

July 29, 2009

MEMORANDUM

TO: The Prince George's County Planning Board

FROM: Joe Del Balzo, Subdivision Section

SUBJECT: Preliminary Plan 4-01049
Piscataway Estates

This preliminary plan was scheduled before the Planning Board on September 6, 2001, and was continued until September 13, 2001. The staff report, released August 30, 2001, recommended approval subject to several conditions, including the following:

Condition 2.b: Prior to signature approval of the preliminary plan:

b. The preliminary plan shall be revised to:

- i. Eliminate the flag lots and incorporate their area into adjacent lots.**

Condition 5: All lots shall be a minimum of 40,000 square feet.

The preliminary plan proposes the use of Lot Size Averaging and two flag lots. Staff found, and continues to find, that the flag lots do not meet the requirements for approval set forth in Section 24-138.01 of the Subdivision Regulations. Staff also found that the use of the Lot Size Averaging technique was not appropriate for this development. Just before the hearing on September 6, the applicant agreed to remove the flag lots and incorporate their area into the adjoining lots. The proposal for the flag lots was directly tied to staff's concerns with the use of Lot Size Averaging. The Lot Size Averaging technique is intended to provide a superior subdivision than that which could be created under conventional methods. With the flag lots, staff was unconvinced that the proposed Lot Size Averaging was superior; therefore, Condition 5 disallowed it. With the flag lots removed, staff has a much different opinion about the use of Lot Size Averaging. Now, staff believes that the proposed Lot Size Averaging is appropriate, given the removal of the flag lots. Staff recommends, given the findings regarding Lot Size Averaging below, that Condition 5 be deleted.

Section 24-121(a)(12) requires that the Planning Board make the following findings in permitting the

use of lot size averaging:

- A. The subdivision design provides for better access, protects or enhances historic resource or natural features and amenities, or otherwise provides for a better environment than that which could be achieved by the exclusive use of standard lots.** Originally, the plan proposed smaller lots along the central core of the property, encroaching into the environmentally sensitive stream. The plan was changed to show one-acre lots along the stream. Smaller lots are located adjacent to these lots. Subsequently, the plan was revised to show some lots along the environmentally sensitive area to be approximately one and a half acres. This layout enhances and protects the natural features of the site far better than originally proposed and better than could be expected under conventional development.
- 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.** While this finding was met, by providing one acre lots along the perimeter of the site, staff's concern that the introduction of flag lots created an inferior design. These flag lots resulted in an inappropriate stacked design, leaving what were relatively large lots with a significantly smaller appearance. With the removal of the flag lots, the proposal provides an adequate transition along exterior property lines to adjacent residentially zoned land.
- 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.** As stated in ■A• above, the current preliminary plan without flag lots and with large lots running down the center of the property surrounding the environmental feature on the site, enhances the natural features of the site and provides a transition to adjoining parcels. Additionally, the layout has been modified to reduce the number of environmental encroachments, ultimately eliminating the need for several of the requested variation.

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-E Zone

- A. The maximum number of lots permitted is equal to the gross acreage divided by the largest minimum lot size in the zone (40,000 square feet).** In this case, with approximately 85.46 net tract acres, a total of 93 lots would be allowed, *given perfect circumstances*. With the removal of the flag lots the preliminary plan proposed 76 lots.
- B. At least 50 percent of the lots created shall equal or exceed the largest minimum lot size in the zone (40,000 square feet).** As proposed, 40 of the proposed 76 lots exceed 40,000 square feet. Therefore the proposed subdivision meets the minimum zoning ordinance standards for lot size averaging.

Given these findings and facts, staff now supports the use of Lot Size Averaging on this property. In accordance with the above findings and the findings found in the attached staff report, staff recommends APPROVAL of Preliminary Plan 4-01049, subject to the conditions in the attached staff report, with the exception of Condition 5.

