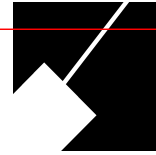


Maryland-National Capital Park and Planning Commission  
 Prince George's County Planning Department  
 Development Review Division  
 301-952-3530

Note: Staff reports can be accessed at [www.mncppc.org/pgco/planning/plan.htm](http://www.mncppc.org/pgco/planning/plan.htm)



Comment [COMMENT1]: WHEN INSERTING INFORMATION AT THE @ SIGN REMEMBER TO USE INDENT FOR SECOND LINE - NOT TAB. ALSO, IT WILL LOOK LIKE THE TEXT IS GOING WACKO, BUT DON'T WORRY - IT IS FINE.

# PRELIMINARY PLAN

4-02038

Application	General Data
Project Name:  OLD FRIENDLY HILLS  Location:  North side of Old Fort Road, approximately 200 feet west of Caltor Lane.  Applicant/Address:  Land & Commercial, Inc. 7901 Branch Avenue Clinton, MD 20735	Date Accepted 05/08/02
	Planning Board Action Limit 10/25/02
	Tax Map & Grid 123/C-01
	Plan Acreage 7.30
	Zone R-E
	Lots 7
	Parcels 0
	Planning Area 76B
	Council District 08
	Municipality N/A
	200-Scale Base Map 213SE02

Purpose of Application		Notice Dates	
RESIDENTIAL SUBDIVISION		Adjoining Property Owners (CB-15-1998)	N/A
		Previous Parties of Record (CB-13-1994)	N/A
		Sign(s) Posted on Site	09/25/02
		Variance(s): Adjoining Property Owners	N/A
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 Plan of Subdivision 4-02038  
Old Friendly Hills, Lots 1 - 7

OVERVIEW

The proposed subdivision consists of approximately 7.30 acres of land in the R-E Zone. The property is known as part of Parcel 16 and is found on Tax Map 123, in Grid C-3. This part of Parcel 16 was created in 2002 by deed (Liber 15750, Folio 222) pursuant to Section 24-107(c) of the Subdivision Regulations, which provides for a family transfer of land without the requirement for a preliminary plan of subdivision. The applicant is proposing to subdivide the subject property into seven single-family dwelling unit lots utilizing the optional design approach of lot size averaging (LSA) as discussed further in Finding 13 of this report. The property is currently improved with a single-family dwelling unit and accessory building. The dwelling and accessory structure are to remain and will be located on proposed Lot 4.

The property has frontage on Old Fort Road, a planned arterial roadway with an ultimate right-of-way of 120 feet. Section 24-121 of the Subdivision Regulations encourages subdivisions to be designed with alternatives to direct vehicular access onto an arterial roadway. If an applicant is unable to do so, the approval of a variation to Section 24-121 is required as discussed further in Finding 13 of this report.

SETTING

The subject property is located on the north side of Old Fort Road approximately 200 linear feet west of Caltor Lane and east of Indian Head Highway in the Friendly community. The property abutting to the north is zoned R-E and improved with single-family dwelling units. To the east is R-R zoned land developed with single-family dwelling units on half-acre lots. To the west is land in the R-E Zone, developed with single-family dwelling units on an average of half-acre lots. South, across Old Fort Road, is generally undeveloped residential land in the R-E Zone.

FINDINGS AND REASONS FOR STAFF RECOMMENDATION

1. Development Data Summary—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone(s)	R-E	R-E
Use(s)	Single-family residential	Single-family residential

Acreage	7.30	7.30
Lots	0	7
Parcels	1	0
Dwelling Units:		
Detached	1	6

2. Environmental Issues—This site is subject to the provisions of the Woodland Conservation Ordinance because it is greater than 40,000 square feet in size and contains more than 10,000 square feet of woodlands. The subject property is 7.30 acres and is heavily wooded except for an area approximately 150 feet wide adjacent to Old Fort Road. A Tree Conservation Plan (TCP) and Forest Stand Delineation (FSD) were required for the review of the proposed preliminary plan. The Environmental Planning Section recommends approval of TCPI/21/02 subject to conditions contained in this report.

A review of the information available indicates that streams, wetlands, Marlboro clay, and steep and severe slopes are found to occur on this property. The site is located in the Broad Creek watershed, which is a tributary to the Potomac River. However, several environmental features have not been shown on the TCPI and Preliminary Plan or have been shown incorrectly. The TCPI and preliminary plan should be revised.

The soils found to occur on this property, according to the Prince George's County Soil Survey, include the Beltsville, Aura and Croom series. All of these soils have a K factor of 0.43 and are considered highly erodible. Marlboro clay has been noted on the northwestern portion of the property according to the map, "Landslide Susceptibility in Prince George's County, Maryland," 1989, USGS. Elevations are estimated to range between 155 feet and 170 feet mean sea level. A geotechnical report provided by the applicant provided limited information on Marlboro clay and slope stability.

A soils study was prepared by the applicant to meet the WSSC sanitary sewer requirements, however, the report does not provide adequate information regarding the possible presence of Marlboro clay or unstable slopes. In addition, the stream channel located on this property has eroded due to an existing stormwater management outfall. Staff is concerned about future stream bank failures due to these issues if structures are placed behind the proposed dwellings.

A revised soils study should be submitted that provides soil borings in areas of suspected Marlboro clay. The borings should be at a depth that results in a clear evaluation of the presence of Marlboro clay. The study should include a map showing the locations of all boreholes, records of the borehole logs, and fence diagrams illustrating the stratigraphy detected. Unless the soils study conclusively demonstrates that there are no slope stability issues or Marlboro clay, a Phase II Study, including critical cross sections, slope stability analysis, and delineation of a 1.5 safety factor line should be required.

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.

3. Variation to Section 24-130—Sections 24-130(b)(6) and (7) of the Subdivision Ordinance provide for the protection of streams and the associated buffers, which comprise the expanded buffer. The expanded buffer includes the 50-foot stream buffer, adjacent wetlands, the 25-foot wetland buffer, the 100-year floodplain, adjacent slopes in excess of 25 percent (severe slopes), and adjacent slopes between 15 and 25 percent on high erodible soils (steep slopes).

Section 24-113(a) of the Subdivision Regulations sets forth the required findings for approval of variation requests for disturbance to those areas. While the requirements for granting zoning variances must be accompanied by specific findings, the requirements for granting subdivision variations are considered less onerous than the granting of zoning variances. Section 24-113(a) reads:

**Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon the evidence presented to it in each specific case that:**

- (1) The granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to other property;**

Variation #1 proposes impacts that are necessary for the installation of a storm drainpipe and rip-rap outfall. This storm drainpipe and outfall will replace an existing storm drainpipe that has created an erosion problem within the stream channel. Variation #2 proposes impacts for the installation of a sanitary sewer line that is necessary to serve the proposed lots. This is only a temporary construction impact. These variations will promote the public safety, health, and welfare and not be injurious to other properties.

- (2) 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;**

Variation #1: According to the variation request, the storm drainpipe and rip-rap outfall are being constructed as part of a DER-approved stormwater management concept plan. This situation is unique in that these stormwater management features are replacing an existing system that provides stormwater management for adjacent residential development. DER will ensure that this is not a disruption in this system's ability to provide stormwater management to those properties.

Variation #2: This sanitary sewer connection is located on the adjacent site to the north. The stream and associated wetlands run the entire length of this property from east to west. Connecting to the existing sanitary sewer pipe requires temporary stream buffer and wetland buffer impacts. This situation is unique to the property because the location of the existing sewer line on the far side of the stream does not allow for a sewer connection without stream impacts.

- (3) The variation does not constitute a violation of any other applicable law, ordinance, or regulation; and**

The granting of the variation requests will not constitute a violation of any other law, ordinance, or regulation because they will be addressed during subsequent reviews, approvals, and permitting processes. State laws allow for impacts to nontidal wetlands if the necessary permits are obtained.

- (4) Because of the particular physical surroundings, shape, or 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;**

Variation #1: The stormdrain pipe and rip-rap outfall are being constructed as part of a DER- approved stormwater management concept plan. These stormwater management features are replacing an existing system that provides stormwater management for an adjacent residential development. The existing steep and severe slopes on this property limit the area where stormwater management may occur. Failure to grant the supported variation would require the proposed subdivision to be significantly redesigned, potentially resulting in more clearing to install additional features.

Variation #2: The location of the stream and wetland buffers on this property creates a particular hardship with respect to providing sanitary sewer service to the proposed lots. In order to eliminate the impact to the stream and wetlands buffers for sanitary sewer service, a deeper connection would have to be established on the other side of Old Fort Road to the west. Providing this connection would involve substantial expense for the additional excavation and the disruption and repair to Old Fort Road.

Staff supports the applicant's request for the approval of the variation request to Section 24-130 of the Subdivision Regulations.

4. Community Planning—The subject property is located within the limits of the 1981 *Master Plan for Subregion VII*, Planning Area 76B, in the Friendly community. The 2002 General Plan locates the property in the Developing Tier. The master plan land use recommendation is for Estate Residential at a density of up to 1.0 dwelling units per acre. The subject application has been evaluated and is consistent with the land use recommendations contained in the master plan.
5. Parks and Recreation—In accordance with Section 24-134 of the Subdivision Regulations, Lot 4 is exempt from the requirement of mandatory dedication of parkland because the dwelling on site is legally existing at the time of this subdivision. In addition, Lot 3 and Lots 5 through 7 are exempt from the requirement of mandatory dedication of parkland because the lots proposed are over one acre in size. However, Lots 1 and 2 are subject to the requirement for the mandatory dedication of parkland. The Park Planning and Development Division recommends the payment of a fee-in-lieu of mandatory dedication for Lots 1 and 2 because the land available for dedication is unsuitable due to its size and location.
6. Trails—The Adopted and Approved Subregion VII Master Plan and the 1985 Equestrian Addendum to the Adopted and Approved Countywide Trails Plan recommends a Class II trail along Old Fort Road. However, the approval for the adjacent subdivision included a recommendation for a wide shoulder (or parking lane) that serves as a Class III bikeway and a standard sidewalk, which has been constructed. In keeping with prior approvals, the applicant should provide a continuation of these existing road improvements unless modified by the operating agency.
7. Transportation— The Transportation Planning Section has reviewed the subdivision application referenced above. The subject property is too small to require a traffic study. Because recent count

data was available, there was no request for other traffic-related data. The findings and recommendations outlined below are based upon a review of these materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*.

#### **Growth Policy—Service Level Standards**

The subject property is located within the developing tier, as defined in the General Plan for Prince George's County. As such, the subject property is evaluated according to the following standards:

**Links and signalized intersections:** Level-of-service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better.

**Unsignalized intersections:** The *Highway Capacity Manual* procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

#### **Staff Analysis of Traffic Impacts**

Staff has determined that the intersection of MD 210 and Old Fort Road North should be the critical intersection for the subject property. This intersection is the nearest signalized intersection to the site and would serve virtually all of the site-generated traffic.

The transportation staff had available counts taken in November 2001 in support of Preliminary Plan 4-02030 for Steed Estates. These counts indicate that the critical intersection operates at LOS F, with a CLV of 1,610 during the AM peak hour. During the PM peak hour, the intersection operates at LOS F, with a CLV of 1,775.

The traffic study for Steed Estates identified several approved but unbuilt developments in the vicinity of the subject site, and Steed Estates itself has also been added to the background condition since that development is approved. There are no funded capital projects in the area of this intersection. The State Highway Administration has a project planning study to upgrade access controls along MD 210 between the Capital Beltway and MD 228, but no improvements are currently funded for construction. With background growth added, the critical intersection would operate as follows: AM peak hour—LOS F, with a CLV of 1,724; PM peak hour—LOS F, with a CLV of 1,872.

With the development of seven residences, the site would generate 5 AM (1 in and 4 out) and 6 PM (4 in and 2 out) peak-hour vehicle trips. The site was analyzed with the following trip distribution: 65 percent—north along MD 210, five percent—west along Old Fort Road North, ten percent—south along MD 210, and 20 percent—east along Old Fort Road North. Given this trip generation and distribution, staff has analyzed the impact of the proposal. With the site added, the critical intersection would operate as follows: AM peak hour—LOS F, with a CLV of 1,725; PM peak hour—LOS F, with a CLV of 1,875.

Given these analyses, staff finds that the nearest critical intersection would operate unacceptably in both peak hours. In response to the inadequacy, the applicant has proffered the same mitigation plan proffered by the applicant for Preliminary Plan 4-02030 did. This plan would widen the westbound Old Fort Road North approach to MD 210 to provide an exclusive left-turn lane, a through lane, and an exclusive right-turn lane. With these improvements in place, the critical intersection would operate as follows: AM peak hour—LOS F, with a CLV of 1,682; PM peak hour—LOS F, with a CLV of 1,779.

The critical intersection is eligible for mitigation under the fourth criterion in the *Guidelines for Mitigation Action* (approved as CR-29-1994). The applicant recommends the improvements described earlier to mitigate the impact of the applicant's development in accordance with the provisions of Section 24-124(a)(6). The impact of the mitigation actions at this intersection is summarized as follows:

IMPACT OF MITIGATION				
Intersection	LOS and CLV (AM & PM)		CLV Difference (AM & PM)	
MD 210/Old Fort Road North:				
Background Conditions	F/1724	F/1872		
Total Traffic Conditions	F/1725	F/1875	+1	+3
Total Traffic Conditions w/Mitigation	E/1682	D/1779	-43	-96

As the CLV at MD 210/Old Fort Road North is between 1,450 and 1,813 during the AM peak hour, the proposed mitigation action must mitigate at least 150 percent of the trips generated by the subject property during the PM peak hour, according to the *Guidelines*. Also, as the CLV is greater than 1,813 during the PM peak hour, the proposed action must mitigate at least 100 percent of the trips generated by the subject property during the AM peak hour. The above table indicates that the proposed action would mitigate at least 100 percent of site-generated trips during the AM peak hour, and it would mitigate more than 150 percent of site trips during the PM peak hour. Therefore, the proposed mitigation at MD 210 and Old Fort Road North meets the requirements of Section 24-124(a)(6)(B)(i) of the Subdivision Ordinance in considering traffic impacts.

The mitigation plan was reviewed by DPW&T and SHA at the time that 4-02030 was reviewed, and their comments are incorporated into the condition recommended for this application, which is identical to that placed on the earlier subdivision.

#### Plan Comments

Old Fort Road North is designated as a collector roadway on the *Subregion VII Master Plan*. However, the *Subregion V Master Plan* amended the Master Plan of Transportation by designating Old Fort Road North as part of the A-65 facility, with A-65 extending from MD 5 to MD 210. This has created a dilemma since there would appear to be two conflicting master plan recommendations, and the situation is complicated by the fact that the 1"=200' topographic sheets continue to show an 80-foot right-of-way (consistent with a collector facility) on the adjacent section of Old Fort Road North. At least one subdivision, Preliminary Plan 4-95127 for Old Fort Forest, was subdivided subsequent to the *Subregion V Master Plan* with dedication of 40 feet from centerline, not 60 feet.

The submitted plan shows dedication of 40 feet from center line along Old Fort Road North. Staff will accept that line of dedication for the following reasons:

1. The public information provided by the Transportation Planning Section was confusing concerning the recommendations along Old Fort Road North. To require the 60-foot dedication on the subject property, particularly since an adjacent property was allowed a 40-foot dedication well after the approval of the *Subregion V Master Plan*, could raise questions of equity.
2. The county can still construct a 56-foot paved section (five lanes or four lanes with a median) within the 80-foot right-of-way. The update of the Master Plan of Transportation, which has begun during the current fiscal year, will offer an opportunity to review right-of-way availability versus facility needs along Old Fort Road North.
3. The applicant will provide a building setback consistent with the future arterial roadway.

Consistent with the *Subregion V Master Plan*, the applicant has filed a variation request from the subdivision regulations for driveway access to an arterial facility. Section 24-121 requires that “lots...proposed on land adjacent to an existing...roadway of arterial or higher classification...be designed to front on either an interior street or a service road.” The transportation staff would agree with the applicant that the depth of the subject property, combined with the stream and its associated buffers, creates a situation that makes it impractical to implement either an interior street system or a service roadway. Staff also agrees that numerous existing lots along Old Fort Road North have direct driveway access to it, leading to the finding that granting this variation would not be detrimental to health, safety, or welfare. The fact that the tract available for subdivision is relatively shallow with significant natural features makes the subject property unique with regard to the variation. Furthermore, the applicant proposes several shared driveways, resulting in a total of four driveways serving seven lots. For these reasons, the Transportation Planning Section agrees with the variation request.

Although the concept for driveway access shows several driveways with a turnaround capability, all driveways must have a turnaround capacity to eliminate the need for vehicles accessing these lots to back onto Old Fort Road North.

### **Transportation Staff Conclusions**

Based on the preceding findings, the Transportation Planning Section concludes that adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Subdivision Regulations if the application is approved with conditions.

8. 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 *Adequate Public Facilities Regulations for Schools* (CR-23-2001 and CR-38-2002) and concluded the following:



### 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 6	6 sfd	0.24	1.44	4549	122	10	63.84	4746.28	4512	105.50%	n/a
Middle School Cluster 3	6 sfd	0.06	0.36	4959	43	15	23.56	5040.92	5114	98.64%	n/a
High School Cluster 3	6 sfd	0.12	0.72	9317	172	30	47.60	9567.32	8767	109.21%	Surrattsville addn.

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

The affected elementary and high school cluster percent capacities are greater than 105 percent. There is no funded school in the affected elementary 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.

9. 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 at Allentown Road Fire Station, Company 47, located at 10900 Old Fort Washington Road, has a service response time of 2.42 minutes, which is within the 5.25-minute response time guideline.
  - b. The existing ambulance at Allentown Road Fire Station, Company 47, located at 10900 Old Fort Washington Road, has a service response time of 2.42 minutes, which is within the 6.25-minute response time guideline.
  - c. The existing paramedic at Allentown Road Fire Station, Company 47, located at 10900 Old Fort Washington Road, has a service response time of 2.42 minutes, which is within the 7.25-minute response time.

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.

10. Police Facilities—The proposed development is within the service area for District IV-Oxon Hill. In accordance with Section 24-122.01(c) of the Subdivision Regulations, the existing county police facilities will be adequate to serve the proposed Old Friendly Hills development. This police facility will adequately serve the population generated by the proposed subdivision.
11. Health Department—The Health Department has determined that an existing well and septic system are located on the property. Prior to approval of the final plat, both systems should be appropriately abandoned.

12. 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, # 17172-2001-00, has been submitted but not yet approved. To ensure that development of this site does not result in on-site or downstream flooding, this concept plan must be approved prior to signature approval of the preliminary plan. Development must be in accordance with this approved plan.

13. Lot Size Averaging—The applicant has proposed to utilize the lot size averaging (LSA) provision in Section 24-121(a)(12) of the Subdivision Regulations for the portion of this property in the R-E Zone.

The subject property is approximately 7.30 acres. Section 27-423 of the Prince George's County Zoning Ordinance establishes 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).
- 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).

For these 7.30 acres located in the R-E Zone, seven lots would be allowed (317,980 square feet/40,000). The applicant proposes seven lots. Five of the proposed lots meet or exceed 40,000 square feet. Therefore, the proposed subdivision meets the minimum zoning ordinance standards for lot size averaging.

Further, 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.**

The property has an unnamed stream along the northern property line, which is a tributary to the Potomac River on site. This environmental feature limits the amount and location of developable land on-site. By utilizing lot size averaging, the applicant has provided reasonable usable lots while protecting the natural features on site. The usable lot areas are consistent with the surrounding lot sizes to the east and west.

- 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.**

Old Fort Forest to the west is zoned R-E and is a ten-lot subdivision approved utilizing the LSA provisions of the Subdivision Regulations. Lot 1, which abuts the Old Fort Forest subdivision, is 37,990 square feet. Lot 2 of the Old Fort Forest subdivision, abutting to the west, is 39,280 square feet.

To the east is the Caltor Manor subdivision, zoned R-R with a minimum lot size of 20,000 square feet. Although the applicant has proposed a 43,996 square-foot lot abutting this R-R-zoned property, the restrictions due to the environmental features on Lot 7 translate to a 20,000 square-foot buildable area. This provides an adequate transition to the Caltor Subdivision to the east.

**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.**

Lot size averaging was utilized for the Old Fort Forest Development to the west to enhance the protection of the same environmental feature, which traverses the subject site. By utilizing LSA, the applicant in both cases has been able to provide reasonably usable yard areas while conserving the wetland and steep and severe slopes that cross the properties from the west to the east.

Staff supports the applicant's proposal to utilize the LSA provision for the development of this property.

14. Variation to Section 24-121—Section 24-121(a)(3) of the Subdivision Regulations establishes design guidelines for lots that front on arterial roadways. This section requires that these lots be developed to provide direct vehicular access to either a service road or an interior driveway when feasible. This design guideline encourages an applicant to develop alternatives to direct access onto an arterial roadway.

The subject property has frontage on and proposes direct vehicular access to Old Fort Road, a 120-foot master plan arterial roadway.

Section 24-113 of the Subdivision Regulations sets forth the required findings for approval of variation requests. Staff supports the variation to allow access to a proposed arterial in this case and makes the following findings:

**A. That the granting of the variation will not be detrimental to the public safety, health or welfare, or injurious to other property.**

One of the purposes of limiting access to an arterial is to enhance public safety, health and welfare. The applicant has proposed abutting driveways for Lots 2 and 3, 4 and 5, 6 and 7. This proposal will reduce the number of access points from a potential of seven to four. The property is currently improved with a single-family dwelling unit with existing access onto Old Fort Road; therefore the net increase in the number of access points is three. Three additional access points at this location onto Old Fort Road will not be detrimental to the public safety, health or welfare, or injurious to other property.

**B. The conditions of 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 subject property is unique to the surrounding property due to the extent of the environmental feature on site. The stream on site does traverse the property to the west but not to the same extent. The property has extensive frontage on Old Fort Road and is relatively narrow in depth. Due to the narrow depth, the provision of an internal public street or service road would severely restrict the possibility for development as well as encourage disturbance to the sensitive site features.

**C. The variation does not constitute a violation of any other applicable law, ordinance, or regulation.**

This will not result in a violation of other applicable laws, ordinances or regulations, nor be injurious to other properties.

- D. **Because of the particular physical surroundings, shape, or 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.**

The applicant would suffer a particular hardship if the strict letter of the regulations were followed since Old Fort Road provides the only frontage to the site. Without access to Old Fort Road the site could not be developed.

#### RECOMMENDATION

APPROVAL, subject to the following conditions:

1. Prior to approval of the final plat of subdivision, the applicant, his heirs, successors and/or assignees shall pay a fee-in-lieu of parkland dedication for Lots 1 and 2.
2. Prior to signature approval, the preliminary plan shall be revised as follows:
  - a. To relocate the ten-foot public utility easement outside the 120-foot ultimate right-of-way.
  - b. To provide a 70-foot front building restriction line on Lot 1.
  - c. To provide a 50-foot front building restriction line on Lot 2.
  - d. To provide a 30-foot front building restriction line on Lot 3.
  - e. To provide the approval date of the Stormwater Management Plan.
3. The final plat of subdivision shall reflect a front building restriction line on Lots 1, 2 and 3, in accordance with Condition 2.b. through 2.c.
4. The applicant shall obtain approval from DPW&T for the construction of double access aprons to be constructed for Lots 2 and 3, Lots 4 and 5, and Lots 6 and 7. Any modification to this condition shall require approval by the Planning Director or the designee.
5. Improvements to Old Fort Road along the property frontage shall include a wide shoulder (or parking lane) that serves as a Class III bikeway and a standard sidewalk, unless modified by DPW&T at the time of construction.
6. 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 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.
7. Prior to signature approval, the FSD shall be revised as follows:
  - a. Provide stand summary sheets and show the locations of the forest stands on the plan.

- b. Provide a legend that includes all the features shown on the plan.
8. Prior to signature approval, the TCP and preliminary plan shall be revised as follows:
- a. Remove the intermittent stream designation from the plans and the legends. Show only the symbol for the centerline of the stream.
  - b. Show the location of the 25-foot wetland buffer.
  - c. Revise the Woodland Conservation Worksheet to show the area of woodlands that is retained but not part of any requirements. Use a pattern on the plan to clearly illustrate the areas preserved but not counted.
  - d. Revise the revision boxes on each plan sheet to describe what revisions were made, when, and by whom.
9. Prior to signature approval of the preliminary plan, a soils study that provides borings regarding Marlboro clay and any potentially unstable slopes shall be submitted to the Environmental Planning Section and the Department of Environmental Resources. Unless the soils study conclusively demonstrates that there are no slope stability issues or Marlboro clay present on the site, a Phase II study, including critical cross-sections, slope stability analysis, and delineation of a 1.5 safety factor line shall be submitted to the Environmental Planning Section for review, and the resultant information shall be shown on the preliminary plan.
10. Prior to the issuance of any permits that impact wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall submit to the M-NCPPC Planning Department copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
11. Prior to the issuance of permits, a Type II Tree Conservation Plan shall be approved.
12. Development of this subdivision shall be in compliance with the approved Type I Tree Conservation Plan (TCPI/21/02). The following note shall be placed on the Final Plat of Subdivision:
- Development is subject to restriction shown on the approved Type I Tree Conservation Plan (TCPI/21/02), 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 will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation/Tree Preservation Policy and Subtitle 25.
13. Prior to signature approval of the Preliminary Plan of Subdivision, the applicant shall submit a copy of the Stormwater Management Concept approval letter. Development of this site is subject to that approval.
14. At the time of final plat approval, the applicant shall dedicate right-of-way along Old Fort Road North of 40 feet from the centerline of the existing pavement.

15. Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction, and (c) have an agreed-upon timetable for construction with the SHA/DPW&T: Widen the westbound approach of Old Fort Road North at its intersection with MD 210 to provide an exclusive left-turn lane (with a length of at least 175 feet plus taper), a through lane, and an exclusive right-turn lane. These improvements shall include any needed signal modifications, signage, and pavement markings.
16. The final plat of subdivision shall carry a note that all driveways shall be designed with a turnaround capability to eliminate the need for vehicles accessing these lots to back onto Old Fort Road North.
17. The existing well and septic system shall be pumped, backfilled and/or sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative of the Health Department prior to final plat.

STAFF RECOMMENDS APPROVAL OF TYPE I TREE CONSERVATION PLAN TCPI/21/02