

R E S O L U T I O N

WHEREAS, Rodney and Linda Myers are the owners of a 4.50-acre parcel of land known as (Parcel 178), located on Tax Map 28 and Grid F-3, said property being in the 14th Election District of Prince George's County, Maryland, and being zoned R-R; and

WHEREAS, on December 31, 2003, Blackstone Builders, Inc., filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for three lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-03145 for Myers Property 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 March 11, 2004, 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 March 11, 2004, 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/9/04), and further APPROVED Preliminary Plan of Subdivision 4-03145, for Lots 1-3 with the following conditions:

1. Development of this subdivision shall be in compliance with the approved Type I Tree Conservation Plan (TCP TCPI/09/04). 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 (TCP TCPI/09/04), 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.”
2. A Type II Tree Conservation Plan shall be approved prior to issuance of permits.
3. At the time of final plat approval, the applicant shall dedicate right-of-way along MD 564 (Lanham-Severn Road) of 60 feet from the centerline of the existing pavement, as shown on the submitted plan.

4. Development shall be in conformance with the approved stormwater management concept plan, Concept #651-2004-00, or any approved revisions thereto.
5. Prior to the issuance of building permits on the property, the Health Department shall be satisfied that all trash and other debris, including the empty storage tank on the property, have been removed and properly disposed.

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 north of Lanham-Severn Road and west of Sprull Drive.
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
Uses	Vacant	Single-family dwellings
Acreage	4.5	4.5
Lots	0	3
Parcels	1	0
Detached Dwelling Units	0	3

4. **Environmental**—Based on the review of available information, the site is fully wooded. Streams, 100-year floodplain, and wetlands are not present; however, a stream and 100-year floodplain are located north of the site on an abutting property. According to the Soils Survey for Prince George's County, six soil types are found at the site. These include: Butlertown Silt Loam (BtB2), Iuka Sandy Loam (ImA), Rumford Loamy Sand (RdC2), Sassafras Gravelly Sandy Loam (SgC2), Sassafras Sandy Loam (ShC2) and Silty and Clayey Land (SpB). None of the soils has hydric characteristics; however, all except the Iuka Sandy Loam are considered to be erodible. The site is in the Newstop Branch watershed of the Patuxent River basin. Amtrak Railroad, a commercial passenger line, is approximately 500 feet south of the property. Railroads are sources of noise and vibration. According to the Maryland Department of Natural Resources publication entitled, "Ecologically Significant Areas in Anne Arundel and Prince George's Counties," December 1997, the site does not have rare, threatened or endangered species associated with it. There are no scenic or historic roads in vicinity of the subject property. The site is in the Bowie-Collington-Mitchellville Planning Area and the Developing Tier of the 2002 adopted General Plan.

Woodland Conservation

A detailed Forest Stand Delineation (FSD) was initially prepared and submitted. The FSD text was found to meet the requirements of the Prince George's County Woodland Conservation

Ordinance. A revised FSD map was submitted on February 20, 2004. The finding has been made that three required revisions to the FSD map have been made. The revised FSD map meets the requirements of the ordinance.

The site is subject to the Woodland Conservation Ordinance based on the gross tract area being greater than 40,000 square feet and there is more than 10,000 square feet of woodland. A Type I Tree Conservation Plan, TCPI/09/04, was initially submitted. Of the 4.50 gross tract acres, 4.39 acres of woodland exists. Woodland conservation requirements for 1.59 acres will be met on site through preservation of existing woodlands. A total of 2.77 acres will be cleared and 1.62 acres of woodland conservation will be provided on site. The revised plan has been reviewed and the finding has been made that all of the required revisions have been made. The revised TCPI meets the requirements of the ordinance.

Noise

Regulations are in place to minimize the potential impacts of sources of noise and vibration. The existing railroad tracks are nearly 900 feet from the closest proposed dwelling unit; therefore, noise and vibration are not expected to be problematic.

There are no other environmental concerns at this time.

Water and Sewer Categories

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

5. **Community Planning**—The property is in Planning Area 74B/Community V. It is located in the Developing Tier as defined by 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 Bowie-Collington-Mitchellville and vicinity master plan (1991) recommends Residential land use at the suburban density of up to 3.5 dwelling units per acre. The proposal to create three lots on 4.5 acres conforms to the master plan recommendation for Suburban Residential development. The Bowie-Collington-Mitchellville and vicinity master plan (1991) retained the R-R Zone.

6. **Parks and Recreation**—The proposal is exempt from the mandatory park dedication requirements of Section 24-134 of the Subdivision Regulations because all lots are greater than one acre in size.
7. **Trails**—There are no master plan issues identified for this property.
8. **Transportation**—A traffic study was not required in this case given the limited amount of

development being proposed. The findings and recommendations outlined below are based upon a review of these 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 subject property is located 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.

Staff Analysis of Traffic Impacts

The application is a plan for a residential subdivision consisting of three single-family detached residences. The proposed development would generate 2 AM (0 in, 2 out) and 3 PM (2 in, 1 out) peak-hour vehicle trips as determined using the “Guidelines for the Analysis of the Traffic Impact of Development Proposals.” The traffic generated by the proposed plan would primarily impact the intersection of MD 564 and Springfield Road, which is not signalized. Staff has no recent counts at the critical intersection. Due to the limited trip generation of the site, the Prince George’s County Planning Board could deem the site’s impact at this location to be de minimus. Staff would, therefore, recommend that the Planning Board find that 2 AM and 3 PM peak-hour trips will have a de minimus impact upon delay in the critical movements at the MD 564/Springfield Road intersection. There will be even less impact on the intersection with the staff-recommended reduction of one lot.

MD 564 is a master plan arterial facility, and sufficient dedication of 60 feet from centerline is reflected on the submitted plan. The original plan proposed three new driveways onto MD 564. In response, the applicant has filed a variation request regarding Section 24-121(a)(3), which limits individual lot access onto arterial facilities. Section 24-113 of the Subdivision Regulations sets forth the required findings for approval of variation requests. Staff supports the variation to allow one access point to US 301 in this case.

In response, the applicant has filed a variation request regarding Section 24-121(a)(3), which limits individual lot access onto arterial facilities. Section 24-113 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.** Comment: The proposed access points are in close proximity to each other. The applicant will combine two access points into one but providing abutting driveways and thereby minimizing the need for additional curb cuts onto the arterial. Furthermore, the State Highway Administration classifies Lanham-Severn Road as a “minor” arterial highway. Although no such designation appears in the master plan, photographs taken by the applicant demonstrate that this road is not similar to other arterials. Additionally, the photographs taken by the applicant show that this is a relatively flat and straight stretch of Lanham-Severn Road; sight distance issues are not considered a safety problem in this location.
- 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.** Comment: The property is unique in the area in that it is long and narrow. The adjoining property to the south is also long and narrow, but has nearly twice the amount of road frontage on Lanham-Severn Road. This property is unique in that it is not only long and narrow, but it is flag shaped, with minimal frontage.
- C. **The variation does not constitute a violation of any other applicable law, ordinance, or regulation.** Comment: The lots being created are legal; the flag lots satisfy all requirements for flag lots; the access easement serving Lot 3 is provided in accordance with the requirements of Section 24-128(b)(1) of the Subdivision Regulations. The proposed variation violates no other applicable law, ordinance or regulation. The State Highway Administration (SHA) must approve any access onto MD 564, which is a state facility.
- 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.** Comment: The denial of the variation would result in a hardship for the owner. The owner is attempting to provide high quality housing on lots that far exceed the minimum requirements in the zone. Requiring full compliance would deny the applicant that opportunity.

Lot 3 will be served by an access easement in accordance with Section 24-128(b)(1) of the Subdivision Regulations. Section 24-128(b)(1) allows up to four lots for single-family residences to be served by a private easement provided that the lots served are at least two acres in size and that the easement is 22 feet wide. In this case, only Lot 3 will be served by the 22-foot-wide access easement. Lot 3 is two acres in size. The access easement meets the requirements of law and will adequately serve Lot 3.

Based on these findings, 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 a condition requiring appropriate dedication along Lanham-Severn Road.

Based on these findings, 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 a condition requiring appropriate dedication along Lanham-Severn Road. The plan should be modified as well to show only two lots and abutting driveways.

7. **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 3	Middle School Cluster 2	High School Cluster 2
Dwelling Units	3 sfd	3 sfd	3 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	0.72	0.18	0.36
Actual Enrollment	6,141	5,131	10,098
Completion Enrollment	198.24	217.62	398.97
Cumulative Enrollment	31.44	89.52	179.04
Total Enrollment	6,371.40	5,438.80	10,676.37
State Rated Capacity	5,858	4,688	8,770
Percent Capacity	108.76%	116.01%	121.74%

Source: Prince George's County Planning Department, M-NCPPC, December 2003

County Council bill CB-31-2003 establishes a school facilities surcharge in the amount 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.

8. **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 at Bowie Fire Station, Company 19, located at 13008 9th Street, has a service travel time of 1.70 minutes, which is within the 5.25-minute travel time guideline..
 - b. The existing ambulance service at Bowie Fire Station, Company 19, has a service travel time of 1.70 minutes, which is within the 6.25-minute travel time guideline.
 - c. The existing paramedic service at Glenn Dale Fire Station, Company 18, located at 11900 Glenn Dale Boulevard, has a service travel time of 5.96 minutes, which is within the 7.25-minute travel time guideline.

These findings are in conformance with the standards and guidelines contained in the *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 service.

9. **Police Facilities**—The proposed development is within the service area for Police District II-Bowie. 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 additional 69 sworn personnel. Therefore, in accordance with Section 24-122.01(c) of the Subdivision Regulations, existing county police facilities will be adequate to serve the proposed Myers Property development.
10. **Health Department**—The Health Department reviewed the application and noted that there was trash, an empty above-ground storage tank, and other debris associated with a collapsed building on proposed Lot 1. Prior to issuance of building permits, these must all be removed and properly disposed.
11. **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, # 651-2004-00, 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 January 14, 2007. Development must be in accordance with this approved plan, or any revisions thereto.

12. **Cemeteries**—There are no known cemeteries on or adjoining the subject property. However, the applicant should be aware that if burials are found during any phase of the development process, development activity must cease in accordance with state law.
13. **Public Utility Easement**—The preliminary plan shows the required ten-foot-wide public utility easement. This easement will be included on the final plat.
14. **Flag Lots**—The applicant proposes two flag lots in the subdivision and one lot to be served by an easement over one of the flag lots. Flag lots are permitted pursuant to Section 24-138.01 of the Subdivision Regulations. Staff supports the use of two flag lots in this case, but not the third lot. The flag lots meet the requirements of Section 24-138.01 as follows:
 - A. A maximum of two tiers is permitted. The proposed flag lot represents the second tier.
 - B. Each flag stem is a minimum width of 25 feet for the entire length of the stem.
 - C. At more than 37,000 square feet, the net lot area for proposed Lots 1 and 2 (exclusive of the flag stem) exceeds the minimum lot size in the 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 envelope must be included on the preliminary plan prior to signature approval.
 - E. Shared driveways are only permitted under certain circumstances. The proposal includes a shared driveway easement to serve the third lot in the subdivision. This is impermissible; therefore, the third lot must be eliminated.
 - F. Where rear yards are oriented toward driveways, an “A” bufferyard is required. This does not occur on the plan.
 - G. Where front yards are oriented toward rear yards, a “C” bufferyard is required. In this case, two front yards are oriented toward rear yards; a “C” bufferyard can be accommodated on these lots.

Prior to approval of a flag lot, 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.** The proposed flag lots yields a superior design to that which would be allowed conventionally. The property’s odd shape makes development difficult. The use of two flag lots reduces the amount of public street paving, which in turn reduces runoff. The applicant proposes the use of bio-retention for stormwater

management, under DER's low impact development program. The reduction in impervious surface enhances the viability of the bio-retention feature.

- B. The transportation system will function safely and efficiently.** The flag lots will front an arterial highway, causing minor impact on the transportation system. The applicant proposes to abut the driveways to reduce the number of curb cuts onto the arterial highway.
- 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.** The flag lots will blend harmoniously with surrounding development. The Subdivision Regulations call for flag lots to be created in a "court-like" setting. These types of arrangements can be both functional and aesthetically pleasing. Staff notes that while the Subdivision Regulations do not *mandate* such a setting for flag lots, this type of setting begins to address the "superior" design requirement. The proposed flag lots will be fairly secluded and buffered from adjoining residential uses by open space parcels and floodplain.
- D. The privacy of property owners has been assured in accordance with the evaluation criteria.** Given the size of the net lot area, more than 37,000 square feet and the required bufferyards, the flag-style development of the lots will not impair the privacy of either the homeowner of this lot or the homeowners of other lots.

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 Harley, seconded by Commissioner Squire, with Commissioners Harley, Squire, Eley, Vaughns and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, March 11, 2004, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 1st day of April 2004.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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