

July 29, 2009

MEMORANDUM

TO: The Prince George's County Planning Board

FROM: Joe Del Balzo, Subdivision Section

SUBJECT: Preliminary Plat 4-00017
Sandy Springs Estates

BACKGROUND

The preliminary plat proposed 18 lots in the R-R Zone. The property is located at the terminus of Old Sandy Spring Road, immediately northwest of the I-95/MD 198 interchange in West Laurel. A large floodplain runs east-west along the northern portion of the property.

The preliminary plat was approved by the Planning Board on September 7, 2000, with seven conditions. Among the conditions were a condition that the applicant construct a noise barrier (Condition 3) and that all lots have a minimum contiguous net lot area of 20,000 square feet (Condition 6). By letter dated October 11, 2000, the applicant requested a reconsideration of Conditions 3 and 6 of the original approval. The Planning Board granted that reconsideration on the basis of inadvertence on November 9, 2000.

Attached to this memorandum are the resolution (PGCPB 00-160), the original staff report and the applicant's letter requesting reconsideration. Staff believes the conditions should be modified and offers the following findings in that regard.

CONDITION 3 - NOISE BARRIER

Condition 3 of the Planning Board approval of Preliminary Plat 4-00017 requires a sound barrier to be constructed to mitigate noise impacts from I-95. The condition also required that a detailed site plan be approved prior to approval of the final plat to ensure that the sound barrier would be constructed in a safe and attractive manner. Condition 3 reads:

Prior to approval of the final plat, a limited detailed site plan shall be approved by the Planning Board to ensure that the proposed noise barrier will attenuate the adverse noise impacts associated with Interstate I 95 and to provide a safe and attractive neighborhood for future residents. The plan shall include the proposed grading, house locations and house types for Lots 15 - 18. The Site Plan shall also reflect the location and design of the proposed barrier along with proposed screening through the use of trees, shrubs and other plant materials. Finally, the plan shall be submitted to PEPCO or BGE to evaluate the location of the proposed noise barrier with respect to the location of the existing overhead electrical transmission lines. If determined necessary by PEPCO or BGE, the overhead electrical lines may need to be relocated or elevated

by the applicant. The materials used for the construction of a wall, as a sound barrier, shall be limited to concrete and/or masonry materials or other materials found to be acceptable by the Environmental Planning Section due to the longevity of the materials and the need for little or no maintenance.

The noise study prepared by the applicant's consultant indicates that the sound barrier is only necessary if proposed Lots 15 - 18 are platted and built upon. If these lots are not platted, the noise barrier would be an unnecessary addition to the neighborhood. The Environmental Planning Section has reviewed this noise study and concurs with its methodology and findings. Therefore, staff recommends that the condition be reworded as follows, with additional language underlined.

Prior to approval of building permits for proposed Lots 15 - 18, the applicant shall construct a noise barrier to mitigate noise impacts from I-95. This shall be noted on the final plat.

Prior to approval of the final plat for Lots 15 - 18, a limited detailed site plan shall be approved by the Planning Board to ensure that the proposed noise barrier will attenuate the adverse noise impacts associated with Interstate I 95 and to provide a safe and attractive neighborhood for future residents. The plan shall include the proposed grading, house locations and house types for Lots 15 - 18. The Site Plan shall also reflect the location and design of the proposed barrier along with proposed screening through the use of trees, shrubs and other plant materials. Finally, the plan shall be submitted to PEPCO or BGE to evaluate the location of the proposed noise barrier with respect to the location of the existing overhead electrical transmission lines. If determined necessary by PEPCO or BGE, the overhead electrical lines may need to be relocated or elevated by the applicant. The materials used for the construction of a wall, as a sound barrier, shall be limited to concrete and/or masonry materials or other materials found to be acceptable by the Environmental Planning Section due to the longevity of the materials and the need for little or no maintenance.

If the applicant chooses not to plat Lots 15-18, they will need to be platted as a parcel to be conveyed to a Homeowners' Association.

CONDITION 6 - MINIMUM LOT SIZE

Condition 6 reads:

Prior to signature approval, the preliminary plat shall be revised, as necessary, to ensure that all lots have a contiguous net lot area of at least 20,000 square feet.

At the time the preliminary plat was approved, several lots did not meet this minimum standard. Staff reviewed the application as a conventional subdivision proposal, but the applicant intended the staff to analyze the application as a proposal using the Lot Size Averaging technique permitted by the Zoning Ordinance. While this was not clearly presented to staff, a small note was added to the final version of the preliminary plat before the Planning Board referencing Lot Size Averaging. Since the reconsideration was approved, staff has analyzed the application for Lot Size Averaging and offers the following comments.

All of the 18 proposed lots exceed 20,000 square feet of gross lot area. However, the Zoning Ordinance requires a minimum of 20,000 square feet of **net lot area** in the R-R Zone. **Net lot area**

is defined as:

The total contiguous area included within the Lot Lines of a Lot, excluding . . . land lying within a 100 year floodplain . . .

Proposed Lots 6 - 10 range in size from 33,600 \surd to 43,000 \surd square feet in gross lot area. However, the floodplain which traverses these lots reduces the ■contiguous area● to between 16,000 \surd and 18,000 \surd square feet of net lot area. The applicant proposes that the Lot Size Averaging technique be applied to allow these lots with less net lot area than 20,000 square feet.

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.** The design of this subdivision respects the natural features on this property. In fact, the subdivision is impacted by two major features which restrict its use. First, the floodplain encumbers the northern third of the property. Second, the property is impacted by its proximity to I-95. The combined impact of these features render this property difficult to develop. Staff believes the proposed layout minimizes the impact to the floodplain while allowing more lots to be created farther away from the noise generating I-95.
- 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.** The property abuts environmentally sensitive land and other R-R Zoned residential lots. The subdivision has been designed to maximize lot size where lots abut these adjoining properties; given the large gross lot area of the lots, the subdivision will appear to have larger than required lot sizes. This will be a positive impact on adjoining properties.
- 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.** More floodplain abuts the property to the northeast. The floodplain on the subject property will remain densely wooded and provide an adequate transition and buffer to the adjoining floodplain.

In addition, Section 27-423 of the Prince George's County Zoning Ordinance sets 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 divided by the largest minimum lot size in the zone (20,000 square feet).** In this case, with 12.71 acres and a minimum lot size of 20,000 square feet, the maximum number of lots allowed is 27. The applicant proposes 18 lots.
- 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).** As proposed, 13 of the

proposed 18 lots exceed 20,000 square feet of net lot area. Five of the proposed lots have a minimum net lot area exceeding 15,000 square feet. Therefore the proposed subdivision meets the minimum zoning ordinance standards for lot size averaging.

RECOMMENDATION

Given the discussion in this report, staff recommends amending Condition 3 as noted above and eliminating Condition 6 of the original approval. All other Conditions and Findings remain in full force and effect.