent developments, standard sidewalks are recommended along both sides of all internal roads, per the concurrence of the Department of Public Works and Transportation.
10. **Transportation**—The transportation staff determined that a traffic study was not warranted by the size of the proposed development. Staff did request a traffic count from the applicant, and the needed count at the intersection of MD 223 and Old Alexandria Ferry Road was provided. Therefore, the findings and recommendations outlined below are based upon a review of relevant 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 site is within the Developing Tier, as defined in the 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.

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.

The transportation staff bases its findings on the traffic impacts at one critical intersection, which is signalized. The traffic generated by the proposed preliminary plan would impact the intersection of MD 223 and Alexandria Ferry Road. The critical intersection is not programmed for improvement with 100 percent construction funding within the next six years in the current Maryland Department of Transportation Consolidated Transportation Program or the Prince George's County Capital Improvement Program.

The applicant's consultant recently submitted additional information on the intersection of MD 223 and Old Alexandria Ferry Road. Staff also conducted field observations during October 2003. Field observations indicated that during the AM peak hour westbound right-turning vehicles on MD 223 were able to turn freely; long queues were not present. Therefore, the majority of right-turning vehicles would not have to be counted against the CLV. If all of the AM westbound right turns are counted, the intersection operates unacceptably during the AM peak hour.

Existing Conditions				
Intersection	Critical Lane Volume (CLV, AM & PM)		Level of Service (LOS, AM & PM)	
MD 223/Old Alexandria Ferry Road	1,719	1,416	F	D

The *Guidelines* identify signalized intersections operating at LOS D or better during both peak hours as acceptable. The AM peak-hour critical lane volume and level of service was based on the assumption that the westbound AM through traffic will block westbound to northbound AM right turns at the intersection, resulting in queues and poor level of service.

The transportation staff has reviewed approved development and assumed a five percent annual growth rate for through traffic along MD 223 and Dangerfield Road. There are currently no funded transportation improvements in this area in either the county CIP or the state CTP. Background conditions are summarized below:

Background Conditions				
Intersection	Critical Lane Volume (CLV, AM & PM)		Level of Service (LOS, AM & PM)	
MD 223/Old Alexandria Ferry Road	1,849	1,468	F	E

The site is proposed for development as a residential subdivision of 22 lots. The proposed development would generate 16 AM (3 in, 13 out) and 20 PM (13 in, 7 out) peak-hour vehicle trips as determined using the *Guidelines for the Analysis of the Traffic Impact of Development Proposals (Revised September 2002)*. Staff assumes these trips are distributed as follows:

- 20% - East along MD 223
- 25% - West along MD 223
- 30% - South along Old Alexander Ferry Road

20% - North along Dangerfield Road
5% - North along Commo Road

Given these assumptions, we obtain the following results under total traffic:

Total Traffic Conditions				
Intersection	Critical Lane Volume (CLV, AM & PM)		Level of Service (LOS, AM & PM)	
MD 223/Old Alexandria Ferry Road	1,850	1,475	F	E

The applicant has proposed lengthening the westbound right turn lane to remove the westbound right turns from the through lane during the AM peak hour. This would involve some re-striping along the east leg of the intersection. The applicant has also proposed re-striping the northbound turn lanes to provide separate left-turn, through, and right-turn lanes. With these improvements, the intersection will operate as follows:

Total Traffic Conditions with Applicant's Improvements				
Intersection	Critical Lane Volume (CLV, AM & PM)		Level of Service (LOS, AM & PM)	
MD 223/Old Alexandria Ferry Road	1,220	1,440	C	D

Based on the staff's review of transportation adequacy issues in the area, the transportation staff notes that the intersection of MD 223/Old Alexandria Ferry Road would operate acceptably during the AM and PM peak hours with the proposed improvements.

Based on these findings, the Transportation Planning Section finds that 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 the two transportation-related conditions included in the staff recommendation.

11. **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.

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 5	Middle School Cluster 3	High School Cluster 3
Dwelling Units	22 sfd	22 sfd	22 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	5.28	1.32	2.64
Actual Enrollment	4452	4598	8393
Completion Enrollment	180	66	132
Wait Enrollment	20	15	29
Cumulative Enrollment	269.28	162.60	325.20
Total Enrollment	4926.56	4842.92	8881.84
State Rated Capacity	4175	5114	7752
Percent Capacity	118.00%	94.70%	114.57%
Funded School	N/a	N/a	N/a

Source: Prince George's County Planning Department, M-NCPPC, July 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 on 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.

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. 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.

12. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of public fire and rescue facilities.

a. The existing fire engine service Clinton Fire Station, Company 25, located at 9025 Woodyard Road, has a service travel time of 3.82 minutes, which is within the 5.25-minute travel time guideline.

b. The existing ambulance service at Clinton Fire Station, Company 25, has a service travel

time of 3.82 minutes, which is within the 6.25-minute travel time guideline.

- c. The existing paramedic service at Clinton Fire Station, Company 25, has a service travel time of 3.82 minutes, which is within the 7.25-minute travel time guideline.

These 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/rescue facilities for fire engine, ambulance and paramedic services.

13. **Police Facilities**—The proposed development is within the service area for Police District V - Clinton. In accordance with Section 24-122.1(c) of the Subdivision Regulations, existing county police facilities will be adequate to serve the proposed Chesterfield Estates Cluster development. This police facility will adequately serve the population generated by the proposed subdivision.

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 June 30, 2002, the county had 874 sworn staff and a total of 101,303 square feet of station space. Based on available space, there is capacity for an additional 69 sworn personnel. This police facility will adequately serve the population generated by the proposed subdivision.

14. **Health Department**—The Health Department reviewed the application and found that debris, including 40 to 50 discarded tires, had been found on the property. All of this needs to be removed and properly discarded. With regard to the tires, the applicant will need to have them hauled by a licensed scrap tire hauler to a licensed scrap tire disposal/recycling facility. Documentation regarding this removal must be presented to the Health Department prior to signature approval of the preliminary plan.

15. **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, # 11637-2003-00, has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. The approval is valid through April 14, 2006. Development must be in accordance with this approved plan or any revisions thereto.

16. **Cemeteries**¾ There are no known cemeteries on or adjoining the subject property.

17. **Public Utility Easement**—The required ten-foot-wide public utility easement is depicted on the preliminary plan. This easement will be included on the final plat.

18. **Flag Lots**¾ The applicant proposes three flag lots. Flag lots are permitted pursuant to Section 24-138.01 of the Subdivision Regulations. The proposed flag lots satisfy the standards of Section 24-138.01(d).

- a. A maximum of two tiers is permitted. The proposed flag lots represent the second tier.
- b. The flag stems are a minimum width of 25 feet for the entire length of the stem.
- c. At a minimum of 20,000 square feet, the net lot area for proposed Lots 6, 16 and 17 (exclusive of the flag stems) meet or exceed the minimum lot size of 20,000 square feet in the R-R Zone.
- d. A building envelope must be established at the time of preliminary plan. The applicant has not included a building envelope on the preliminary plan. This information must be included on the preliminary plan prior to signature approval.
- e. Shared driveways are only permitted under certain circumstances. The proposal includes no shared driveways.
- f. Where rear yards are oriented toward driveways, an "A" bufferyard is required. In this case, no rear yard is oriented toward a driveway.
- g. Where front yards are oriented toward rear yards, a "C" bufferyard is required. In this case, the front yard is not oriented toward rear yards.

Prior to approval of flag lots, 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 cluster, which includes the flag lots, proposes the preservation of nearly 40 percent of the property in woodland. This concentrates development along Dangerfield Road. To avoid using driveway cuts onto Dangerfield Road, a collector facility, the proposal incorporates flag lots at the end of internal cul-de-sacs. This is superior to a design that would use driveways to access a collector facility.
- B. **The transportation system will function safely and efficiently.** *Comment:* As discussed, the applicant avoids direct access to Dangerfield Road by using the flag lots. This will enhance the safety of the transportation system in the area. With regard to internal safety, the flag lots are located at the end of cul-de-sacs, minimizing impacts on internal traffic.
- 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:* Where a rear yard is oriented toward a collector, facilities are required to provide a "C" bufferyard, with a 40-foot building setback and a 30-foot landscaped yard. The proposal can satisfy this requirement by careful house siting. However, a more detailed look at these lots will occur at the time of detailed site plan. If an appropriate landscaped bufferyard cannot be provided, one or more of these lots may be lost. With the bufferyard, the lots will blend

harmoniously with the surrounding area.

D. The privacy of property owners has been assured in accordance with the evaluation criteria. *Comment:* The bufferyard discussed above will ensure privacy of homeowners.

Section 27-107.01(1)(89) of the Zoning Ordinance defines a flag lot as “A flag-shaped ‘Lot.’” It is the only lot specifically mentioned in the Zoning Ordinance with a “shape” in the definition. A flag lot needs to have a flag stem to meet this definition. Simply creating a lot with reduced frontage does not produce a flag lot; that requires a variance to frontage requirements. Proposed Lot 6 has no flag stem and cannot be considered a flag lot. It is a substandard lot that requires variance approval. The applicant will need to revise the preliminary plan so that proposed Lot 6 has a flag stem and meets the definition of a flag lot.

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 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, October 30, 2003, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 4th day of December 2003.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:JD:rmk