



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
www.pgplanning.org

PGCPB No. 06-65(A)

File No. 4-05027

A M E N D E D R E S O L U T I O N

WHEREAS, an 18.51-acre parcel of land known as Parcels 24, 216 and 229, Tax Map 117 in Grid A-2 said property being in the 9th Election District of Prince George's County, Maryland, and being zoned R-R; and

WHEREAS, on October 14, 2005, A.G.I. Development Company, Inc. filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 28 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-05027 for Willow Ridge Estates was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on March 9, 2006, 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 9, 2006, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

*WHEREAS, by letter dated June 29, 2020, the applicant requested a reconsideration of Condition 14 and Finding 8 related to a specific transportation improvements.

*WHEREAS, on July 30, 2020, the Planning Board granted the request for reconsideration based on other good cause in furtherance of substantial public interest; and

*WHEREAS, on September 9, 2020, the Planning Board heard the testimony regarding the reconsideration; and

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/40/05), and further APPROVED Preliminary Plan of Subdivision 4-05027, Willow Ridge Estates, including a DISAPPROVAL of Variation from Section 24-121(a)(3) for Lots 1-28 and Parcel A-C with the following conditions:

1. Prior to the issuance of permits, a Type II tree conservation plan shall be approved.

*Denotes Amendment

Underlining indicates new language

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2. Development shall be in accordance with the approved Stormwater Management Concept Plan (CSD# 42748-2004-00) or any approved revision thereto.
3. 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 or less.
4. The following note shall be placed on the final plat:

“Properties within this subdivision have been identified as possibly having noise levels that exceed 65 dBA Ldn due to military aircraft overflights. This level of noise is above the Maryland designated acceptable noise levels for residential uses.”
5. Prior to signature approval of the Preliminary Plan, the NRI package shall be revised to remove the wetland.
6. 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/40/05), 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.”
7. Prior to the issuance of building permits, the applicant, his heirs, successors and/or assignees shall convey to the homeowners association (HOA) 0.98± acres of open space land (Parcels A and B), in accordance with Staff Exhibit A. 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 stormdrain 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. Stormdrain 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.
- 8. Prior to 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.
 - 9. Prior to the approval of the final plat, a limited detailed site plan shall be approved by the Planning Board or its designee for the construction of private on-site recreational facilities on Parcel B, establishing appropriate bonding amounts and determining triggers for construction, in accordance with the *Parks and Recreation Facilities Guidelines*.
 - 10. The applicant, his heirs, successors and/or assignees shall submit three original recreational facilities agreements (RFAs) to DRD for construction of recreational facilities on homeowners land for approval prior to the submission of final plats. Upon approval by DRD, the RFA shall be recorded among the County Land Records.
 - 11. The applicant, his heirs, successors and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for the construction of recreational facilities on homeowners land, prior to the issuance of building permits.
 - 12. Prior to the issuance of a grading permit for the development, A public safety mitigation fee shall be paid in the amount of \$105,840 (\$3,780 x 28 dwelling units). Notwithstanding the number of dwelling units and the total fee payments noted in this condition, the final number of dwelling units shall be as approved by the Planning Board and the total fee payment shall be determined by multiplying the total dwelling unit number by the per unit factor noted above. The per unit factor of \$3,780 is subject to adjustment on an annual basis in accordance with the percentage change in the Consumer Price Index for all urban consumers. The actual fee to be paid will depend upon the year the grading permit is issued.

13. The applicant shall provide standard sidewalks along both sides of Canberra Place and Whistlers Court, unless modified by DPW&T.
14. Prior to the issuance of any building permits within the subject property, the following road improvement*[s] shall (a) have full financial assurances, (b) have been permitted for construction, and (c) have an agreed-upon timetable for construction with SHA:

At the intersection of MD 223 (Woodyard Road) and Old Alexandria Ferry Road, these improvements shall ~~*[be provided:]~~ restripe northbound Dangerfield Road to create an exclusive left turn lane.

~~*[a. 1 left lane, 2 through lanes, and 1 free right turn lane on the northbound approach.]~~

~~*[b. 1 left lane, 1 through lane, and a right turn lane on the westbound approach.]~~

~~*[c. 2 left lanes, 1 through lane, and a right turn lane on the southbound approach.]~~

15. Vehicular access to Lot 17 shall be prohibited from Woodyard Road. A note stating this prohibition shall be provided on the preliminary plan prior to signature approval. Lot 17 shall be removed from the plan or redesigned in accordance with the findings of this report to gain access from the internal street.
16. Parcel C shall be relocated to the western border of Lot 1 and shall be widened to 50 feet in width if this can be accommodated without the loss of lots.
17. Prior to signature approval, the preliminary plan shall be revised to show a note proposing the conveyance of Parcel C to the owner of Parcel 128.
18. Prior to the issuance of any building permits within the subject property, the applicant shall conduct a traffic signal warrant study for the Woodyard Road /Canberra Drive intersection, and install said signal if deemed necessary by SHA.

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.

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2. The site is located on the west side of Woodyard Road and the eastern terminus of Canberra Place and southern terminus of Denton Drive. The site is undeveloped and predominantly wooded. Most of the surrounding properties are zoned R-R and are developed with single-family residences. To the southwest, in the R-R Zone is a landlocked parcel (Parcel 128) for which the applicant is providing a 25-foot-wide access shown as Parcel C on the plan.
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 Residences
Acreage	18.51	18.51
Lots	0	28
Parcels	3	2 3
Outparcels	0	0
Dwelling Units	0	28

4. **Environmental**—There are no streams or 100-floodplain on the property. There is a small isolated wetland pocket in the northwestern portion of the site. 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 Beltsville, Bibb, Fallsington, Matapeake and Sassafras series. Marlboro clay does not occur in this area. 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, rare, threatened, or endangered species do not occur in the vicinity of this property. No designated scenic or historic roads will be affected by the proposed development. Woodyard Road is an adjacent source of traffic-generated noise. Based on the most recent Air Installation Compatible Use Zone Study released to the public in August 1998 by the Andrews Air Force Base, aircraft-related noise is significant. The proposal is not expected to be a noise generator. This property is located in the Developing Tier as reflected in the approved General Plan. The property does not contain nor is it near any areas designated in the Green Infrastructure Plan network as regulated areas or evaluation areas as identified in the approved Green Infrastructure Plan.

Natural Resources Inventory

An approved Natural Resources Inventory, NRI/061/05, was submitted with the application. There are no streams or 100-year floodplain on the property. The forest stand delineation (FSD) indicates one forest stand totaling 18.09 acres and notes that the only area of significant woodland is associated with an isolated wetland pocket. No specimen trees were found.

According to the Green Infrastructure Plan, none of the property is in or near any regulated area, evaluation area or network gap. Based upon this analysis, the only area of significant woodland is associated with an isolated wetland pocket.

Since the review of the NRI, the site was revisited and reexamined. The wetland area shown on the NRI is clearly not a natural feature and is the result of the installation of the adjacent driveway in 1990. This area does not meet the definition of Section 24-101(b)(7) of the Subdivision Regulations and is not regulated by County Code.

Noise

Based on the most recent Air Installation Compatible Use Zone Study released to the public in August 1998 by the Andrews Air Force Base, aircraft-generated noise is significant. The study indicates that the noise threshold is within the 70-75 dBA (Ldn) noise contour. This noise level is above the state acceptable noise level for residential land uses. 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.

Woodyard Road is a potential transportation-generated noise source. The standard model for a soft surface transmission used by the Environmental Planning Section predicts the 65 dBA noise contour to be approximately 144 feet from the centerline of Woodyard Road. The "Landscape Manual" requires a 35-foot bufferyard. A board-on-board fence will mitigate traffic-related noise.

Woodland Conservation

This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the site is more than 40,000 square feet in area and there is more than 10,000 square feet of existing woodland.

The Type I Tree Conservation Plan, TCPI/40/05, has been reviewed. The plan proposes clearing 12.72 acres of the existing 18.09 acres of woodland. The woodland conservation threshold is 2.70 acres. Based upon the proposed clearing, the woodland conservation requirement has been correctly calculated as 6.88 acres. The plan proposes to meet the requirement by providing 6.88 acres of off-site woodland conservation. An additional 5.37 acres of woodland will be preserved on-site but not as part of any requirement.

Unless there are woodlands rating a high priority for preservation, the encumbrance of lots with woodland conservation areas is not consistent with the purposes of the Woodland Conservation Ordinance or the Green Infrastructure Plan. Although significant areas of woodlands will be retained on-site, the woodlands are mature with a variety of attractive native shrubs, including mountain laurel and American holly. The understory has few invasive or noxious plants. Each proposed structure will have 20-foot-wide cleared areas on each side and 40-foot-deep cleared areas at the rear for adequate outdoor activity areas. The overall design is in conformance with the Woodland Conservation Ordinance and the Green Infrastructure Plan.

Soils

According to the Prince George's County Soils Survey the principal soils on this site are in the Beltsville, Bibb, Fallsington, Matapeake and Sassafras series. Bibb soils are associated with floodplains. Fallsington soils are in the D-hydric group and often contain nontidal wetlands. Beltsville soils may have impeded drainage and a high water table. Matapeake and Sassafras soils pose no special problems for development. The Prince George's County Department of Environmental Resources will require a soils report in conformance with CB-94-2004 during the permit process review.

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. The proposed development will utilize public systems.

5. **Community Planning**—The property is located within the limits of the 1993 Subregion V Master Plan, Planning Area 81A/Clinton Community. The master plan recommends suburban living areas within this community, with low-density subdivisions with densities of 1.6 to 3.3 dwelling units per acre. The 2002 General Plan places the property in the Developing Tier. 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.
6. **Parks and Recreation**—In accordance with Section 24-134 of the Prince George's County Subdivision Regulations, the Department of Parks and Recreation recommends the provision of on-site recreational facilities. Parcel B (8,874 square feet) is designated on the plan as the area for the recreational facilities.
7. **Trails**—There are no master plan trails issues identified in the Adopted and Approved Subregion V Master Plan that impact the subject site.

Sidewalk Connectivity

A variety of road cross sections are used in the vicinity of the subject site. The existing portion of Canberra Place has sidewalks along both sides. Staff recommends that the planned extension of Canberra Place into the subject site include sidewalks along both sides, unless modified by DPW&T.

8. **Transportation**—The application is a preliminary plan of subdivision for a residential development consisting of 28 single-family dwelling units. The proposed development would generate 21 AM (4 in, 14 out) and 26 PM (17 in, 9 out) peak-hour vehicle trips as determined using *The Guidelines for the Analysis of the Traffic Impact of Development Proposals*.

The property is located on the south side of Woodyard Road (MD 223), approximately 1,000 feet west of the MD 223/Dangerfield Road intersection.

The traffic generated by the proposed preliminary plan would impact the signalized intersections of Woodyard Road (MD 223)/Dangerfield Road.

This 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 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.

Because this development will generate fewer than 50 trips during either peak hour, a traffic study was not required, pursuant to the guidelines. On March 25, 2004, the Prince George's County Planning Board heard testimony and approved a preliminary plan of subdivision known as Bellefonte (4-03118). The Bellefonte application was approved based in part on findings of adequacy emanating from the results of a traffic study that was reviewed by staff. One of the intersections that was evaluated in the Bellefonte traffic study (June 2003) was the Woodyard Road (MD 223)/Dangerfield Road intersection, which is also the critical intersection for the subject application. In evaluating this intersection for the subject application, staff used the data from June 2003 study, but with a two percent growth factor applied to the through movements to compensate for the fact that the traffic data are more than 12 months old.

*In addition, staff has taken note of several items that affected the counts and analyses used for Bellefonte. A construction project along northbound MD 5 had the effect of diverting traffic into the MD 223/Old Alexandria Ferry Road intersection, and staff has adjusted traffic downward on the northbound through and left-turn approaches, from Dangerfield Road, in both peak hours.

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The Federal Capital Improvement Program includes a project to improve the Pearl Harbor gate for the Joint Base Andrews (JBA) which would divert some employee, contractor, and commercial traffic from the Virginia Avenue gate of JBA to the Pearl Harbor gate. The staff analysis made adjustments to several traffic movements along MD 223, Old Alexandria Ferry Road, and Dangerfield Road. Finally, staff noted that the overall counts at the MD 223/Old Alexandria Ferry Road intersection are high, by about 7.5 percent in the PM peak-hour (they appear normal in the AM peak-hour), and has adjusted all turning movements at the intersection downward accordingly during the PM peak-hour.

The table below identifies the intersection on which the proposed development would have the most impact:

EXISTING CONDITION		
Intersection	AM LOS/CLV	PM LOS/CLV
Woodyard Road (MD 223)/Dangerfield Road	* [F/1733] <u>B/1111</u>	* [D/1392] <u>D/1416</u>

Six background developments (including the Bellefonte preliminary plan) that could potentially affect the referenced intersection were identified and analyzed by staff.

*Also, the analysis includes the impact of the Federal Capital Improvement Program project to improve the Pearl Harbor gate for the Joint Base Andrews (JBA). The analysis revealed the following results:

BACKGROUND CONDITION		
Intersection	AM LOS/CLV	PM LOS/CLV
Woodyard Road (MD 223)/Dangerfield Road	* [F/2121] <u>C/1271</u>	* [F/1731] <u>E/1490</u>

Citing trip generation rates from the guidelines, the proposed development would generate 21 AM (4 in, 17 out) and 26 PM (17 in, 9 out) peak-hour vehicle trips. By combining site-generated trips with background traffic, the results are as follows:

TOTAL CONDITION		
Intersection	AM LOS/CLV	PM LOS/CLV
Woodyard Road (MD 223)/Dangerfield Road	* [F/2123] <u>C/1278</u>	* [F/1736] <u>E/1494</u>

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The results of the analyses showed inadequate levels-of-service during ~~*[both peak hours]~~ the PM peak hour. To ameliorate the ~~*[inadequacies]~~ inadequacy, the following ~~*[improvements were]~~ improvement has been identified ~~[in the recent traffic study:]~~

At the intersection of Woodyard Road (MD 223)/Dangerfield Road, provide *restriping on the northbound approach to create an exclusive left-turn lane [÷].

- ~~*[a. 1 left lane, 2 through lanes, and 1 free right turn on the northbound approach]~~
- ~~*[b. 1 left lane, 1 through lane, and a right turn lane on the westbound approach]~~
- ~~*[c. 2 left lanes, 1 through lane, and a right turn lane on the southbound approach]~~

With ~~*[these improvements]~~ this improvement in place, the intersection would operate with the following CLV/LOL:

TOTAL CONDITION		
Intersection	AM LOS/CLV	PM LOS/CLV
Woodyard Road (MD 223)/Dangerfield Road	*[C/1179] <u>C/1183</u>	*[D/1443] <u>D/1431</u>

~~*[All of the improvements]~~ The improvement cited above ~~*[were part of the condition]~~ was included in the condition of approval for the Bellefonte preliminary plan *per the 2019 reconsideration.

Regarding site layout and on-site circulation, the preliminary plan shows Lot 17 having direct access to MD 223, a master planned arterial road, which requires a variation to Section 24-121(a)(3) of the Subdivision Regulations. Specifically, the resident of Lot 17 would be using an access point along MD 223 that already exists for an off-site property. That off-site property (Parcel 82) will be provided new access via the extension of Canberra Place. However, it appears that the subject preliminary plan could be re-engineered to show a driveway for Lot 17 connecting to the proposed public street (Canberra Place extended), rather than connecting to MD 223. The State Highway Administration (SHA) has taken a similar position on this access issue and staff supports SHA's position. The variation request is discussed in detail in Section 16 of this report.

Transportation Staff Conclusions

Adequate access roads will exist as required by Section 24-124 of the Prince George's County Code if the application is approved with conditions consistent with the above findings.

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9. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for 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:

Finding

Impact on Affected Public School Clusters			
Affected School Clusters #	Elementary School Cluster 5	Middle School Cluster 3	High School Cluster 3
Dwelling Units	28 sfd	28 sfd	28 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	6.72	1.68	3.36
Actual Enrollment	4145	5489	9164
Completion Enrollment	97	64	127
Cumulative Enrollment	383.52	99.84	199.68
Total Enrollment	4632.24	5,655.66	9496.32
State Rated Capacity	3771	6114	7792
Percent Capacity	122.84%	92.50%	121.87%

Source: Prince George's County Planning Department, M-NCPPC, December 2005

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 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. Council Bill CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts are \$7,412 and \$12,706 to be paid at the time of issuance of each building permit.

The school surcharge may be used for the construction of additional school facilities, which are expected to accommodate the new students that will be generated by this development proposal. This project meets the adequate public facilities policies of Section 24-122.02, CB-30-2003, CB-31-2003 and CR-23-2003.

10. **Fire and Rescue**—The Historic Preservation & Public Facilities Planning Section has reviewed this subdivision plan for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(B)-(E) of the Subdivision Ordinance.

The Prince George's County Planning Department has determined that this preliminary plan is within the required 7-minute response time for the first due fire station Clinton, Company 25, using the 7 Minute Travel Times and Fire Station Locations Map provided by the Prince George's County Fire Department.

The Fire Chief has reported that the current staff complement of the Fire Department is 704 (101.73 percent), which is above the staff standard of 657 or 95 percent of authorized strength of 692 as stated in CB-56-2005.

The Fire Chief has reported by letter, dated December 1, 2005, that the department has adequate equipment to meet the standards stated in CB-56-2005

11. **Police Facilities**—The Prince George's County Planning Department has determined that this preliminary plan is located in Police District V. The standard for emergency calls response is 10 minutes and 25 minutes for nonemergency calls. The times are based on a rolling average for the preceding 12 months beginning with January 2005. The preliminary plan was accepted for processing by the Planning Department on October 14, 2005.

Reporting Cycle	Date	Emergency Calls	Nonemergency
Acceptance Date	01/05/05-09/05/05	12.00	22.00
Cycle 1	01/05/05-10/05/06	12.00	22.00
Cycle 2	01/05/05-11/05/05	12.00	23.00
Cycle 3	01/05/05-12/05/05	12.00	22.00

The Police Chief has reported that the current staff complement of the Police Department is 1,302 sworn officers, which is within the standard of 1,278 officers or 90 percent of the authorized strength of 1,420 as stated in CB-56-2005.

The response time standards of 10 minutes for police emergency calls were not met on the date of acceptance or within the following three monthly cycles. In accordance with Section 24-122.01 of the Subdivision Regulations, Preliminary Plan 4-05027 fails to meet the standards for police emergency response calls. The Planning Board may not approve a preliminary plan until a mitigation plan between the applicant and the County is entered into and filed with the Planning Board in accordance with the County Council adopted "Guidelines for the Mitigation of Adequate Public Facilities for Public Safety Infrastructure."

12. **Health Department**—The Health Department has reviewed the subject application and has no comments.
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, CSD 15203-2005-00, has been approved by the Prince George's County Department of Environmental Resources. The TCPI shows the use of drywells for each structure and a small on-site pond to provide water quality for runoff from the proposed

new street. 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 or any approved revision thereto.

14. **Historic Preservation**—Phase I (Identification) archeological survey is not recommended by the Planning Department on the above-referenced property. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates no known archeological sites in the vicinity and no known historic structures within the vicinity of the subject property.

Section 106 review may require an archeological survey for state or federal agencies, however. Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effects of their undertakings on historic properties, to include archeological sites. This review is required when federal monies, federal properties, or federal permits are required for a project.

15. **Public Utility Easement**—The preliminary plan includes the required ten-foot-wide public utility easement. This easement will be shown on the final plat.
16. **Flag Lots**—The applicant proposes two flag lots in the subdivision. The flag lots are shown as Lots 27 and 28.

Flag lots are permitted pursuant to Section 24-138.01 of the Subdivision Regulations. Staff supports these flag lot based on the following findings and reasons.

- a. A maximum of two tiers is permitted. Each of the flag lots is a single additional tier. The houses would be sited such that each would have a private rear yard area.
- b. Each flag stem is a minimum width of 25 feet for the entire length of the stem.
- c. The net lot area for each proposed lot (exclusive of the flag stem) meets or exceeds the minimum lot size of 20,000 square feet in the R-R Zone.
- d. The proposal includes no shared driveways.
- e. Where rear yards are oriented toward driveways, an “A” bufferyard is required. This relationship does not occur on the plan.
- f. Where front yards are oriented toward rear yards, a “C” bufferyard is required. This relationship occurs on both flag lots. Given the size of the flag lots (31,917 and 29,777 square feet for Lots 27 and 28, respectively), ample room exists for these bufferyards to be established.

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.

Comment: The use of flag lots in this case allows the applicant to take advantage of the environmental features on-site without extending a public road into the site off of Canberra Place. Reducing the amount of paving on this site and taking advantage of the entire site in this case creates a better environment than that which could be achieved with the exclusive use of conventional lots.

B. The transportation system will function safely and efficiently.

Comment: The Transportation Planning Section and the Department of Public Works and Transportation have evaluated the applicant's proposed layout and find that the location of the driveways for the flag lots 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 the adjacent development.

Comment: Lots 27 and 28 will blend harmoniously with the rest of the development. The homes on the flag lots are laid out so that they continue a cul-de-sac arrangement, without having to further constrain the lots by placing them on an unnecessary public road.

D. The privacy of property owners has been assured in accordance with the evaluation criteria.

Comment: Given the size of the net lot areas, both of which far exceed 20,000 square feet, the flag-style development of the lot will not impair the privacy of either the homeowner of this lot or the homeowners of other lots. The applicant's proposal does not result in stacking of dwelling units. As shown on the sketch plan, the front of the proposed house on Lot 27 is set back 140 feet from the rear of the house on Lot 24, while the proposed house on Lot 28 is set back 170 feet from the rear of the house on Lot 23. There is sufficient horizontal separation to ensure privacy.

Given these findings, staff recommends approval of the flag lots. Two minor revisions are necessary to bring the lots into conformance with the subdivision regulations. First, the driveways must be set back five feet from the lot lines. Secondly, the plan must be revised to remove the ingress/egress easement label from the flag stems.

17. **Access to Parcel 128**—The applicant is proposing a 25-foot wide parcel at the end of Whistlers Court to be conveyed to the owner of Parcel 128 as a means of access to what is otherwise a landlocked parcel. Staff appreciates the applicant's willingness to provide access to the neighboring Parcel 128. However, Parcel C, as shown at the end of Whistler's Court, is not the optimal choice for access into Parcel 128 due to the substantial grading and stormwater issues at that location. Staff would prefer Parcel C be provided along the western border of Lot 1 and, if possible, widened to 50 feet in width to accommodate a future public street connection. If left at 25 feet in width, the development potential for the 4.99-acre Parcel 128 would be substantially impacted since it would only provide for a private road serving two 2-acre lots.
18. **Variation to Section 24-121**—Section 24-121(a)(3) of the Subdivision Regulations establishes that proposed lots fronting on a roadway of an arterial classification or higher should be designed to front on either an interior street or service road. The subject property has frontage on and proposes direct vehicular access to Canberra Place for most of the lots. However, the plan shows direct access for Lot 17 off of Woodyard Road, an arterial facility.

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 will not be detrimental to the public safety, health, or injurious to other property;**

Comment: Limiting access to arterial roadways is done to protect the users of the road by decreasing the number of the driveways and, thus, the number of conflicting turning movements. Any entrance along Woodyard Road would require approval from the State Highway Administration, which, in their memo dated December 9, 2005, opposes such access. In order to protect the public safety, and because alternative access exists from Canberra Drive, staff recommends that access to Lot 17 be provided from the internal street network.

- (2) The conditions on 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: Sometimes a property has access to an arterial with no other public street frontage, a unique situation necessitating a variation. This is not the situation in this case, however. Alternative access can and should be provided.

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

Comment: If the variation were approved, and if a permit was obtained from the State Highway Administration (who oppose the request), the entrance will not constitute a violation of any other applicable law, ordinance, or regulation.

(4) 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 strict letter of these regulations is carried out;

Comment: In no way would requiring the applicant to access the internal street network result in a particular hardship to the applicant. Lots 17, 18, 19 and 20 would have to be redesigned to allow for access to Canberra Place for Lot 17 via a 25-foot-wide flag stem. If this redesign cannot produce a lotting pattern that conforms to minimum zoning standards, Lot 17 should be absorbed into the surrounding 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.

* * * * *

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 Vaughns, with Commissioners Eley, Vaughns, Squire, Clark and Parker voting in favor of the motion at its regular meeting held on Thursday, March 9, 2006, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 30th day of March 2006.

*This is to certify that the foregoing is a true and correct copy of the reconsideration action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Geraldo, with Commissioners Washington, Geraldo, Bailey, Doerner and Hewlett voting in favor of the motion at its regular meeting held on Thursday, September 10, 2020, in Upper Marlboro, Maryland. The adoption of this amended resolution based on the reconsideration action taken does not extend the validity period.

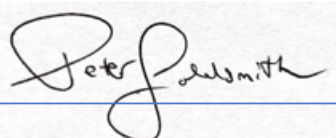
*Adopted by the Prince George's County Planning Board this 1st day of October 2020.

Elizabeth M. Hewlett
Chairman

By 
Jessica Jones
Planning Board Administrator

EMH:JJ:SB:nz

APPROVED AS TO LEGAL SUFFICIENCY


M-NCPPC Legal Department
Date: September 23, 2020

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language