

R E S O L U T I O N

WHEREAS, a 1.63-acre parcel of land known as Parcel 149, Tax Map 115 in Grid A-1, said property being in the 9th Election District of Prince George's County, Maryland, and being zoned R-R; and

WHEREAS, on March 15, 2007, Acumen TSC filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 3 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-06055 for Oaklawn 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 March 15, 2007, 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 15, 2007, 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/49/06), and further APPROVED Preliminary Plan of Subdivision 4-06055, Oaklawn Subdivision, for Lots 399 through 401 with the following conditions:

1. The following note shall be placed on the final plot of subdivision:

“Development is subject to restrictions shown on the approved Type I tree conservation plan (TCPI/49/06), 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 Woodland Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005. Copies of all approved tree conservation plans for the subject property are available in the offices of The Maryland-National Capital Park and Planning Commission, Prince George’s County Planning Department.

2. Prior to signature of the Preliminary Plan or the Type I Tree Conservation Plan, copies of the approved Stormwater Management Concept Plan and letter shall be submitted. The approval number and approval date shall be noted on the Preliminary Plan and the Type I Tree Conservation Plan.

3. 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 for Lots 400 and 401.
4. The applicant's heirs, successors, and/or assignees shall provide a financial contribution of \$210 to the Department of Public Works and Transportation for the placement of "Share the Road with a Bike" signage along Allentown Road. A note shall be placed on the final plat for payment to be received prior to the issuance of the first building permit.
5. The driveways to proposed Lots 400 and 401 shall be designed with a turnaround capability in order to minimize the need for vehicles accessing the lot to have to back onto Allentown Road. The design of the driveways shall be verified at the time of building permit.
6. At the time of final plat approval, the applicant shall dedicate right-of-way along Allentown Road of 40 feet from centerline, as shown on the submitted plan.
7. Development of this site shall be in conformance with the approved stormwater management concept plan and any subsequent revisions.
8. Prior to the issuance of building permits the applicant, his heirs, successors, or assignees shall demonstrate that any abandoned wells or septic systems have been pumped, backfilled and/or sealed in accordance with COMAR 26.04.04 by a licensed well driller or scavenger and witnessed by a representative of the Health Department.
9. A raze permit is required prior to the removal of any structures on site. A raze permit can be obtained through the Department of Environmental Resources, Office of Licenses and Permits. Any hazardous materials located in any structures on site must be removed and properly stored or discarded prior to the structures being razed. A note needs to be affixed to the preliminary plan that requires that the structures are to be razed and the well properly abandoned/sealed before the release of the grading permit.
10. Prior to the issuance of a grading permit for the development, a public safety mitigation fee shall be paid in the amount of \$11,340 (\$3,780 x 3 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.
11. Prior to Final Plat approval the applicant shall have a Detailed Site Plan approved by the Planning Board. The Detailed Site Plan shall address architecture (elevation and placement on all the lots, specifically the two flag lots), buffering, screening, fencing, the location of the driveways and parking drives on the flag lot, turnaround capabilities and landscaping.

12. If the applicant is not able to demonstrate to the Planning Board through the Detailed Site Plan that they meet the criteria for Flag Lots, then the applicant shall have a two lot subdivision.

BE IT FURTHER RESOLVED, that the findings and reasons for the decision of the Prince George's County Planning Board are as follows:

1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.
2. The subject property is located on Tax Map 115, Grid A-1, and is known as Parcel 149. The property is approximately 1.63 acre in area and is zoned R-R.
3. The subject property is located approximately 400 feet south of the intersection of Allentown Road and Tucker Lane.
4. **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) | Single-family Residences | Single-family Residences |
| Acreage | 1.63 | 1.63 |
| Lots | 0 | 3 |
| Outparcels | 0 | 0 |
| Parcels | 1 | 0 |
| Dwelling Units: | 1 (to remain) | 2 (1 new) |
| Public Safety Mitigation Fee | | Yes |

5. **Subdivision**—The applicant originally proposed creating a three lot subdivision utilizing flag lots. However, Subdivision Regulation 24-138.01 (d)(1) states, “A maximum of two (2) tiers of flag lots may be permitted from the street line.” The applicant’s proposal included three tiers. Staff would not support the proposed configuration, nor does the regulation support such as design. As a result staff recommends support of a proposal for a two-lot configuration that invokes the flag lot regulation.

6. **Environmental**—This 1.63-acre property in the R-R zone is located on the east side of Allentown Road about 400 feet north of its intersection with Tucker Road. The site is currently developed with a single-family detached residential structure and is partly wooded. There are no streams, wetlands or 100-year floodplain on the property. Stormwater run-off from the property eventually reaches Tinkers Creek in the Potomac River watershed. According to the *Approved Countywide Green Infrastructure Plan*, none of the property is within the designated network. The Master Plan does not indicate any natural reserve or condition reserve areas on this property. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. There are no nearby sources of traffic-generated noise. The proposed use is not expected to be a noise generator. There are no designated scenic and historic roads in the vicinity of this property. According to the “Prince George’s County Soil Survey”, the principal soils on the site are in the Beltsville series. According to available information, Marlboro clay does not occur in the vicinity. This property is located in the developing tier as reflected in the adopted General Plan.

Environmental Review

An approved Natural Resources Inventory, NRI/098/06, was submitted with the application. There are no streams, wetlands or 100-year floodplain on the property. The forest stand delineation indicates one forest stand totaling 0.55 acre and one specimen tree. According to the Green Infrastructure Plan, none of the property is within the designated network. Based upon this analysis, there are no priority woodlands on-site.

This property is subject to the provisions of the Prince George’s County Woodland Conservation and Tree Preservation Ordinance because the gross tract area is in excess of 40,000 square feet and there are more than 10,000 square feet of existing woodland on-site. The Type I Tree Conservation Plan, TCPI/49/06, has been reviewed. The plan allows for the clearing all of the existing 0.55 acres of woodland. The woodland conservation threshold is 0.33 acre and the total requirement is 0.71 acre.

Because of the lot sizes and lack of priority woodlands, on-site conservation is not recommended because it would unnecessarily encumber small lots without providing the benefits envisioned by the Woodland Conservation Ordinance. Additionally, woodland conservation cannot be accomplished on-site because the site is very flat and must be graded to provide positive drainage as required by the Building Code. The use of a fee-in lieu for the total woodland conservation requirement of 0.71 acres is appropriate. A note detailing the provisions of the Tree Conservation plan should be placed on the Final Plat of Subdivision.

According to the “Prince George’s County Soil Survey” the principal soils on the site are in the Beltsville series. Beltsville soils are in the B-hydric series and are highly erodible. This information is provided for the applicant’s benefit. No further action is needed as it relates to this Preliminary Plan of Subdivision review. A soils report in conformance with CB-94-2004 will be required during the permit process review. Copies of the Stormwater Management Concept

approval letter and/or plan were not submitted with this application. No on-site pond should be needed because of the minimal size of this project. The approved Stormwater Management Concept Plan and letter should be submitted prior to signature of the Preliminary Plan or the Type I Tree Conservation Plan. The approval number and approval date shall be noted on the Preliminary Plan and the Type I Tree Conservation Plan.

Water and Sewer Categories

The water and sewer service categories are W-3 and S-3 according to water and sewer maps obtained from the Department of Environmental Resources dated June 2003. The property will be served by public systems. Water and sewer lines in Allentown Road abut the property.

7. **Community Planning**—This application is located 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. The 2006 Approved Henson Creek-South Potomac Master Plan and Sectional Map Amendment suggested land use is for residential low-density land use (up to 3.5 dwelling units per acre). The proposal is for three single-family residential lots. This application is not inconsistent with the 2002 General Plan Development Pattern policies for the Developing Tier. This application conforms to the residential, low-density land use (up to 3.5 dwelling units per acre) recommended in the 2006 Approved Henson Creek-South Potomac Master Plan and SMA. The closeness of the ingress/egress to lots 400 and 401 and the potential safety concern of the curb cuts associated with the development of these lots on Allentown Road which is a collector should be determined by the appropriate agency.
8. **Parks and Recreation**—In accordance with Section 24-134(a) of the Prince George's County Subdivision Regulations, the Park Planning and Development Division recommends that the Prince George's County Planning Board require a payment of a fee-in-lieu of dedication from Lot s 400 and 401 as applicable from the subject subdivision because land available for dedication is unsuitable due to its size and location. Lot 399 is exempt because it contains an existing dwelling unit to remain.
9. **Trails**—The Approved Henson Creek-South Potomac Master Plan recommends continuous sidewalks and designated bike lanes along Allentown Road. There is an existing sidewalk along the subject site's frontage of Allentown Road. Bikeway signage has also been placed at various locations along Allentown Road. Pavement markings for designated bike lanes may be considered at the time of road resurfacing or road improvement. Staff recommends the provision of one "Share the Road with a Bike" signage to alert motorists to the possibility of bicycle traffic.

Tayac Elementary School and Isaac Gourdine Middle School are approximately a quarter-mile south of the subject site along Allentown Road. There is a gap in the sidewalk along Allentown Road between the subject site and the schools, but it is off the subject property.

The Adopted and Approved Henson Creek-South Potomac Master Plan recommends that Allentown Road be designated as a Class III bikeway with appropriate signage. Because

Allentown Road is a County right-of-way, the applicant, and the applicant's heirs, successors, and/or assigns should provide a financial contribution of \$210 to the Department of Public Works and Transportation for the placement of this signage. A note should be placed on the final plat for payment to be received prior to the issuance of the first building permit.

10. **Transportation**—The application is a preliminary plan of subdivision for a residential development consisting of three single family residential lots within an existing developed and platted residential lot – for a net of one lot. The proposed development of three lots would generate 2 AM and 2 PM peak-hour vehicle trip as determined using Guidelines for the Analysis of the Traffic Impact of Development Proposals.

The site is within the Developing Tier, as defined in the General Plan for Prince George's County. As such, the subject property is evaluated according to the following standards:

Links and signalized intersections: Level-of-service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better.

Unsignalized intersections: The Highway Capacity Manual procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

The traffic generated by the proposed preliminary plan would impact the intersection of Allentown Road and Tucker Road/Arundel Drive, which is signalized.

There are no recent traffic counts available at the critical intersection. Analyses provided in a traffic study in 2002 indicated that the intersection would operate at Level-of-Service E during the PM peak hour, and the resulting development was conditioned to make improvements that would bring the service level to Level-of-Service C in both peak hours. The conditioned improvements have been completed. Nonetheless, due to the limited trip generation of the additional development proposed for 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 2 PM peak-hour trip will have a de minimus impact upon delay in the critical movements at the Allentown Road and Tucker Road/Arundel Drive intersection.

Although Allentown Road is a 100-foot wide collector facility in some areas in the master plan, it is not so at this location. Therefore, 40 feet from centerline dedication is appropriate. The subdivision plan proposes that the two new lots receive driveway access onto Allentown Road. In consideration of current operating speeds and volumes, the driveway onto the new lots should utilize a turnaround capability in order to minimize the need for vehicles accessing these lots to back onto Allentown Road.

TRANSPORTATION STAFF CONCLUSIONS

Based on the preceding findings, the Transportation Planning Section concludes that adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code if the application is approved with conditions.

11. **Fire and Rescue**—The Historic Preservation and 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 Allentown Road, Company 32, using the 7 Minute Travel Times and Fire Station Locations Map provided by the Prince George's County Fire/EMS Department.

Pursuant to CR-69-2006, Prince George's County Council and the County Executive suspended the provisions of Section 24-122.01(e)(1)(A, B) regarding sworn police and fire and rescue personnel staffing levels. The Fire Chief has reported that the department has adequate equipment to meet the standards stated in CB-56-2005.

12. **Police**—The preliminary plan is located in Police District V. The response standard is 60 minutes for emergency calls and 25 minutes for nonemergency calls. The times are based on a rolling average for the preceding 12 months. The preliminary plan was accepted for processing by the Planning Department on October 17, 2006.

| Reporting Cycle | Date | Emergency Calls | Nonemergency |
|-----------------|-------------------|-----------------|--------------|
| Acceptance Date | 09/05/05-09/05/06 | 12.00 | 20.00 |
| Cycle 1 | 10/05/05-10/05/06 | 11.00 | 19.00 |
| Cycle 2 | 11/05/05-11/05/06 | 11.00 | 19.00 |
| Cycle 3 | 12/05/05-12/05/06 | 11.00 | 19.00 |

Pursuant to CR-69-2006, Prince George's County Council and the County Executive suspended the provisions of Section 24-122.01(e)(1)(A, B) regarding sworn police and fire and rescue personnel staffing levels. The Police Chief has reported that the department has adequate equipment to meet the standards stated in CB-56-2005.

The applicant may enter into a mitigation plan with the county and file such plan with the Planning Board. The Planning Board may not approve this preliminary plan until a mitigation plan is submitted and accepted by the county.

13. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this

preliminary plan for impact on 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 6 | Middle School Cluster 3 | High School Cluster 3 |
|----------------------------|-----------------------------|-------------------------|-----------------------|
| Dwelling Units | 2 sfd | 2 sfd | 2 sfd |
| Pupil Yield Factor | 0.24 | 0.06 | 0.12 |
| Subdivision Enrollment | 0.48 | 0.12 | 0.24 |
| Actual Enrollment | 3,946 | 5,489 | 9,164 |
| Completion Enrollment | 121 | 64 | 127 |
| Cumulative Enrollment | 16.80 | 108.60 | 217.20 |
| Total Enrollment | 4,084.28 | 5,661.72 | 9,508.44 |
| State Rated Capacity | 4,033 | 6,114 | 7,792 |
| Percent Capacity | 101.27 | 92.60 | 122.03 |

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

These figures are correct on the day this referral memo was written. They are subject to change under the provisions of CB-30-2003 and CR-23-2003. Other projects that are approved prior to the public hearing on this project will cause changes to these figures. The numbers shown in the resolution will be the ones that apply to this project.

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 \$7,671 and \$13,151 to be a paid at the time of issuance of each building permit.

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.

14. **Health Department**—The Environmental Engineering Program has reviewed the preliminary plan of subdivision and noted that the existing house at 8314 Allentown Road is connected to public water and sewer, the abandoned septic tank must be pumped, backfilled, and/or sealed in accordance with COMAR 26.04.04. The location should be indicated on the preliminary plan. A raze permit is also required for any structures that are to be removed. This too should be noted on the preliminary plan.

15. **Stormwater Management**—A Stormwater Management Concept Plan is required prior to signature approval of the preliminary plan. The approval number and date should be indicated on the preliminary plan. Development must be in accordance with this approved plan.
16. **Archeology**—Phase I archeological survey is not recommended for the above-referenced 1.63-acre property. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low. There is an extant house and a shed on the property that have likely previously impacted any possible archeological resources. Major development characterizes the general area around the subject property.

However, Section 106 review may require archeological survey for state or federal agencies. 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 state or federal monies, or federal permits are required for a project.

17. **Historic Preservation**—The subject application for preliminary plan of subdivision has no effect on historic resources.
18. **Flag Lot**—The applicant proposes two flag lots within the subdivision. The flag lots are shown as Lots 400 and 401.

Flag lots are permitted pursuant to Section 24-138.01 of the Subdivision Regulations. Staff does not support the triple - tier based on the following findings and reasons.

- a. A maximum of two tiers is permitted. The flag lot proposed consists of three tiers.
Comment: Staff will only support the flag lot configuration as a single tier.
- b. The flag stem is a minimum width of 25 feet for the entire length of the stem.
Comment: The applicant proposes two 25-foot stems for the two proposed flag lots.
- c. The net lot area for the proposed lot exclusive of the flag stem exceeds the minimum lot size of 20,000 square feet as required in the R-R Zone.
Comment: The proposed flag lots exceed the 20,000 square foot minimum net lot area required in the R-R Zone, exclusive of the flag lot stems.
- d. The proposal includes no shared driveways.
Comment: No shared driveways are proposed.
- e. Where rear yards are oriented toward driveways they shall be screened by an “A”

bufferyard.

Comment: This orientation does not occur in this instance.

- f. Where front yards are oriented toward rear yards, a “C” bufferyard is required.

Comment: This orientation does not occur in this instance.

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 proposed flag lot configuration does not yield a superior design to that which would be allowed conventionally. The landscape bufferyards required for the flag lot will help to further screen the development on this lot from Allentown Road. In this instance, the flag lot design is not superior to what would have been achieved under conventional subdivision techniques.

B. The transportation system will function safely and efficiently.

Comment: No significant impact on the transportation system is expected.

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: The applicant’s configuration is unlike anything else that exists in the area. It does not blend in with surrounding developments.

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

Comment: The applicant has attempted to address privacy by illustrating the siting of the proposed residences at an angle. Staff does not believe that given the size of the net lot areas, the flag style developments of the lots are sufficient.

Staff does not recommend approval of the three-tiered configuration.

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 Clark, with Commissioners Squire, Clark and Vaughns voting in favor of the motion, with Commissioner Eley abstaining, and with Commissioner Parker opposing the motion at its regular meeting held on Thursday, March 15, 2007, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 7th day of June 2007.

R. Bruce Crawford
Executive Director

By Frances J. Guertin
Planning Board Administrator

RBC:FJG:IT:bjs