

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Preliminary Subdivision Plan 4-02022
Corey Chase Property, Lots 1 - 3

OVERVIEW

The proposed subdivision consists of approximately two acres of land in the R-R Zone. The subject property is known as Parcel 249 on Tax Map 145, in Grid B-1, never having been the subject of a record plat. The applicant is proposing to subdivide Parcel 249 into 3 lots, all which exceed the 20,000-square-foot minimum lot size required for conventional development in the R-R Zone. Parcel 249 is currently vacant. Proposed Lot 1 is 21,348 square feet. Proposed Lot 2 is 37,391 square feet and is a flag lot as discussed further in Finding 12 of this report. Proposed Lot 3 is 20,061 square feet in size. Lots 1, 2 and 3 are proposed with frontage on and direct vehicular access onto Dyson Road, an 80-foot master plan right-of-way.

The applicant is proposing to ■stack■ Lot 2, the flag lot, behind Lots 1 and 3. The originally submitted preliminary plan showed the flag stem portion of Lot 2 between Lots 1 and 3. A revised preliminary plan was submitted that currently shows the flag stem portion of Lot 2 along the western property line of existing Parcel 249. The flag stem portion of Lot 2 was relocated to correspond with an existing access easement on the abutting property. Although that easement has not been authorized by Subtitle 24 or the Department of Public Works and Transportation, it could in the future. Once it is authorized, it is defined as a street, requiring main building setbacks. This setback could have severely restricted development of Lot 3.

The existing access easement is serving four lots to the north west of the existing parcel and abuts the west property line. The flag stem portion of Lot 2 was relocated to correspond with that existing access on the abutting property because the dwelling on Lot 3 was originally ■sandwiched■ between the access easement serving the four lots to the north west, and the flag stem proposed to serve Lot 2. Both the easement and the driveway to serve Lot 2 as originally proposed would have surrounded Lot 3, creating an island with vehicular traffic on both sides when staff believes to be an undesirable environment for the residence of proposed Lot 3 in this specific case.

SETTING

The subject property is located on the north side of Dyson Road approximately 1,000 feet southwest of its intersection with Lusby Lane in Brandywine. The Brandywine Landing Subdivision is approximately 200 feet to the northeast. The Gwynn Park Middle School is located several thousand feet to the southwest. All of the abutting properties are zoned R-R and are generally undeveloped with the exception of the property to the northwest which is developed with single-family dwellings on large lots. All of the abutting properties are acreage parcels never having been the subject of a record plat.

FINDINGS AND REASONS FOR STAFF RECOMMENDATION

1. Environmental ● This site is subject to the provisions of the Woodland Conservation Ordinance because it is larger than 40,000 square feet in size and contains more than 10,000 square feet of woodlands. A Tree Conservation Plan (TCP) and Forest Stand Delineation (FSD) were required. The simplified FSD has been reviewed and has been found to meet the requirements of the Woodland Conservation Ordinance. Staff is recommending approval of the Type I Tree Conservation Plan, TCPI/24/02.

All of the lots on this subdivision have areas of natural regeneration which are proposed to meet the Woodland Conservation requirements. The lot sizes on this subdivision are between 31,773 and 20,061 square feet. Natural regeneration on lots of this size is not an optimum conservation choice as the long-term survival of woodland area can be compromised. In addition, some of the natural regeneration proposed on Lot 2 is less than the required width of 35 feet. All of the natural regeneration on these lots should be replaced with reforestation on- or off-site or through the use of fee-in-lieu. The payment of a fee-in-lieu would be an appropriate method of meeting the Woodland Conservation requirements when the woodland needed to meet the requirements is less than one acre.

This 2.00-acre, R-R-zoned site is partially wooded. A review of the information available indicates that streams, wetlands, Marlboro clay, steep and severe slopes, and 100-year floodplains are not found to occur on this property. The site is located in the Piscataway Creek watershed, which is a tributary to the Potomac River.

The soils found to occur on this property according to the Prince George's County Soil Survey include the Beltsville and Leonardtown series. The Beltsville and Leonardtown soils have a K factor of 0.43 and are considered highly erodible. There are no rare, threatened, or endangered species located in the vicinity of this property based on information provided by the Maryland Department of Natural Resources - Natural Heritage Program. No historic or scenic roads are affected by this proposal. The sewer and water service categories are S-3 and W-3.

2. Community Planning ● The subject property is located within the limits of the 1993 Master Plan for Subregion V in Planning Area 85A in the Brandywine Community. The 2000 Interim General Plan locates this property in the Developing Tier. The 1993 *Subregion V SMA* classified this property in the R-R Zone.

The master plan Land Use recommendation for the subject site is Low Suburban Residential, at up to 2.6 dwelling units per acre. The proposed three-lot subdivision conforms with the residential land use recommendations of the Subregion V Master Plan.

The master plan identifies Dyson Road as a two- to four-lane collector road, C-528. No master plan public facilities are proposed on this site. A floating symbol for a proposed elementary school is shown to the east of this property on the master plan map. No master plan park proposals affect this site.

3. Parks and Recreation ● In accordance with Section 24-134(a) of the Subdivision Regulations, the Park Planning and Development Division recommends that the applicant pay a fee-in-lieu of the

requirement of mandatory dedication of parkland because the land available for dedication is unsuitable due to its location and topographical conditions.

4. Trails●The Adopted and Approved Subregion V Master Plan recommends that Dyson Road be designated as a Class III bikeway with appropriate signage. Because Dyson Road is a county right-of-way, the applicant should provide a financial contribution to the Department of Public Works and Transportation for the placement of this signage. A note should be placed on the final plat for payment to be received prior to the issuance of the first building permit.

If additional road improvements are required by the Department of Public Works and Transportation, wide outside curb lanes should be considered. In addition, a standard sidewalk is recommended along the subject property's frontage of Dyson Road to safely accommodate pedestrians traveling to the two schools on Dyson Road and other destinations.

5. Transportation●The Transportation Planning Section has reviewed the subject. The application is a preliminary plan of subdivision for a residential development consisting of three single-family dwelling units. The proposed development would generate 2 AM and 3 PM peak hour vehicle trips as determined using the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*.

The Transportation Planning Section has fully reviewed the traffic impact of the proposed residential subdivision in accordance with the *Guidelines*. In reviewing other nearby properties, including the Hampton and the Brandywine Landing subdivisions, the transportation staff has reviewed traffic analyses in this area; therefore, no traffic study was requested of this applicant and none was received. Reference is made here to a memorandum prepared on December 4, 1990. The memorandum has been included in the backup of this staff report and not reiterated in its entirety within the body of this report. This memorandum documents the assumptions regarding the Brandywine Road Club and its potential member properties, and establishes the improvements which are required in the area for Adequate Public Facilities.

The Planning Board noted that no geographic limits for the Road Club membership have been defined, but includes property owners within Employment Area "C," property owners along US 301/MD 5 between T.B. and Mattawoman Creek, and the Brandywine Village M-A-C property, along with any adjacent properties to these, as current or prospective members of the Road Club. The subject property is within the Brandywine Planning Area within one-half mile from the boundary of Employment Area "C" as defined in the Adopted Subregion V Master Plan. The subject property shares common access, common locational attributes (i.e., near US 301 and MD 5), and common patterns of potential trips. Therefore, the transportation staff believes that the subject property is an "adjacent property," and should be considered as a potential contributor to the Road Club. Several residential properties in the area have conditions to contribute to the Brandywine Road Club, including Hampton (4-99048), Brandywine Village (4-94052), Early Haven (4-93059), Brandywine Estates (4-94038), Hudelson's Forest (4-92100), and Brandywine Landing (4-99036).

The memorandum referenced above sets forth the improvements associated with prospective Road Club members. Because the points of access for the properties on the east side of US 301 are so similar, all current or prospective Road Club properties on the east side of US 301 have a similar list of Road Club improvements associated with them. Only in cases where a property does not have direct access to A-63 (otherwise known as the Spine Road) on-site does the list of improvements

change, along with the corresponding payment to the Road Club. In the case where a property on the east side of US 301 is required to construct the on-site portion of the Spine Road, a payment of \$1.41 per gross square foot of building space to cover the cost of Road Club improvements is required. In the case where a property on the east side of US 301 is not required to construct the on-site portion of the Spine Road, a payment of \$2.07 per square foot to cover the cost of Road Club improvements plus a share of the cost of the Spine Road is required.

In the roadway configuration planned under the Road Club for the Brandywine industrial area, the subject property's access to the regional highway facilities would be similar to that of the Road Club properties on the east side of US 301. However, the subject property is proposed for residential use, and the trips generated by the property are overwhelmingly oriented toward MD 5 northbound. Furthermore, the subject property is sufficiently close to the US 301/Dyson Road intersection that trips northbound along US 301 would not require Road Club improvements. Therefore, the Road Club ratables for the subject property should include the interchange at MD 5/A-63 only. For this improvement, the subject property should be assessed the residential equivalent of \$0.33 per square foot for industrial space toward these Road Club improvements, based on the analysis in the December 4, 1990, memorandum.

Furthermore, trips from the subject property would use the Spine Road to access the regional highway facilities; because the subject property cannot participate by constructing the Spine Road on-site, it should also be assessed the residential equivalent of a pro rata cost of \$0.66 per square foot to reimburse the property owners who are required to construct the Spine Road as an arterial on-site in order for all property owners on the east side of US 301 to have adequate access.

In connection with the Hampton CDZ application (Zoning Map Amendment A-9853), a pro rata Road Club contribution rate was developed and approved for residential development. In a similar way, the pro rata contribution for the subject property has been computed as shown below:

- Current and potential members of the Road Club located in the Brandywine Employment Area are paying \$0.33 per square foot of gross floor area to cover their share of the cost of building the MD 5/A-63 interchange. On the average, this payment is \$474.80 per peak hour trip generated. Based on the peak hour trip generation rates associated with single-family detached dwelling units, a Road Club payment of \$392 per single-family dwelling unit is a fair and equitable pro rata payment for the applicant toward this off-site improvement.
- Current and potential members of the Road Club located in the Brandywine Employment Area are paying an additional \$0.66 per square foot of gross floor area to participate in the cost of building A-63 to connect to MD 5 and US 301. On the average, this payment is \$949.60 per peak hour trip generated. Based on the peak hour trip generation rates associated with single-family dwelling units, a Road Club payment of \$783 per single-family detached dwelling unit is a fair and equitable pro rata payment for the applicant to participate in the equivalent cost of building A-63 on-site.
- The cost of off-site improvements plus the equivalent cost of building A-63 on-site result in a cost of \$392 plus \$783, or \$1,175 per single-family detached dwelling unit.

In order to ensure that adequate funding is available in the future to construct the facilities needed to provide adequacy, the County Council, in a May 21, 1991 letter, requested that cost estimates and future pro rata payments include an inflation factor.

This division has reviewed the preliminary plan and found it acceptable. Dedication of 40 feet from center line along Dyson Road, as reflected on the plan, will be required.

The Transportation Planning Section concludes that adequate access roads will exist as required by Section 24-124 of the Subdivision Regulations with conditions.

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, the *Adequate Public Facilities Regulations for Schools* (CR-23-2001), and the changes to the funded school status for the elementary school cluster in accordance with CR-38-2002, and concluded the following:

Finding

Impact on Affected Public School Clusters

Affected School Clusters #	Dwelling Units	Pupil Yield Factor	Subdivision Enrollment	Actual Enrollment	Completion Enrollment	Wait Enrollment	Cumulative Enrollment	Total Enrollment	State-Rated Capacity	Percent Capacity	Funded School
Elementary School Cluster 5	3 sfd	0.24	0.72	4357	220	50	0	4627.72	3971	116.54%	n/a
Middle School Cluster 3	3 sfd	0.06	0.18	4959	43	15	32.22	5049.40	5114	98.74%	n/a
High School Cluster 3	3 sfd	0.12	0.36	9317	172	30	10.08	9529.44	8767	108.70%	Surrattsville addition

Source: Prince George's County Planning Department, M-NCPPC, July 2002

The affected elementary and high school cluster percent capacities are greater than 105 percent. There are no Funded Schools in the affected elementary school cluster. The Surrattsville addition is the Funded School in the affected high school cluster. Therefore, this subdivision can be approved with a six-year waiting period.

Based on this information, staff finds that the subdivision may be approved subject to conditions, in accordance with Section 24-122.02.

7. Fire and Rescue●The Growth Policy and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of public facilities and concluded the following.
- a. The existing fire engine service at Brandywine Fire Station, Company 40, located at 14201 Brandywine Road, has a service response time of 4.40 minutes, which is within the 5.25-minute response time guideline.

- b. The existing ambulance service at Brandywine Fire Station, Company 40, located at 14201 Brandywine Road, has a service response time of 4.40 minutes, which is within the 6.25-minute response time guideline.
- c. The existing paramedic service at Brandywine Fire Station, Company 40, located at 14201 Brandywine Road, has a service response time of 4.40 minutes, which is within the 7.25-minute response time guideline.

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*.

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

- 8. Police Facilities ● The proposed development is within the service area for District V- Clinton police station. In accordance with Section 24-122.1(c) of the Subdivision Regulations the existing county police facilities will be adequate to serve the proposed Corey Chase Property development. This police facility will adequately serve the population generated by the proposed subdivision.
- 9. Health Department ● The Health Department has reviewed the proposed preliminary plan of subdivision and will require that any abandoned well or septic system found within the confines of the property be backfilled and sealed in accordance with COMAR 26.04.04.

The Health Department has noted that a fire pit exists on the property and indicate that the soils and ash in that area should be tested for heavy metals and the results submitted to the Health Department prior to the submittal of the record plat.

- 10. 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, #8187-2002-00, 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 and the preliminary plan revised to indicate the approval date.
- 12. Flag Lot ● The proposal includes one flag lot, proposed Lot 2. Flag lots are permitted pursuant to Section 24-138.01 of the Subdivision Regulations. The proposed flag lot satisfies the design standards found in Section 24-138.01(d) as follows:
 - a. **A maximum of two tiers are permitted.** The applicant is proposing only one flag lot.
 - b. **The flag stem has a minimum width of 25 feet for the entire length of the stem.** The applicant is proposing a 25-foot-wide flag stem.
 - c. **The net lot area, exclusive of the stem, must meet the minimum lot size standard.** Based on the scale drawing, the net lot area of Lot 2 is approximately 31,773 square feet, with the flag stem being 5,618 square feet, exceeding the minimum 20,000 square feet of net lot area for conventional development in the R-R Zone.

Section 24-138.01(d)(6) of the Subdivision Regulations required that the preliminary plan demonstrate compliance to the *Landscape Manual* where a rear yard is oriented toward a driveway that accessed other lots, or toward a front or side yard of another lot. The applicant has demonstrated that adequate area exists to provide an adequate bufferyard for Lot 2. In addition, the TCPI demonstrates existing woodland that would fulfill the requirements of the *Landscape Manual*.

RECOMMENDATION

APPROVAL, subject to the following conditions:

1. Prior to signature approval of the TCPI the plan shall be revised to:
 - a. Remove the natural regeneration designation from all of the lots and use reforestation with larger caliper stock on-site, off-site mitigation, or fee-in-lieu to meet the remaining Woodland Conservation requirements. Adjust the woodland conservation worksheet accordingly. Remaining areas of woodland conservation shall be at least 35 feet in width.
 - b. Include the standard TCPI notes.
 - c. Indicate in the specimen tree table the condition of the trees and whether they are proposed to be saved or removed.
 - d. After the plan has been revised, have the plan reviewed, signed and dated by a qualified professional.
2. No building permits shall be issued for this subdivision until the percent capacity, as adjusted pursuant to the School Regulations, at all the affected school clusters are less than or equal to 105 percent or six years have elapsed since the time of the approval of the preliminary plan of subdivision; or pursuant to the terms of an executed school facilities agreement whereby the subdivision applicant, to avoid a waiting period, agrees with the County Executive and County Council to construct or secure funding for construction of all or part of a school to advance capacity.
3. Development of this subdivision shall be in accordance with the approved Stormwater Management Concept Plan, #8187-2002-00.
4. Prior to signature approval the preliminary plan shall be revised:
 - a. To provide the dimension of the flag stem of Lot 2.
 - b. To demonstrate that the driveway serving Lot 2 has a minimum five-foot setback from the lot lines of the flag stem.
 - c. To provide the approval date of the Stormwater Management Plan, #8187-2002-00.
 - d. To deny access from Lot 2 to the abutting property to the west.
5. Any abandoned well or septic system shall be pumped, backfilled and/or sealed in accordance with COMAR 26.04.04 by a licenced well driller or witnessed by a representative of the Health Department prior to final plat.

6. Prior to the submittal of the final plat the applicant shall submit the results of a TCLP test for heavy metals to the Health Department for soils in the area of the fire pit. The material, if required, shall be properly disposed of in accordance with COMAR 26.04.04 and witnessed by a representative of the Health Department prior to final plat.
7. Prior to the issuance of building permits, the applicant, his heirs, successors and/or assignees shall provide a financial contribution of \$210.00 to the Department of Public Works and Transportation for the placement of a bikeway sign(s) along Dyson Road a designated Class III Bikeway. A note shall be placed on the final record plat for payment to be received prior to the issuance of the first building permit.
8. The applicant and/or the applicant's heirs, successors, or assignees shall contribute toward and participate in the construction of certain additional off-site transportation improvements as identified hereinafter. These improvements shall be funded and constructed through the formation of a Road Club which will include the applicant, the Montgomery Wards Brandywine Distribution Center, the Brandywine Commerce Center, the Mattawoman-Brandywine Commerce Center, the Brandywine Business Park, the Brandywine/301 Industrial Park, the Hampton CDZ, Brandywine Landing, and other property owners in the area designated as Employment Area "C" in the Subregion V Master Plan, as well as any properties along US 301/MD 5 between T.B. (the intersection of US 301 and MD 5 in Prince George's County) and Mattawoman Creek, and any other properties for which participation is deemed necessary by the Planning Board.

For development of the subject property, the applicant's sole funding responsibility toward the construction of these off-site transportation improvements shall be the payment of the following:

For each single-family detached unit, a fee calculated as \$1,175 X (the most recent FHWA Highway Construction Cost Composite Index four-quarter average available at the time of building permit application)/(FHWA Highway Construction Cost Composite Index for first quarter, 1993)

Payment is to be made in trust to the Road Club escrow agent and shall be due, on a pro rata basis, at the time of issuance of building permits. Prior to issuance of any building permit(s), the applicant shall provide written evidence to M-NCPPC that the required payment has been made.

The off-site transportation improvements to be constructed are set forth below. Construction of these improvements shall occur in the sequence in which they appear. Each improvement shall be constructed if and only if sufficient funds for engineering, full design, and construction have been deposited into the Road Club escrow account by Road Club members or said funds have been provided by public agencies. The off-site transportation improvements shall include:

- a. Widen US 301/MD 5 from a four-lane road to a six-lane road beginning at Timothy Branch (north of Cedarville Road) and extending northerly to the US 301/MD 5 interchange (at T.B.). The construction shall be in accordance with presently approved SHA plans.
- b. Install a traffic signal at the A-63/Cedarville Road intersection, provided said signal is deemed warranted by DPW&T.

- c. Make minor widening/stripping improvements to the US 301/MD 5 interchange ramps.
 - d. Widen US 301 from a four-lane road to a six-lane road beginning at the T.B. interchange (US 301/MD 5) and extending northerly to a point approximately 2,500 feet north of MD 381.
 - e. Reconstruct the traffic signal at US 301/MD 381.
 - f. Install a traffic signal at the MD 381/A-63 intersection, provided said signal is deemed warranted by DPW&T and SHA.
 - g. Provide a grade separation at the point the Spine Road crosses US 301 northeast of T.B.
 - h. Reconstruct the traffic signal at MD 5/Brandywine Road.
 - i. Construct an interchange in the area of US 301/MD 5 and Cedarville/McKendree Roads.
 - j. Construct an interchange in the area of MD 5 and A-63 north of T.B.
 - k. Construct A-63 as a six-lane arterial roadway (where off-site) between the US 301/MD 5/Cedarville Road/McKendree Road intersection and MD 5 north of T.B.
 - l. Widen US 301/MD 5 from a six-lane road to an eight-lane road beginning at the T.B. interchange (US 301/MD 5) and extending southerly to Mattawoman Creek.
 - m. Widen MD 5 from a four-lane road to a six-lane road beginning at the T.B. interchange (US 301/MD 5) and extending northerly to a point approximately 2,500 feet north of the planned intersection with A-63.
9. The final plat shall reflect dedication of 40 feet from center line along Dyson Road, as shown on the submitted preliminary plan. Improvements within the dedicated right-of-way shall be determined by the Department of Public Works and Transportation.
10. The final plat shall reflect a note requiring that permit plans for each lot shall provide a driveway with turnaround capabilities in order to minimize the need for vehicles accessing these lots to back onto Dyson Road.

STAFF RECOMMENDS APPROVAL OF TYPE I TREE CONSERVATION PLAN TCPI/24/02.