

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Preliminary Subdivision Plat 4-01054  
Oak Crest II, Lots 1 through 19, and Parcel A

OVERVIEW

The proposed subdivision consists of approximately 9.01 acres of land in the R-55 Zone. The subject application is a proposal to resubdivide and reconfigure 59 existing lots and associated road net work. The original subdivision plat for the existing lot configuration and road net work is known as Oak Crest, final plat of subdivision, A @ 108. That subdivision was enrolled in the county land records in 1890. At that time roads were not dedicated to public use through the recordation of the final plat but were set aside for future development until accepted by the governing body. The governing body at the time of actual construction of the streets, in this case the Department of Public Works and Transportation, would take dedication of the street for public use. Until that time the roads were owned by the adjoining property owners but reserved for public use. The road net work which is the subject of this application, has not been previously developed and the abutting lots remain vacant. For this reason a vacation, pursuant to Section 24-112 of the Subdivision Regulations is not required.

The subject property is zone R-55. The applicant is proposing to develop this property using conventional R-55 zoning standards. The minimum net lot area in the R-55 Zone is 6,500 square feet. The applicant is proposing 19 lots which will range in size between 6,500 and 12,486 square feet with an average lot size of 8,340 square feet. All 19 lots are proposed to conform to the minimum zoning standards for conventional development in the R-80 Zone. All of the proposed lots meet the minimum lot width at the front street line and the minimum lot width for the construction of dwelling units.

The site contains a substantial amount of 100-year floodplain. The gross tract area of 9.01 acres has a net tract area of 4.31 acres. The net tract area is the gross tract area minus the 100-year floodplain. The applicant has proposed the dedication of Parcel A to the Department of Environmental Resources. Parcel A will contain all of the 100-year floodplain on site as well as the bio-retention facility required to support the proposed development.

SETTING

The subject property is located southeast of the City of Laurel, east of Baltimore Washington Boulevard and west of the CSX railroad. Access for the site will be provided via Maple Street to the east. The applicant is proposing one access road into the site with two cul-de-sacs. Parcel A is located to the west of the proposed lots and extends past Willow Street and fronts Pinehill Street, with no access for the proposed lots onto Pinehill Street. The surrounding properties are zoned R-55 with minimal development of single-family homes.

FINDINGS AND REASONS FOR STAFF RECOMMENDATION

1. Environmental - The subject property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance. A Type I Tree Conservation Plan was

submitted, TCPI/18/01, and has been reviewed and found to address the requirements of the Prince George's County Woodland Conservation Ordinance. Type II Tree Conservation Plan (TCPII/141/98) was previously approved in conjunction with an application for a grading permit which encompassed many of the existing lots included with this application. The limits of this application and the prior TCPII approval overlap.

TCPI/18/01 was prepared to include the entire acreage encompassed by TCPII/141/98 and 4-01054. TCPI/18/01 has a gross tract area of 15.4 acres, a net tract area of 9.83 acres, and 5.57 acres of 100-year floodplain. The Woodland Conservation Threshold (WCT) is 20 percent or 1.97 acres, and there is a replacement requirement of 3.83 acres. The 5.79 acre requirement will be satisfied by 1.14 acres of on-site preservation, 0.36 acres of on-site reforestation, and 4.29 acres of fee-in-lieu. TCPI/18/01 is recommended for approval for the entire development, including the previously approved 33 lot subdivision of which this application is an extension.

This 9.01 acre property in the R-55 zone is located on the southwest side of Maple Avenue where it abuts the CSX railroad tracks in Laurel, Maryland. A review of the available information indicates that no streams or wetlands are found to occur on the property. However, approximately 52 percent of the property is located within the limits of a 100-year floodplain. Although a small area of steep slopes has been identified on the plans, there are no highly erodible soils associated with these slopes. Adverse noise impacts from off-site have been identified which could limit development of this site for residential purposes as discuss further in Finding 4 of this report.

The soils found to occur according to the Prince George's County Soil Survey include Beltsville sandy loam and Fallsington sandy loam, which have limitations with respect to impeded drainage and high water tables, and Sassafras sandy loam which has no significant limitations. The sewer and water service categories are S-3 and W-3. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program publication titled "Ecologically Significant Areas in Anne Arundel and Prince George's Counties," December 1997, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. There are no scenic or historic roads in the vicinity.

2. Noise Issues - Due to the proximity of the proposed subdivision to the CSX railroad right-of-way, which is located adjoining the eastern property line of the site, staff requested that the applicant submit a noise and vibration study. The vibration study states that there will be no adverse impacts associated with the proximity of the proposed structures to the existing railroad tracks. However, adverse noise impacts were found to occur.

The Phase I Noise Study concluded that the 65 dBA noise contour bisects Lots 14 -17 and that the residences on these lots will experience adverse noise impacts. A Phase II Noise study should be required which will identify appropriate mitigation measures to reduce the impacts of the noise from the railroad tracks. The noise levels in conjunction with the proposed lot configurations result in living areas being subjected to noise levels above 65 dBA and the possibility of interior noise levels above 45 dBA.

Prior to the issuance of building permits for Lots 14-17, a Phase II Noise Study should be submitted to the Environmental Planning Section for review. The study should include noise attenuation measures that would mitigate the adverse noise impacts in the rear yards of the impacted lots. In addition, the architectural and site plans should be certified by an engineer with expertise in acoustics. That certification should include a statement indicating that the plans have been reviewed for compliance with the noise attenuation measures recommended in the Phase II Noise Study. The study should be required at the time of building permit and make recommendations to ensure that exterior noise levels do not exceed 65 dBA and interior noise levels do not exceed 45 dBA.

3. Variation Request to Section 24-130 - This property is located in the Patuxent River Watershed and includes approximately 4.7 acres of 100-year floodplain which is part of the Patuxent River Primary Management Area Preservation Area (PMA). In accordance with Section 24-130(b)(5) of the Subdivision Regulations, this area should be preserved in a natural state to the fullest extent possible. The plan proposes the filling of approximately 1.52 acres of this 100-year floodplain and PMA. The variation request to fill a portion of the 100-year floodplain has been reviewed by the Environmental Planning Section in accordance with the required findings of Section 24-113 of the Subdivision Ordinance.

Staff has reviewed the variation request dated June 18, 2001, and is in agreement with the applicant's justification addressing the required findings necessary for the granting of the variation. Staff supports the request to allow disturbance to the 100-year floodplain buffer based on the following findings.

- (a) **The granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to other property.** The filling of this floodplain area will not increase the elevation of the floodplain. The floodplain is the result of inadequate storm drains under the CSX railroad. Once the backed-up water reaches the elevation of the railroad tracks, it flows over the tracks. Such a situation will not increase the potential for flooding upstream or downstream according to an evaluation of this site by the Department of Environmental Resources, Stormwater Management Program and Planning Section.
- (b) **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.** The conditions on which the variation is based are unique to this property. The 100-year floodplain on this site has been created by inadequate storm drains under the railroad tracks on the adjacent property. The owners of this property have no authority to correct the inadequate conditions on the adjacent property. This situation is unique to the subject property whereby the floodplain is created when water backs up in the storm drain flowing over the railroad tracks to down stream properties. This alteration will not increase the amount of run off, however it will reach the track elevation more quickly.

- (c) **The variation does not constitute a violation of any other applicable law, ordinance, or regulation.** The granting of this variation will not create a violation of any other law, ordinance, or regulation. The filling will satisfy all

required setbacks with respect to construction adjacent to the proposed 100-year floodplain. Further, the Department of Environmental Resources (DER) has agreed to accept dedication of Parcel A, which contains the area of the 100-year floodplain, and will maintain and manage that portion of the property.

- (d) **Because of the particular physical surroundings, shape, topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out.** If this variation is denied, the number of lots would be significantly reduced because of an existing condition on an adjacent property over which this property owner has no control. The applicant has proposed a solution that will benefit the upstream property owners, while making the property safer and enhancing the development potential, by dedicating Parcel A to DER. If the strict letter of the regulations is carried out, the applicant would stand to lose the development potential of at least seven of the 19 lots proposed.

Staff supports the request for a variation to Section 24-130 of the Subdivision Ordinance as described in the above findings.

4. Variation Request to Section 24-121(a)(4) - The Subdivision Regulations requires that residential lots adjacent to an existing or planned roadway or freeway or higher classification, or an existing or planned transit right-of-way, should be platted with a lot depth of three hundred (300) feet.

The application has proposed six (6) lots which are wholly within 300 feet of the CSX railroad, a planned transit right-of-way, and therefore do not have the required lot depth. Staff has reviewed the variation request dated June 18, 2001, and is in agreement with the applicant's justification addressing the required findings necessary for the granting of the variation. Staff supports the request to allow a reduction in the lot depth for Lots 13 through 18, based on the following findings.

- (a) **The granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to other property.** The portion of the property within 300 feet of the transit facility is currently platted with 27 lots. When the original subdivision was platted, there were no noise mitigation requirements for those lots. The subject resubdivision under consideration would reduce the number of lots with the 300-foot lot depth deficiencies from 27 lots to 6 lots. In addition, the six lots, if approved will be required to provide noise attenuation measures to ensure that the approval of the lots will not be detrimental to the public safety, health, or welfare, or injurious to other property.
- (b) **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.** The conditions on which the variation are based are unique because this will result in the resubdivision of existing lots and the provision of noise attenuation measures creating a more desirable situation than that which currently exists.

- (c) **The variation does not constitute a violation of any other applicable law, ordinance, or regulation.** The granting of this variation will not create a violation of any other law, ordinance, or regulation. The existing lots could be developed without the need for a resubdivision. In fact, the resubdivision of these lots will create a better lot layout. In addition the proposal reduces the number of dwellings which would otherwise be impacted by the noise generated by the proximity to the CSX railroad right-of-way.
- (d) **Because of the particular physical surroundings, shape, topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out.** If this variation is denied, the number of proposed lots associated with this application would be reduced by nearly one-third (or six lots) from 19 lots to 13 lots. The reduction with respect to the proposed application could be considered a significant hardship. Moreover, while it is true that there are 27 existing platted lots, the proposed layout provides for better setbacks, noise attenuation, and a better site design which will be more conducive to the quality of life in the neighborhood.

Staff supports the request for a variation to Section 24-121(a)(4) of the Subdivision Regulations to allow lot depths of less than 300 feet adjacent to a transit right-of-way. The proposed subdivision will reduce the number of lots being impacted by the transit right-of-way and provide for the mitigation of adverse impacts beyond that which could be required if the variation and subdivision were denied.

- 5. Community Planning - The subject property is within the 1990 *Master Plan for Subregion I*, Planning Area 62 in the South Laurel Community. The master plan land use recommendation for this property is single-family residential development at a medium-suburban density. The 1990 *Sectional Map Amendment for Subregion I* rezoned the subject property from the R-R Zone to the R-55 Zone. There are no master plan issues associated with this application.
- 6. Parks and Recreation - In accordance with Section 24-134(a) of the Subdivision Regulations, the Park Planning and Development Division recommends that a fee-in-lieu for parkland dedication be paid because the land available for dedication is unsuitable due to its size and location.
- 7. Trails - There are no master plan trail issues associated with this application.
- 8. Transportation - The application is a proposal to subdivide 60 existing lots and associated streets into 19 lots. The proposed development would generate 14 AM and 17 PM peak hour vehicle trips as determined using *Guidelines for the Analysis of the Traffic Impact of*

*Development Proposals.* However, as platted, the area would generate 45 AM and 54 PM peak hour vehicle trips.

The traffic generated by the proposed subdivision would impact traffic operations at the US 1/Cypress Street intersection, which is signalized. The staff has no recent counts at this location. Past analyses done after completion of the retail and the residential

components of the Laurel Lakes development found this intersection to be operating well within established level-of-service standards.

Staff has determined that the subject application would result in a net decrease in vehicle travel from the previously approved plan. Therefore, the transportation staff finds that the plan would generate no net trips than are currently considered part of background development. The application, in comparison to the approved subdivision for this site, would not result in increased impacts on the US 1/Cypress Street intersection, which is the critical intersection for this site.

The transportation planning staff originally had a concern that this subdivision would preclude any possible connection between the properties to the south, along Willow and Pinehill Streets, to the existing traffic signal at US 1 and Cypress Street. Homeowners and commercial properties alike in the Willow/Pinehill area have a very difficult time leaving those streets to turn south onto US 1. There is no traffic signal serving this area, nor does it appear that any will be warranted in the near future. However, discussions with the Department of Public Works and Transportation and the State Highway Administration have indicated little likelihood that the street connection will ever be made with or without the subject subdivision. Furthermore, neither agency showed an interest in pursuing the possibility of connecting the Willow/Pinehill area into Cypress Street.

The Transportation Planning Section concludes that adequate access roads will exist as required by Section 24-124 of the Prince George's County Code if the application is approved. The transportation staff is not recommending conditions

9. Schools - The Growth Policy and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and the *Regulations to Analyze the Development Impact on Public School Facilities* (revised January 2001) (CR-4-1998) and concluded the following.

### **Finding**

Projected Impact on Affected Public Schools

Affected School Name	D.U. by Type	Pupil Yield Factor	Development Pupil Yield	5-Year Projection	Adjusted Enrollment	Total Projected Enrollment	State Rated Capacity	Projected% Capacity
Oaklands Elementary School	19 sfd	0.24	4.56	549	0	553.56	444	124.68%
Dwight D. Eisenhower Middle	19 sfd	0.06	1.14	914	0	915.14	1022	89.54%

School								
Laurel High School	19 sfd	0.12	2.28	2098	0	2100.28	1980	106.07%

Source: Prince George's County Planning Department, M-NCPPC, January 2001

Since the affected Oaklands Elementary and Laurel High Schools projected percentage of capacities are greater than 105 percent, an Adequate Public Facilities fee will be required prior to building permits on a per dwelling unit basis unless fully offset by a school facility surcharge payment. Any amount not offset should be placed in an account to relieve overcrowding at Oakland Elementary and Laurel High Schools.

10. Fire and Rescue - The Growth Policy and Public Facilities Planning Section has reviewed the subdivision plans for adequacy fire and rescue facilities and concluded the following.
  - a. The existing fire engine service at Laurel Fire Station, Company 10, located at 7411 Cherry Lane has a service response time of 3.60 minutes, which is within the 5.25 minutes response time guideline.
  - b. The existing ambulance service at Laurel Rescue Squad, Company 49, located at 14910 Bowie Road has a service response time of 3.32 minutes, which is within the 6.25 minutes response time guideline.
  - c. The existing paramedic service at Laurel Rescue Squad, Company 49, located at 14910 Bowie Road has a service response time of 3.32 minutes, which is within the 7.25 minutes response time guideline.

The proposed subdivision will be within the adequate coverage area of the nearest existing fire/rescue facilities for fire engine, ambulance and paramedic services.

The above findings are in conformance with the *Adopted and Approved Public Safety Master Plan 1990* and the *Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities*.

11. Police Facilities - The proposed development is within the service area for District VI-Beltsville. In accordance with Section 24-122.1(c) of the Subdivision Regulations the existing County's police facilities will be adequate to serve the proposed Oakcrest development. This police facility will adequately serve the population generated by the proposed subdivision.
12. Health Department - The Health Department has no comment regarding this application. However, the Health Department does note that based on the soil types and the projected high water tables in the area that there may be a concern with maintaining dry basements, especially for proposed Lots 13 through 15.
13. Stormwater Management - The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is not

required. A Stormwater Management Concept Plan, #008001070, has been approved with conditions 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.

14. Lot Layout - Staff has evaluated the lotting pattern and has found that the proposed layout provides for a greater sense of community than the previously approved and platted subdivision for this site. However, staff does have concerns regarding Lots 10, 11 and Lot 12 and the relationship of the proposed dwellings to each other as well as the views of the rear of the dwelling to be located on Lot 11 from adjoining lots and Street A.

Staff recommends that the dwelling on Lot 11 be oriented toward the front yard, Waggaman Avenue, and the dwelling on Lot 10 constructed as close to the front street as permitted by the Subtitle 27. If the dwelling on Lot 10 is setback any further the rear of the dwelling on Lot 11 would be oriented toward the front yard of Lot 10. If the dwelling on Lot 11 is constructed facing Street A its rear yard would orient towards the front yard of Lot 12.

The applicant should carefully consider the architecture and layout of the dwelling to be constructed on Lot 10. If the dwelling is oriented to Street A, the rear of the dwelling would be eight feet from the side lot line abutting Lot 12. This would not provide a usable rear yard. The layout of the dwelling should be carefully considered when establishing the footprint on Lot 11 as well as consideration of the views from adjoining properties.

Staff has evaluated the orientation of Lots 4, 5, 6, and 7 as they relate to adjoining properties. The rears of these dwellings will be oriented toward Walnut Ridge Drive, a street set aside with the original final plat of subdivision, enrolled in the county's land records in 1890. Walnut Ridge Drive had not been constructed and therefore has not been dedicated to DPW&T at this time. To date there has been no development that utilizes Walnut Ridge Drive. This street has remained a paper street for the last 111 years.

In general the orientation of Lots 4 through 7 would not be encouraged, however based on these specific circumstances staff agrees with the applicant's proposal.

15. Stormdrain Easements - The proposed lots, while in conformance with the R-55 zoning standards, are the smallest of the one-family dwelling unit lots provided for by the Zoning Ordinance for conventional development. Staff has raised concerns regarding the proposed location of several stormdrain easements and recommends that two be relocated if approved by the Department of Environmental Resources.

Specifically, the proposed 20-foot storm drain easement on Lots 8 and 9 should be relocated to straddle the common lot line to reduce the encumbrance on Lot 8 and distribute the easement equally between the two lots. The 20-foot stormdrain easement crossing lot 12 and the front yard of Lot 13 should be relocated to evenly straddle the common lot line between the two lots. As proposed, the entire street frontage of Lot 13 is encumbered and a large portion of the building envelope on lot 12 is also restricted. The reorientation of the

stormdrain easements would provide greater flexibility to the future lot owners in the placement of accessory structures, i.e., sheds and swimming pools.

## RECOMMENDATION

APPROVAL, subject to the following conditions:

1. Prior to the approval of the Final Plat of subdivision, the applicant, his heirs, successors and or assigns shall pay a fee-in-lieu of parkland dedication.
2. Prior to the issuance of building permits, the applicant, his heirs, successors and/or assigns shall pay an Adequate Public Facilities fee of \$3,360.00 per dwelling unit for the schools, unless fully offset by a school facility surcharge payment. Any amount not offset shall be paid and divided among the schools at a rate determined by the guidelines and shall be placed in an account to relieve overcrowding at Oaklands Elementary and Laurel High Schools
3. Development of this subdivision shall be in accordance with the approved Stormwater Management Concept Plan #008001070.
4. Prior to signature approval the preliminary plan shall be revised:
  - a. To relocated the 20-foot stormdrain easement to equally encumber Lots 8 and 9.
  - b. To relocate the 20-foot stormdrain easement crossing lots 12 and 13 to the common lot line, equally encumbering Lot 12 and 13.
  - c. To delineate the 300-foot lot depth line from the CXS railroad right-of-way and provide reference on the plan to the lots for which the variation to Section 24-121(a)(4) of the Subdivision Regulations was approved.
  - d. To provide reference to the variation approved pursuant to Section 24-130 of the Subdivision Regulations.
  - e. To relocate the 10-foot PUE adjacent to the PIE.
  - f. To provide reference of the approval date of the conceptual stormwater management plan.
  - g. Revise the general notes to indicate no dedication of parkland.
  - h. Remove the 3.66 acre reference provided in the Site Tabulation notes that refers to the minimum net lot area.
  - i. Revise to whom Parcel A is to be dedicated to accurately reflect DER.

- j. To clearly truncate the corners of Lots 11 and 19 to provide appropriate road dedication, unless written approval is provided by DPW&T accepting a Public Improvement Easement (PIE). A loss of lots could result if the truncation is required.
5. Prior to signature approval of TCPI/18/01 the plan shall be revised as follows:
- a. The Woodland Conservation provided as 4.79 acres of fee-in-lieu shall be revised to 4.79 acres of off-site mitigation.
  - b. The ■Total• row at the bottom of the small table located below the Woodland Conservation Worksheet shall be removed.
6. Development of this subdivision shall be in compliance with the approved Type I Tree Conservation Plan (TCPI/18/01). The following note shall be placed on the Final Plat of Subdivision:
- Development is subject to the restrictions shown on the approved Type I Tree Conservation Plan (TCPI/18/01), 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 is a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation/Tree Preservation Policy.●
7. A Type II Tree Conservation Plan shall be approved prior to issuance of any building or grading permits.
8. The following note shall be placed on the Final Plat of Subdivision:
- Prior to the issuance of any building permits for Lots 14-17, a Phase II Noise Study shall be submitted by the applicant, heirs, successors and/or assigns to the Environmental Planning Section for review and approval. The study shall include noise attenuation measures that will be used to mitigate the adverse noise impacts on those lots.●
9. Prior to the issuance of building permits for Lots 14-17, the architectural plans and site plans submitted by the applicant, heirs, successors and/or assigns shall be certified by an engineer with expertise in acoustics. That certification shall include a statement indicating that the plans have been reviewed for compliance with the noise attenuation measures recommended in the Phase II Noise Study approved by the Environmental Planning Section. As a minimum, the noise levels in the outdoor living areas shall be reduced to below 65 dBA and the interior noise levels shall be reduced to below 45 dBA.
10. Prior to signature approval of the Preliminary Plan of Subdivision and the Type I Tree Conservation Plan, the PMA shall be clearly shown consistently on both plans.

11. The final plat shall demonstrate the relocation of the stormdrain easements as shown on the approved preliminary plan of subdivision and conditioned above, unless the relocation is denied by DER

STAFF RECOMMENDS APPROVAL OF TYPE I TREE CONSERVATION PLAN TCPI/18/01