

RESOLUTION

WHEREAS, the Prince George's County Planning Board is charged with the approval of Detailed Site Plans pursuant to Part 3, Division 9 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on February 12, 2009, regarding Detailed Site Plan DSP-08009 for Lynn's Cove, the Planning Board finds:

1. **Request:** The subject application is a request for approval of the driveway layout on four lots, which are proposed to be developed with single-family detached units. Two of the proposed lots are designed as flag lots.
2. **Surrounding Uses:** The property is located on the east side of Bealle Hill Road, directly across from its intersection with Accokeek Road. The subject site is surrounded on the north, east, and south by single-family detached residences in the R-R Zone.
3. **Previous Approvals:** Preliminary Plan of Subdivision 4-05119 was approved by the Prince George's County Planning Board (PGCPB Resolution No. 06-142(A)) on February 8, 2007 in conjunction with Type I Tree Conservation Plan TCPI/094/04. On January 22, 2009, the Planning Board approved a one-year extension to the validity period of Preliminary Plan of Subdivision 4-05119. This plan will remain valid until February 8, 2010. The site is also the subject of Stormwater Management Concept Plan CSD 45540-2005-00, which will remain valid until March 2, 2009.

4. **Development Data Summary**

	EXISTING	APPROVED
Zone(s)	R-R	R-R
Use(s)	Vacant	Single-family Detached
Acreage	2.2	2.2
Lots	1	4
Parcels	0	0
Dwelling Units	0	4

5. **Design Features:** The subject detailed site plan proposes the construction of four single-family detached units on four lots on the east side of Bealle Hill Road. The four lots will be accessed via four individual driveways connecting directly to Bealle Hill Road. Lots 2 and 3 are designed as flag lots. The applicant has proposed the retention of existing, mature woodland along the rear property lines of Lots 1 and 4 to screen the rear yards from the units on Lots 2 and 3. Additional landscaping is proposed along the eastern property line of Lot 1 and the western property line of Lot 4, adjacent to the access drives for Lots 2 and 3.

Architecture was not reviewed with the subject application because review is limited to the layout of the proposed driveways pursuant to Condition 8 of PGCPB Resolution No. 06-142(A) for Preliminary Plan of Subdivision 4-05119.

6. **Conformance to Preliminary Plan of Subdivision 4-05119:** The detailed site plan is in conformance with the approved preliminary plan. The following conditions of approval are applicable to the review of this detailed site plan:

1. **Development of this site shall be in conformance with the Stormwater Management Concept Plan CSD 45540-2005 and any subsequent revisions.**

According to the Department of Public Works and Transportation (DPW&T), all storm drainage systems and facilities shown on the proposed detailed site plan are consistent with Stormwater Management Concept Plan CSD 45540-2005.

2. **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/94/04), 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 and Tree Preservation Ordinance. This property is subject to the notification provisions of CB-60-2005.”

Since this is a fully-enforceable condition of approval of the preliminary plan, its repetition as a condition of approval of this detailed site plan is not necessary.

3. **The 40-foot landscape buffers along Bealle Hill Road shall be shown on the final plats as a scenic easement and the following note shall be placed on the plats:**

“Scenic easements described on this plat are areas where the installation of structures 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 permitted.”

The 40-foot landscape buffer is shown on the detailed site plan and will be required to be shown on the final plat.

4. **The woodland strips remaining in the 40-foot scenic buffers along Bealle Hill Road shall be re-evaluated at the time of the Type II TCP with specific recommendations for controlling invasive and noxious plants within them.**

Specific recommendations for controlling invasive and noxious plants by hand within the 0.17-acre woodland strips remaining in the 40-foot buffers are included in the notes on the TCPII.

7. **Prior to the issuance of permits, a Type II Tree Conservation Plan shall be approved.**

The Planning Board has approved Type II Tree Conservation Plan TCPII/073/08 in conjunction with its approval of this detailed site plan.

8. **The site shall be subject to a detailed site plan to address the location and configuration of driveways serving the site from Bealle Hill Road.**

The subject detailed site plan application as approved satisfies this condition and demonstrates the proposed configuration of driveways to serve the four proposed lots. Four separate driveways are shown on the detailed site plan pursuant to the lotting pattern approved with the preliminary plan of subdivision. At that time it was determined that the provision of a short cul-de-sac to serve the proposed lots would not be in keeping with the character of the surrounding area and would result in unnecessary impervious surface. The location and configuration of the proposed driveways have been reviewed by the concerned agencies and divisions and were found to be acceptable. The Planning Board adopts these evaluations in its Finding 11 below.

7. **Conformance to the Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements in the R-R Zone and the site plan design guidelines of the Zoning Ordinance.
 - a. The subject detailed site plan is in conformance with the requirements of Section 27-441(b), which governs permitted uses in the R-R Zone. The proposed single-family detached units are a permitted use in the R-R Zone.
 - b. The subject detailed site plan is also in conformance with the requirements of Section 27-442, Regulations, in the R-R Zone.
8. ***Prince George's County Landscape Manual:*** The detailed site plan as submitted is in conformance with the applicable sections of the *Prince George's County Landscape Manual*.
9. **Conformance to the requirements of the Subdivision Regulations regarding flag lot development:** The retention of existing trees is shown on the plans in accordance with Section 24-138.01 of the Subdivision Regulations, which sets forth the buffering requirements for flag lots. Although appropriate buffers have been shown on the plans all along, separate schedules

will be provided demonstrating that the plant unit requirement for each buffer is proposed to be met with existing woodland. In addition, the proposed tree line should be shown graphically on the plans for each bufferyard. The Planning Board is requiring these modifications in the condition for approval below.

10. **Woodland Conservation and Tree Preservation Ordinance:** This property is subject to the provisions of the Prince George's County Woodland Conservation and Tree Preservation Ordinance because the property has a previously approved Type II Tree Conservation Plan, TCPII/073/08.

The Planning Board has reviewed the Type II Tree Conservation Plan, TCPII/073/08. The plan proposes clearing 1.95 acres of the existing 2.12 acres of woodland. The woodland conservation threshold is 0.44 acre. Based upon the proposed clearing, the woodland conservation requirement has been correctly calculated as 1.12 acres. The plan proposes to meet the requirement by providing 0.17 acre of on-site woodland conservation and payment of a fee-in-lieu for 0.95 acre.

Except for the 40-foot buffers along Bealle Hill Road, the plans calculate the entire site as cleared. By calculating the woodlands as cleared, a future homeowner may treat the woodland areas remaining on their lots in any fashion they deem appropriate without violating the Woodland Conservation Ordinance. Specific recommendations for controlling invasive and noxious plants by hand within the 0.17-acre woodland strips remaining in the 40-foot buffers are included in the notes on the TCPII.

11. **Referrals:**

a. **Environmental Planning Section**

Site Description

This 2.18-acre property in the R-R Zone is located on the east side of Bealle Hill Road opposite its intersection with Livingston Road. There are no streams, wetlands or 100-year floodplain on the property. The site eventually drains into Mattawoman Creek in the Potomac River watershed. According to the *Prince George's County Soil Survey*, the principal soils on the site are in the Beltsville series. Marlboro clay does not occur in the area. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program, rare, threatened, or endangered species do not occur on this property or on adjacent properties. Bealle Hill Road is a designated scenic road. There are no nearby sources of traffic-generated noise. The proposal is not expected to be a noise generator. This property is located in the Developing Tier as reflected in the *Prince George's County Approved General Plan*.

Master Plan Conformance

The proposal is in general conformance with the *Approved Master Plan and Sectional Map Amendment for Subregion V, Planning Areas 81A, 81B, 83, 84, 85A and 85B*, which is now almost 15 years old. In the approved master plan and sectional map amendment, the Environmental Envelope section contains goals, objectives, and guidelines. The plans have

been determined to be in conformance with the applicable guidelines.

Conformance with the *Approved Countywide Green Infrastructure Plan*

The subject property is not within the designated network of the *Approved Countywide Green Infrastructure Plan*.

Environmental Review

Bealle Hill Road is designated in the Subregion V master plan as a scenic road. No visual inventory was in the review package. Because of the limited nature of the proposed development, a visual inventory will not be required. The plans provide 40-foot-wide landscape buffers adjacent to the ten-foot public utility easements, parallel to the land to be dedicated for Bealle Hill Road.

A signed Natural Resources Inventory, NRI/097/05, was submitted with the application. There are no streams, wetlands, or 100-year floodplain on the property. A simplified forest stand delineation (FSD) was submitted with the NRI. The FSD, based upon three sample points, describes a single forest stand of 2.18 acres containing no specimen trees. The woodland is mostly immature sweetgum, scarlet oak, and red maple. The 1938 and 1965 air photos show that the property was an open field.

There are no sensitive environmental features on the site and there are no priority woodlands as defined in the "Prince George's County Woodland Conservation and Tree Preservation Policy Document." According to the Green Infrastructure Plan, none of the property is near or contains regulated areas or evaluation areas. Based upon this analysis, there are no priority woodlands on-site. No impacts to any sensitive environmental features are proposed.

According to the *Prince George's County Soil Survey*, the principal soils on this site are in the Beltsville series. Beltsville soils are highly erodible, may have a perched water table, and are in the C-hydric group. The Prince George's County Department of Environmental Resources will require a soils report in conformance with County Council Bill CB-94-2004 during the permit process review.

- b. **Subdivision Section:** The site is the subject of Preliminary Plan of Subdivision 4-05119.

A review of the preliminary plan revealed no documented concerns about the alignment of the multiple driveways instead of a publicly dedicated street. There are no comments from DPW&T about the configuration of the driveways or recommendations that the driveways be replaced with a cul-de-sac. In PGCPB Resolution No. 06-142(A), the Planning Board made the following findings in accordance with Section 24-138.01(f) of the Zoning Ordinance:

- "A. The design is clearly superior to what would have been achieved under conventional subdivision techniques.**

The proposed flag lot yields a superior design to that which would be allowed conventionally. This recorded lot, at 2.2 acres in area, is more than four times the minimum lot size required in the R-R Zone. Allowing the flag lots to be accessed via driveways on a flag stem would negate the need for a short 50-foot-radius cul-de-sac to serve development at the rear of the site. Such a cul-de-sac would be out of character with the surrounding development, the historic character of Bealle Hill Road, and would be an unnecessary expanse of impervious surface.

B. The transportation system will function safely and efficiently.

The flag lots would each have a driveway to Bealle Hill Road. 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.

The flag lots will blend harmoniously with the rest of the development. The homes on the flag lots continue a linear arrangement as if located along a cul-de-sac, without the large and unnecessary impervious surface.

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

Given the ability to site the houses, the flag-style development of the lot will not impair the privacy of either the homeowner of these lots or the homeowners of other lots. Ample room exists to provide for the required bufferyards.”

- c. **Permit Review Section:** Issues related to the issuance of permits have been addressed through revisions to the detailed site plan.
- d. **Transportation Planning Section:** The arrangement of the Lot 1 driveway at the intersection of Accokeek Road is not optimal; however, it is acceptable provided that the Department of Public Works and Transportation prefers this location.

The applicant originally submitted a detailed site plan showing the four proposed driveways clustered in the middle of the existing lot with four separate proposed curb cuts. In a memorandum dated September 23, 2008, the Department of Public Works and Transportation indicated that the proposed driveways were too close to one another, which would result in traffic safety issues along Bealle Hill Road. DPW&T recommended that the plan be revised to relocate the driveways on Lots 1 and 4 away from the driveways on Lots 2 and 3. The applicant revised the plans in consultation with DPW&T to insure that the driveway layout would be acceptable to that agency at the time of the issuance of access permits. Under advisement from DPW&T, the plans were revised to merge the driveways on Lots 2 and 3 into one curb cut along Bealle Hill Road in order to minimize the potential for

conflicts between vehicles using the proposed driveways. The resultant plans were referred to DPW&T, which issued a revised memorandum indicating that the proposed driveway layout for all four lots is acceptable. Since the intersecting roadway, Accokeek Road, is a state-maintained road, the plans were also referred to the State Highway Administration (SHA). SHA indicated that it had no comments or objection to the approval of Detailed Site Plan DSP-08009 as submitted.

- e. **The Prince George's County Department of Public Works and Transportation (DPW&T):** See Finding 11.d above for a detailed discussion of the referral comments provided by DPW&T.
 - f. **Accokeek Development Review District Commission (ADRDC):** In a letter received on February 8, 2008, Mr. John Patterson, Chairman of the ADRDC, indicated that the commission did not object to the driveway layout as shown on the submitted plans.
12. As required by Section 27-285(b) of the Zoning Ordinance, the detailed site plan represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the Prince George's County Code without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Type II Tree Conservation Plan (TCPII/073/08) and further APPROVED Detailed Site Plan DSP-08009 for the above-described land, subject to the following condition:

Prior to certification, the following revisions to the detailed site plan shall be made:

- a. Graphically show the proposed tree line of the existing woodland that is proposed to be retained within the required bufferyards.
- b. Provide landscaping schedules for the bufferyards required by Section 24-138.01 of the Subdivision Regulations.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

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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 Cavitt, with Commissioners Squire, Cavitt and Vaughns voting in favor of the motion, and with Commissioners Clark and Parker absent at its regular meeting held on Thursday, February 12, 2009, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 5th day of March 2009.

Oscar S. Rodriguez
Executive Director

By Frances J. Guertin
Planning Board Administrator

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