

R E S O L U T I O N

WHEREAS, William R and Glenna J. Ricker is the owner of a 8.13-acre parcel of land known as part of Tax Map 117, in Grid C-2, said property being in the 9th Election District of Prince George's County, Maryland, and being zoned R-R; and

WHEREAS, on June 1, 2004, Kydan Development Corporation filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 8 lots and 2 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-04092 for Addition to Townsend Subdivision 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 September 9, 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 September 9, 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/55/04), and further APPROVED Preliminary Plan of Subdivision 4-04092, Addition to Townsend Subdivision including a Variation to Section 24-130 for Lots 1-8 and Parcels A and B with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the plan shall be revised as follows:
 - a. To provide an existing structures note.
 - b. To reduce the length of the cul-de-sac to the extent possible.
 - c. To correctly label Dangerfield Drive.
2. Prior to the issuance of permits, a Type II Tree Conservation Plan shall be approved.
3. 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.”

4. Prior to signature approval of the Type I Tree Conservation Plan, the plan shall be revised to show the additional clearing required for the stormwater outfall and account for this clearing in the worksheet.

5. 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/55/04), 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.”

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

“Prior to the approval of building permits, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building permits stating that building shells of structures have been designed to reduce interior noise levels to 45 dBA Ldn or less.”

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

“Due to the proximity of Andrews Air Force Base, properties within this subdivision have been identified as having noise levels that exceed the state maximum noise level of 65 dBA Ldn due to military aircraft over flights.”

8. Development of this property shall be in conformance with the approved Stormwater Management Concept Plan, #7797-2004-00, and any subsequent revisions.

9. Prior to the issuance of building permits, the applicant, his heirs, successors and/or assignees shall demonstrate that a homeowners association has been established and that the common areas have been conveyed to the homeowners association.

10. At the time of final plat, the applicant, his heirs, successors and/or assignees shall convey to the homeowners association (HOA) 3.77± acres of open space land (Parcels A and B). Land to be conveyed shall be subject the following:

- a. Conveyance shall take place prior to the issuance of building permits.

- b. A copy of unrecorded, special warranty deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division (DRD), Upper Marlboro, along with the final plat.
 - c. All waste matter of any kind shall be removed from the property prior to conveyance, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section or the entire project.
 - d. The conveyed land shall not suffer the disposition of construction materials, soil filling, discarded plant materials, refuse or similar waste matter.
 - e. Any disturbance of land to be conveyed to a homeowners association shall be in accordance with an approved detailed site plan or shall require the written consent of DRD. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement, and storm drain outfalls. If such proposals are approved, a written agreement and financial guarantee shall be required to warrant restoration, repair or improvements required by the approval process.
 - f. Storm drain outfalls shall be designed to avoid adverse impacts on land to be conveyed to a homeowners association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by DRD prior to the issuance of grading or building permits.
 - g. Temporary or permanent use of land to be conveyed to a homeowners association for stormwater management shall be approved by DRD.
 - h. The Planning Board or its designee shall be satisfied that there are adequate provisions to assure retention and future maintenance of the property to be conveyed.
11. Prior to the issuance of building permits, a limited detailed site plan shall be approved by the Planning Board for Lot 1 (flag lot), Lot 2, and Parcel B. The review shall ensure a harmonious relationship is created between the flag lot (Lot 1), the stormwater management facility on Parcel B, and Lot 2 consistent with Applicant Exhibit A. Review shall include house siting, landscaping, fencing (if appropriate), and driveway layout. A limited detailed site plan shall also be required for views of the stormwater management facility on Parcel A. The limited detailed site plan for Parcel A, unlike for Parcel B, may be approved by the Planning Board or designee.
12. Prior to signature approval of the preliminary plan of subdivision, the applicant shall demonstrate that additional dedication on Lot 1 is not required for the extension of Francesca Drive and is consistent with DPW&T approvals.
13. The applicant, his heirs, successors and or assignees shall provide standard sidewalks along both

sides of the internal public street unless modified by the Department of Public Works and Transportation at the time of issuance of street construction permits.

14. 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.
15. Prior to approval of the final plat, the applicant shall demonstrate that the 60-foot access easement from the subject property to Dangerfield Drive (Liber 5507 Folio 318) has been extinguished.
16. 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 along MD 223 to remove the westbound right turns from the through lane. This also will involve some restriping along MD 223 within the east leg of the intersection.
 - b. Restripe the northbound turn lanes along Dangerfield Road to provide separate left-turn, through, and right-turn lanes.

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 at the terminus of Francesca Drive approximately 450 feet west of its intersection with Delphi 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
Use(s)	Vacant	Vacant
Acreage	8.13	8.13
Lots	0	8
Parcels	1	2
Dwelling Units:		
Detached	0	8

4. **Environmental**—There are streams and wetlands, but no 100-year floodplain, on the property. The site eventually drains into Piscataway Creek in the Potomac River watershed. According to

the *Prince George's County Soils Survey* the principal soils on this site are in the Galestown, Mattapex and Sassafras series. Marlboro clay does not occur in the area. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program publication titled "Ecologically Significant Areas in Anne Arundel and Prince George's Counties," December 1997, rare, threatened, or endangered species do not occur in the vicinity of this property. There are no designated scenic and historic roads in the vicinity of this property. There are no nearby roadways that are a source of traffic-generated noise. The proposal is not expected to be a noise generator. The property is within the 65 dBA to 70 dBA noise zone as identified in the Andrews Air Force Base AICUZ study. This property is located in the Developing Tier as reflected in the adopted General Plan.

A Detailed Forest Stand Delineation (FSD) based upon five sample points describes two forest stands totaling 7.83 acres and no specimen trees. Within the area proposed for development the woodland is dominated by mature Virginia pine. This species is relatively short-lived and is subject to windfall. The FSD shows streams, wetlands, areas with severe slopes, areas of steep slopes with highly erodible soils, and soil boundaries.

This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the gross tract area of the property is greater than 40,000 square feet and there are more than 10,000 square feet of existing woodland. A Type I Tree Conservation Plan was submitted for review with this application. The individual features that constitute the expanded stream buffer are correctly shown. The plan proposes clearing 4.89 acres of the existing 7.83 acres of woodland. The woodland conservation requirement has been correctly calculated as 2.85 acres. The plan proposes to meet the requirement by providing 2.85 acres of on-site preservation and retaining an additional 0.25 acre that is not part of any requirement. If the variation request to Section 24-130, discussed below, is approved, then minor changes to the Type I Tree Conservation Plan and preliminary plan will be required.

The layout of the proposed woodland conservation area is in conformance with the Woodland Conservation Ordinance. Not only are all of the priority woodlands preserved by the woodland conservation, but also the area serves as an important greenway corridor along the stream valley between two parcels owned by M-NCPPC.

The FSD indicates that Virginia pine is the dominant species in the portion of the site proposed for development. This species is relatively short-lived and is subject to windfall. The following note has been placed on the TCPI:

"The Type II TCP shall address the removal by hand of all Virginia pines (*Pinus virginiana*) greater than 6 inches in diameter within 25 feet of the final proposed limit of disturbance or the boundary of the property."

This site contains a stream and wetlands associated with Piscataway Creek in the Potomac River watershed. These natural features are required to be protected under Section 24-130 of the Subdivision Regulations. The Subregion V Master Plan, adopted in 1993, indicates that there is a

substantial area designated as Natural Reserve on the site. These areas include the entire expanded stream buffer and any isolated sensitive environmental features.

A wetlands study was included in the review package. The plans correctly show streams, wetlands, areas with severe slopes, areas of steep slopes with highly erodible soils, and the expanded stream buffer. A conservation easement should be described on the final plat and contain the expanded stream buffer, excluding those areas where variation requests have been approved.

The applicant has filed a variation request dated August 10, 2004, for an impact to 1,200 square feet of disturbance to an expanded stream buffer for the installation of a required stormwater management outfall. Staff notes that the topography of the site controls stormwater drainage patterns.

Section 24-130 of the Subdivision Regulations restricts impacts to these buffers unless the Planning Board grants a variation to the Subdivision Regulations in accordance with Section 24-113. The applicant will need to obtain federal and state permits prior to the issuance of any grading permit for this proposed impact.

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 evidence presented to it in each specific case that:

- (1) The granting of the variation request would not be detrimental to public safety, health or welfare and does not injure other property;**

The installation of stormwater management is required by the Prince George's County Department of Environmental Resources to provide for public safety, health and welfare. One of the stormwater management ponds has an outfall that will impact 1,200 square feet of expanded stream buffer. The other proposed pond is an infiltration pond that will not require an outfall. All designs of these types of facilities are reviewed by the appropriate agency to ensure compliance with other regulations. These regulations require that the designs are not injurious to other property.

- (2) The conditions on which the variations are based are unique to the property for which the variation is sought and are not applicable generally to other properties;**

The specific topography of the site requires the use of a stormwater management pond and an outfall to adequately serve the proposed development. More than 25 percent of the property contains sensitive environmental features. This percentage is well above average for properties in general.

(3) The variation does not constitute a violation of any other applicable law, ordinance or regulation; and

The stormwater management facilities are required by other regulations. Because the applicant will have to obtain permits from other local, state and federal agencies as required by their regulations, the approval of this variation request would not constitute a violation of other applicable laws.

(4) Because of the peculiar 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 regulation is carried out.

The topography provides no alternative for the locations of the stormwater outfall that is required to serve the development. Without the required stormwater management facilities, the property could not be properly developed in accordance with the R-R Zone.

The property is within the 65 dBA to 75 dBA noise zone as identified in the Andrews Air Force Base AICUZ study. Because the property is in the R-R Zone, this noise is outside of acceptable state noise standards for residential uses; however, it will not be possible to shield outdoor activity areas from the noise. Interior noise levels, however, should be reduced to 45 dBA Ldn or less through the use of appropriate building materials. Staff also recommends that a note be placed on the final plat to ensure notification of future homeowners of the proximity of this property to Andrews Air Force Base and the possible impact of aircraft noise.

Water and Sewer Categories

The water and sewer service categories are W-3 and S-3 according to water and sewer maps dated June 2003 obtained from the Department of Environmental Resources.

5. **Community Planning**—The subject property is located within the limits of the 1993 Subregion V Master Plan, Planning Area 81A in the Clinton community. The 2002 General Plan locates the property in the Developing Tier. The master plan land use recommendation for the property is low suburban residential at 1.6 to 2.6 dwelling units per acre. One of the visions of the General Plan for development in the Developing Tier is to maintain a pattern of low to moderate density suburban residential communities. The proposed preliminary plan is consistent with the recommendations of the master plan and the General Plan.

As indicated in Finding 2 of this report, 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 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 at the eastern edge of 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) and 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)

To address these issues staff is recommending that the final plat of subdivision contain the following language:

“Due to the proximity of Andrews Air Force Base, properties within this subdivision have been identified as having noise levels that exceed the state maximum noise level of 65 dBA Ldn due to military aircraft over flights.”

To address interior noise levels staff is recommending the following condition:

“Prior to the approval of building permits, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building permits stating that building shells of structures have been designed to reduce interior noise levels to 45 dBA Ldn or less.”

This preliminary plan application was referred to the Community Planning staff of Andrews Air Force Base, who made a finding of no significant impact.

6. **Parks and Recreation**—In accordance Section 24-134(a) of the Subdivision Regulations, the Park Planning and Development Division recommends that the Prince George’s County Planning Board require payment of a fee-in-lieu of the mandatory dedication of parkland because land available for dedication is unsuitable location and topography. The land available will not benefit the public park system (abutting the western property line) or serve the residents of this property.

Because of the topography and environmental features of the site, pedestrian access to the parkland is not feasible.

7. **Trails**—There are no master plan trail issues identified in the *Adopted and Approved Subregion V Master Plan*. Standard sidewalks are recommended on both sides of all internal roads, as have been constructed in the adjoining subdivision.
8. **Transportation**—Due to the size of the subdivision, staff has not required that a traffic study be done. Multiple traffic counts were available to staff at the intersection of MD 223 and Old Alexandria Ferry Road/Dangerfield Road, which was deemed to be the critical information for the subject property. Therefore, 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 in 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 is required in the developing tier.

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 intersection of MD 223 and Old Alexandria Ferry Road/Dangerfield Road is determined to be the critical intersection for the subject property. This intersection would serve virtually all of the site-generated traffic. 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.

Recent traffic counts indicate that the critical intersection operates at LOS F, with a CLV of 1,719, during the AM peak hour. During the PM peak hour, the intersection operates at LOS D with a CLV of 1,416.

As previously noted, there are no funded capital projects at this intersection in either the county's Capital Improvement Program or the state's Consolidated Transportation Program that would affect the critical intersection. There are several approved but unbuilt developments that would affect the intersection that have been reviewed and counted by staff, and a five percent annual rate

of through traffic growth has been assumed. With background growth added, the critical intersection would operate as follows: AM peak hour—LOS F with a CLV of 1,851; PM peak hour—LOS E with a CLV of 1,481.

With the development of eight single-family detached residences, the site would generate 6 AM (1 in and 5 out) and 7 PM (5 in and 2 out) peak-hour vehicle trips. The site was analyzed with the following trip distribution:

20 percent—East along MD 223
25 percent—West along MD 223
30 percent—South along Old Alexander Ferry Road
20 percent—North along Dangerfield Road
5 percent—North along Commo Road

Given this trip generation and distribution, staff has analyzed the impact of the proposal. With the site added, the critical intersection would operate as follows: AM peak hour—LOS F with a CLV of 1,852; PM peak hour—LOS E with a CLV of 1,483. Therefore, the critical intersection operates unacceptably under total traffic.

The following improvements, similar to those proposed by a previous application in the area, would provide transportation adequacy. They include lengthening the westbound right-turn lane on MD 223 to remove the westbound right turns from the through lane during the AM peak hour. This would involve some restriping along the east leg of the intersection. The second improvement is to restripe the northbound turn lanes on Dangerfield Road to provide separate left-turn, through, and right-turn lanes.

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 recommended improvements. Planning Board-approved preliminary plans for Chesterfield Estates (4-03062), Cedar Chase (4-04051), and Bellefonte (4-03118) have similar or more extensive conditions at this location.

The site is not within or adjacent to any master plan transportation facilities.

Based on the preceding findings, adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code.

Prior to signature approval of the preliminary plan of subdivision, the applicant shall demonstrate that additional dedication on Lot 1 is not required for the extension of Francesca Drive and is consistent with DPW&T approvals.

9. **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 and concluded the following.

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 5	Middle School Cluster 3	High School Cluster 3
Dwelling Units	8 sfd	8 sfd	8 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	1.92	0.48	0.96
Actual Enrollment	4096	4689	8654
Completion Enrollment	180.48	86.22	158.07
Cumulative Enrollment	284.40	79.32	158.64
Total Enrollment	4562.80	4855.02	8971.67
State Rated Capacity	4214	5114	7752
Percent Capacity	108.28%	94.94%	115.73%

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

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. The Historic Preservation and Public Facilities Planning Section staff finds that 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.

10. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of fire and rescue facilities and concluded the following:
 - a. The existing fire engine service at Clinton Fire Station, Company 25, located at 9025 Woodyard Road, has a service travel time of 5.43 minutes, which is beyond the 5.25-minute travel time guideline.
 - b. The existing ambulance service at Clinton Fire Station, Company 25, located at 9025 Woodyard Road, has a service travel time of 5.43 minutes, which is within the

6.25-minute travel time guideline.

- c. The existing paramedic service at Clinton Fire Station, Company 25, located at 9025 Woodyard Road, has a service travel time of 5.43 minutes, which is within the 7.25-minute travel time guideline.

In order to alleviate the negative impact on fire and rescue services due to the inadequate service discussed, an automatic fire suppression system shall be provided in all new buildings proposed in this subdivision, unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate. Since this is a matter of existing law for all residential development, no condition is necessary.

The above findings are in conformance with the standards and guidelines contained in the *Adopted and Approved Public Safety Master Plan 1990* and the *Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities*.

11. **Police Facilities**—The proposed development is within the service area for Police District V-Clinton. 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 January 2, 2004, the county had 823 sworn staff and a total of 101,303 square feet of station space. Based on available space, there is capacity for an additional 57 sworn personnel. This police facility will adequately serve the population generated by the proposed subdivision.
12. **Health Department**—The Health Department notes that an extensive amount of trash and debris exists on the site that must be properly stored or discarded.
13. **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, #7797-2004-00, has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. Development must be in accordance with this approved plan. Because of the highly visible location of the stormwater management facilities, staff recommends that a limited detailed site plan prior to the issuance of building permits.
14. **Flag Lot**—The proposal includes one flag lot, proposed Lot 1. Flag lots are permitted pursuant to Section 24-138.01 of the Subdivision Regulations. 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 minimum is 20,000 square feet of net lot area for conventional development in the R-R Zone. The net lot area exclusive of the flag stem is 33,855 square feet. The gross lot area proposed is 40,566 square feet.

Section 24-138.01(d)(6) of the Subdivision Regulations required that the preliminary plan demonstrate compliance to the *Landscape Manual* where a rear yard is oriented toward a driveway that accessed other lots or toward a front or side yard of another lot. The applicant has provided a proposed landscape plan to demonstrate conformance; however, the preliminary plan should be revised to reflect the required bufferyards in accordance with the *Landscape Manual*.

Section 24-138.01(f) establishes specific findings for the approval of the use of flag lots. The Planning Board must find the following:

(A) The design is clearly superior to what would have been achieved under conventional subdivision techniques;

Comment: Applicant Exhibit A was provided to demonstrate that in this particular case the use of the flag lot will create a better environment for the residents and would be clearly superior to a conventional lot. The use of the flag lot removes the dwelling from the street and orients the dwelling toward the abutting parkland.

The buildable lot area exclusive of the flag stem (33,855 square feet) exceeds the minimum lot size for conventional development in the R-R Zone (20,000 square feet). The applicant has proposed an orientation of the dwelling that will create open views of the environmental feature while preserving the privacy of the surrounding dwellings.

A limited detailed site plan is required to ensure that house siting and landscaping is required consistent with the “flag lot exhibit” presented to staff by the applicant, which demonstrates house sitings on Lots 1 and 2 (along the street) and visual enhancement of views in the form of additional landscaping in Parcel B and Lots 1 and 2.

(B) The transportation system will function safely and efficiently; and

Comment: The Transportation Planning Section and the Department of Public Works and Transportation have evaluated the applicant’s proposed layout and finds that the location of the driveway for the flag lot does not adversely impact the safety or efficiency of the street layout.

(C) The use of flag lots will result in the creative design of a development that blends harmoniously with the site and with adjacent development; and

The building area on the flag lot is located 280 feet from the street. The rear of the dwelling with proper siting will be oriented toward the rear of the dwellings to the south. The front yard will be oriented toward parkland and a stormwater management facility that is to be developed as a visual amenity within the subdivision. The applicant has

submitted additional layouts, specifically Applicant Exhibit A, demonstrating careful consideration of the lotting pattern and house siting to create the most harmonious layout possible.

(D) The privacy of adjoining property owners has been assured in accordance with the evaluation criteria established above.

The buildable area of the flag lot exceeds the minimum lot size in the zone by 13,855 square feet. The applicant has provided adequate yard area to locate additional landscaping on-site and have flexibility in house siting to ensure the privacy of adjoining property owners, which will be ensured through the review of a limited detailed site plan for that purpose.

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

- a. The maximum number of lots permitted is equal to the gross acreage (8.13 acres) divided by the largest minimum lot size in the zone (20,000 square feet), or 16 dwelling units. The applicant has proposed eight.
- b. At least 50 percent of the lots created shall equal or exceed the largest minimum lot size in the zone (20,000 square feet), or four. The applicant has proposed four of the eight lots between 20,000 square feet and 40,566 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.

Comment: The use of lot size averaging has enabled the applicant to create a consistent streetscape while preserving significant environmental features on site and creating appropriate transition with the existing development to the east.

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.

Comment: Four of the eight proposed lots are located abutting the east property line; three of those lots (Lots 5, 6 and 7) are between 15,027 and 16,520 square feet in lot size. The subdivision to the east is known as the Townsend Subdivision, recorded in land records in plat book WWW 64@47 in 1967. Three lots in the Townsend Subdivision abut the east property line of this subdivision and range in lot size from 10,935 to 12,346 square feet. Proposed Lot 5 abuts the common open space of Parcel A within the subdivision, which is 3.05 acres and has the appearance of a large lot.

The proposed lot sizes and location of the lot size averaging lots, between 15, 000 and 20,000 square feet) create an appropriate transition with the abutting lot sizes and standards of the lots within the Townsend Subdivision to the east.

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 property contains streams and wetlands that drain into Piscataway Creek; the property is located within the Potomac River watershed and abuts undeveloped park (M-NCPPC) property. Lot size averaging has enabled the applicant to create a 3.05-acre open space area abutting the park property to contain and preserve these features, while still being able to realize a reasonable lot yield. These environmental features on site will be placed within a conservation area at the time of record plat.

16. **Cemeteries**^{3/4} 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.

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 Squire, seconded by Commissioner Harley, with Commissioners Squire, Harley, Eley, Vaughns and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, September 9, 2004, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 7th day of October 2004.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:WC:rmk