

Maryland-National Capital Park and Planning Commission
Prince George's County Planning Department
Development Review Division
301-952-3530



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PRELIMINARY PLAN

4-01090

Application	General Data
<div>Project Name:</div> <div>HOLLOWAY ESTATES, LOT 6, BLOCK 2</div> <div>Location:</div> <div>West side of Rosaryville Road, 150 feet northwest of Tyrone Drive.</div> <div>Applicant/Address:</div> <div>Doris A. Pardee 11301 Mattaponi Road Upper Marlboro, MD 20772</div>	Date Accepted10/25/01
	Planning Board Action Limit01/16/02
	Tax Map & Grid118/B-03
	Plan Acreage12,820 sq.ft
	ZoneR-R
	Lot1
	OutlotN/A
	Planning Area82A
	Council District09
	MunicipalityN/A
	200-Scale Base Map212SE09

Purpose of Application			Notice Dates	
RESIDENTIAL SUBDIVISION			Adjoining Property Owners N/A (CB-15-1998)	
			Previous Parties of Record N/A (CB-13-1994)	
			Sign(s) Posted on Site 12/17/01	
			Variance(s): Adjoining 12/28/01 Property Owners	
Staff Recommendation			Staff Reviewer: Whitney Chellis	
APPROVAL	APPROVAL WITH CONDITIONS		DISAPPROVAL	DISCUSSION
	X			

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Preliminary Subdivision Plan 4-01090

OVERVIEW

The subject property consists of approximately 14,400 square feet, with the net tract area being 12,820 square feet after right-of-way dedication for Rosaryville Road. The applicant is proposing to consolidate a residue acreage parcel of 13,624 square feet and an outparcel of 776 square feet. The acreage was left unsubdivided after the Brookwood Subdivision to the north was recorded by WWW 46 @ 69 in 1963, and Hollaway Estates to the south was recorded by WWW 55 @ 29 in 1964. The small piece of land was not included in either subdivision, which created a gap between the two. The outparcel was created with the Hollaway Estates subdivision to the south.

The property is in the R-R Zone. Once the properties are consolidated, the net lot area of proposed Lot 6 will be 12,820 square feet. The Zoning Ordinance requires a minimum net lot area of 20,000 square feet for the construction of a single-family dwelling. A 7,180-square-foot variance is required to the minimum net lot area as discussed further in the variance section of this report.

In order for the applicant to include the outlot in a development proposal, the outlot designation must be removed. The purpose for the preliminary plan is to consolidate these two properties, remove the outlot designation, and apply for a variance to the minimum lot size for the construction of a single-family dwelling on the newly created Lot 6, Block 2.

SETTING

The property is located on the west side of Rosaryville Road, approximately 100 feet north of its intersection with Tyrone Drive. The property is southwest of Rosaryville State Park, west of US 301 in Rosaryville. The property is zoned R-R and is surrounded by R-R-zoned land. The property is within the Brookwood neighborhood, which is a developed single-family community. Across Rosaryville Road to the east is R-A-zoned land, generally developed with large single-family lots.

FINDINGS AND REASONS FOR STAFF RECOMMENDATION

1. Environmental This site is not subject to the provisions of the Woodland Conservation Ordinance because the entire site is less than 40,000 square feet in size and does not have a previously approved Tree Conservation Plan. A Tree Conservation Plan is not required.

There are no streams, floodplain, or wetlands on the property. Current air photos indicate that none of the site is forested. No historic or scenic roads are affected by this proposal. There are no nearby noise sources. The proposed use is not expected to be a noise generator. No species listed by the State of Maryland as rare, threatened or endangered are known in the general region. The soils information included in the review package indicates that the principal soils on the site are in the Sassafras soils series.

2. Community Planning●The subject property is located within the limits of the 1993 Subregion VI Study Area Master Plan in Planning Area 82A in the Rosaryville community. The master plan land use recommendation for the subject property is for a ■Low Suburban■ land use. There are no master plan issues associated with this application.
3. Parks and Recreation●In accordance with Section 24-134 of the Subdivision Regulations, the Park Planning and Development Division recommends that a payment of a fee-in-lieu of parkland dedication be required because the land available for dedication is unsuitable due to its size and location.
4. Trails●There are no master plan trail issues associated with this application.
5. Transportation●The proposed development would generate 1 AM and 1 PM peak hour vehicle trips as determined using the *Guidelines for the Analysis of the Traffic Impact of Development Proposals* (April 1989). The critical intersection for this development is Brookwood Avenue and Rosaryville Road, an unsignalized intersection. Based on the average daily traffic (ADT) volume along Rosaryville Road, staff estimates that the subject intersection operates within the acceptable threshold of less than 50 seconds of delay. Because the subject property would only generate one trip during each peak hour, staff concludes that its impact on any intersection within the study area would be diminimus.

The Transportation and Public Facilities Planning Division concludes that an adequate access road will exist as required by Section 24-124 of the Subdivision Regulations if the application is approved.

6. 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	DU by Type	Pupil Yield Factor	Development Pupil Yield	5-Year Enrollment	Adjusted Enrollment	Total Projected Enrollment	State-Rated Capacity	Projected % Capacity
Cheltenham Forest Elementary School	1 sfd	0.24	0.24	756	0	756.24	790	95.73%
James Madison Middle School	1 sfd	0.06	0.06	1003	0	1003.06	864	116.09%
Frederick Douglass High School	1 sfd	0.12	0.12	2047	0	2047.12	1350	151.64%
Source: Prince George's County Planning Department, M-NCPPC, January 2001								

Since the affected James Madison Middle and Frederick Douglass High Schools' projected percentage of capacities are greater than 105 percent, the amount of the Adequate Public Facilities fee for schools shall be offset by the Schools Facilities Surcharge. Any amount not offset shall be paid and divided among the schools at a rate determined by the guidelines.

Section 24-122.02(a)(4) of the Subdivision Regulations states that if any affected school's projected percentage of capacity exceeds 130 percent, no permits may be issued until (a) capacity exists below 130 percent in all affected schools; or (b) four years have elapsed since the time of the approval of the preliminary plan of subdivision.

7. Fire and Rescue●The Growth Policy and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of fire and rescue facilities and concluded the following:
 - a. The existing fire engine service at Marlboro Fire Station, Company 45, located at 7710 Croom Road, has a service response time of 5.22 minutes, which is within the 5.25-minute response time guidelines.
 - b. The existing ambulance service at Marlboro Fire Station, Company 45, located at 7710 Croom Road, has a service response time of 5.22 minutes, which is within the 6.25-minute response time guidelines.
 - c. The existing paramedic service at Clinton Fire Station, Company 25, located at 9025 Woodyard Road, has a service response time of 8.48 minutes, which is beyond the 7.25-minute response time guidelines. The nearest fire station, Marlboro Company 45, is located at 7710 Croom Road, which is 5.22 minutes from the development. This facility would be within the recommended response time for paramedic service.
8. Police Facilities●The proposed development is within the service area for District V-Clinton Police Station. In accordance with Section 24-122.01(c) of the Subdivision Regulations, the existing county police facilities will be adequate to serve the proposed Hollaway Estates Development and the population generated by the proposed subdivision.

9. Health Department There are no Health Department issues associated with this application.
10. Stormwater Management A Stormwater Management Concept Plan has been filed with the Department of Environmental Resources (DER), Development Services Division, and has not yet been approved. Prior to signature approval of the preliminary plan, the Stormwater Management Plan should be approved if required by DER. Development must be in accordance with the approved plan.
11. Variances Section 27-422(b), Table 1, Net Lot Area, of the Zoning Ordinance requires a minimum net lot area in the R-R Zone of 20,000 square feet for the construction of a single-family dwelling. Proposed Lot 6, Block 2, is 12,820 square feet. A variance of 7,198 square feet is required. At the time of subdivision of the property to the south and the north, the minimum net lot area in the R-R Zone was 10,000 square feet. The average lot size of the subdivision to the south is 10,000 square feet. The minimum net lot area of the lots to the north is 20,000 square feet. Proposed Lot 6 provides a transition from the subdivision to the south to the subdivision to the north.

The existing residue parcel is grandfathered from the 20,000-square-foot minimum lot size because it was created prior to 1966. Therefore, the existing residue meets the minimum 10,000-square-foot net lot area for the construction of a single family dwelling, without the addition of the outlot or the requirement of a preliminary plan of subdivision. However, a variance of eight feet would be required at the front building line without the outlot. The width of the existing parcel is 72 feet; 80 feet is required. When the outlot is added the width of the proposed lot is 80 feet.

Section 27-230 of the Zoning Ordinance sets forth the required findings for approval of variance requests. The applicant addressed the required findings in the Statement of Justification. Staff concurs and supports the variance. A variance may only be approved if:

- a. **A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic conditions, or other extraordinary situations or conditions.** Proposed Lot 6 has an exceptional shape when compared to the surrounding properties. The majority of the lots in Brookwood and Hollaway Estates subdivision are rectangular, having been the subject of preliminary plans of development. The unusual shape of Lot 6 would be due to its status as a residue parcel of land. Not having been the subject of a preliminary plan of development, it is a leftover from the two previous subdivisions mentioned above. Residue parcels such as this rarely occur in the modern subdivision process. This type of omission would come into question with the development of the surrounding properties.
- b. **The strict application of the Zoning Ordinance will result in peculiar and unusual practical difficulties to or exceptional or undue hardship upon the owner of the property.** The property which is the subject of this application has remained vacant and in its configuration since the subdivision of Hollaway Estates in 1964. The abutting properties are developed with single-family dwellings and no additional land can be added to this property. Without the approval of the variance, the property will remain vacant and unusable as a single-family dwelling unit lot.

- c. **The variance will not substantially impair the integrity of the General Plan or Master Plan.** Staff has reviewed the subject application and associated variance for compliance with the current Master Plan and General Plan and has found the application in conformance with the recommendation contained in the Master Plan. Approval of this variance will not impair the intent, purpose, or integrity of the General Plan or Master Plan.

Staff recommends approval of VP-01090 from the minimum net lot area for Lot 6, Block 2, based on the preceding findings.

RECOMMENDATION

APPROVAL, subject to the following conditions:

1. Prior to the issuance of a building permit, the applicant, his heirs, successors and/or assigns shall pay an Adequate Public Facilities fee of \$1,920.00 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. This adequate public facilities fee would be laced in an account to relive overcrowding at James Madison Middle and Frederick Douglass High Schools.
2. No permits shall be issued for this subdivision until the project capacities at all the affected schools are less than or equal to 130 percent or 4 years have elapsed since date of the adoption of the resolution for approval of this preliminary plan of subdivision.
3. Development of this subdivision shall be in accordance with the approved Stormwater Management Concept Plan.
4. Prior to approval of the Final Plat of Subdivision, the applicant, his heirs, successors and/or assigns shall pay a fee-in-lieu of parkland dedication.
5. Prior to signature approval, the preliminary plan shall be revised:
 - a. To indicate the stormwater management approval number and approval date.
 - b. To clearly show that Outlot A is the old designation and that the property is to be known as Lot 6, Block 2.
 - c. To provide reference to the variance number and the specifics of that case.