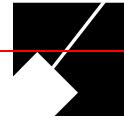


The Maryland-National Capital Park and Planning Commission  
 Prince George's County Planning Department  
 Development Review Division  
 301-952-3530



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.

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

## PRELIMINARY PLAN

**4-02057**

Application	General Data
Project Name:  <b>FOSTER PROPERTY</b>  Location:  End of Crestwood Turn, approximately 200 feet east of the intersection with Crestwood Avenue South.  Applicant/Address:  PDC Land Development, LLC 10451 Twin Rivers Road, #240 Columbia, MD 21044	Date Accepted 07/10/02
	Planning Board Action Limit 10/18/02
	Tax Map & Grid 134/F-02
	Plan Acreage 6.80
	Zone R-R
	Lots 9
	Outlot 1
	Planning Area 85
	Council District 09
	Municipality N/A
	200-Scale Base Map 216SE07

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	10/28/02
			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 4-02057  
Foster Property, Lots 1–9 and Outlot A

OVERVIEW

The proposed subdivision consists of approximately 6.80 acres of land in the R-R Zone. The property is known as Parcel 160 and is found on Tax Map 134, in Grid F-2. The applicant is proposing to subdivide the property into nine single-family dwelling unit lots utilizing the optional design approach of Lot size averaging (LSA) as discussed further in Finding 12 of this report. The property was originally approved as part of the Clinton Areas Subdivision, Preliminary Plan 4-97080, and subsequently recorded in Land Records, CH 191@74, 75 and 76, with the exception of this 6.80 acres of land. The applicant has proposed to reconfigure this portion of the property to accommodate a SMECO right-of-way not previously shown on Preliminary Plan 4-97080. The applicant proposes to underground the existing SMECO power line as discussed further in Finding 13 of this report. The property is improved with an existing single-family dwelling that will remain.

The subject property currently has frontage on Crestwood Turn to the west, an extension of a 60-foot right-of-way from the Clinton Acres subdivision, recorded in 2001, Record Plat CH 191@75. Crestwood Turn is proposed to extend from the west through the proposed subdivision to the east property line. This extension is proposed to connect with Crestwood Turn extended in the Earnshaw Estates subdivision to the east. Earnshaw Estates subdivision was approved in 2001, PGCPB Resolution 01-12, Preliminary Plan 4-00058, that did not include the extension of the Crestwood Turn right-of-way. However, a proposed final plat of subdivision has been submitted by the applicant, but not yet accepted by the Subdivision Section, that demonstrates the extension of Crestwood Turn from the east.

SETTING

The property is located east of MD 5 at the terminus of Crestwood Turn in Brandywine. The site is located between the Earnshaw Subdivision to the west and the Clinton Areas subdivision to the east; both subdivisions are unimproved. To the north is a single-family dwelling unit in the R-R Zone, on an acreage parcel, and to the south is unimproved R-R-zoned land.

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-R	R-R
Use(s)	Residential	Residential
Acreage	6.80	6.80
Lots	0	9
Parcels	1	0
Outlots	0	1
Dwelling Units:		
Detached	1	9

2. **Environmental Issues**—This property is subject to the provisions of the Prince George’s County Woodland Conservation Ordinance because the gross tract area is in excess of 40,000 square feet and there is more than 10,000 square feet of existing woodland on-site.

A Type I Tree Conservation Plan, TCPI/47/97, was previously approved for this property as part of the Clinton Acres subdivision, 4-97080. A Type II Tree Conservation Plan, TCPII/77/01, was later approved for that subdivision with the exception of the area included in this application. Preliminary Plan of Subdivision 4-02050 was approved as a minor subdivision in the Clinton Acres subdivision, revised TCPI/47/97-01, and excluded the property that is the subject of this application.

TCPI/32/02 as submitted for the subject property has been found to generally address the requirements of the Woodland Conservation and Tree Preservation Ordinance. This 6.80-acre property in the R-R Zone has a 20 percent woodland conservation threshold of 1.36 acres and a 0.80-acre replacement requirement for the clearing of woodlands on the property. This 2.16-acre requirement is proposed to be satisfied by 0.81 acre of on-site preservation, 1.17 acres of on-site afforestation/reforestation, and 0.18 acre of fee-in-lieu. TCPI/32/02 is recommended for approval subject to conditions.

A review of the available information indicates that no streams, wetlands, 100-year floodplain, severe slopes, and areas of steep slopes with high erodible soils are found to occur on the property. According to the Prince George’s County Soil Survey, the soils found to occur include Sassafras gravelly loam, which has no significant limitations. Based on available information, Marlboro clays are not found to occur in the vicinity of this property.

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 designated scenic and historic roads in the vicinity of this property. This property is located in the Piscataway Creek watershed of the Potomac River basin and in the Developing Tier as reflected in the adopted General Plan.

3. **Community Planning**—The subject property is within the limits of the 1993 *Subregion V Master Plan*, in Planning Area 85A in the Brandywine Community. The 2002 General Plan locates the property in the Developing Tier.

The master plan land use recommendation from the property is for Low Suburban residential land use at up to 2.6 dwelling units per acre. The proposed subdivision is consistent with the land use recommendations of the master plan.

4. **Parks and Recreation**—In accordance with Section 24-134(a) of the Subdivision Regulations, the Parks Department is recommending the payment of a fee-in-lieu for fulfillment of the mandatory dedication of parkland requirement. The land available for dedication is unsuitable because of its size and topography.
5. **Trails**—The 1993 *Adopted and Approved Subregion V Master Plan* recommends a master plan trail facility along proposed Shady Oak Parkway that extends across the southernmost portion of the property. Although dedication of this portion of C-613 is proposed, the applicant will not be required to construct this collector facility. Construction of the master plan trail will be completed with the construction of the parkway.
6. **Transportation**—The application is a preliminary plan of subdivision for a total of nine residential lots. Using the recommended trip generation rates for residential, the proposed development would generate 8 AM peak hour trips and 9 PM peak hour trips.

No traffic study was requested of the applicant, but recent traffic counts and transportation findings made in support of other surrounding subdivisions were reviewed and deemed to be appropriate for use in this application.

The traffic generated by the proposed preliminary plan would impact the intersection of MD 5 and Earnshaw Drive/Burch Hill Road. This intersection is unsignalized. This intersection is not programmed for any improvement within the next six years in the current Maryland Department of Transportation Consolidated Transportation Program or the Prince George's County Capital Improvement Program. The Prince George's County Planning Board, in the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*, states that vehicle delay exceeding 50 seconds for any movement at unsignalized intersections will be considered as an acceptable operating condition.

Under existing, background and total conditions, the intersection would operate with an average vehicle delay exceeding 999 seconds in both the eastbound and westbound movements, and in the PM peak hour, the intersection would operate with an average vehicle delay exceeding 999 seconds in both the eastbound and westbound movements.

Under total future traffic as developed using the *Guidelines*, adding the impact of the proposed development, the critical intersection was found to be operating with excessive delay. In response to inadequacies identified at unsignalized intersections, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal if it is deemed warranted by the appropriate operating agency.

The warrant study is, in itself, a more detailed study of the adequacy of the existing unsignalized intersection. Staff believe that this study is needed at the intersection of MD 5 and Earnshaw Drive/Burch Hill Road, and that the applicant should be responsible for any improvements identified as necessary by the warrant study. With such a condition, staff believe that the critical intersection will operate acceptably in both peak hours. This condition is identical to the one provided for 4-97080 and 4-02050. It should be noted that this condition will be considered to be fully met for the subject subdivision when it has been met for either 4-97080 or 4-02050.

The access to the proposed lots should be oriented to the planned Crestwood Turn, a 60-foot-wide residential street. It is important to note that portions of Crestwood Turn outside of this subdivision have been dedicated to public use but have not been constructed. Considering the proposed access

orientation, the Department of Public Works and Transportation may determine it necessary for this applicant to construct the entire segment of Crestwood Turn between Crestwood Avenue and Elmwood Drive for access.

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

7. **Schools**—The Historic Preservation 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. These findings are subject to change in accordance with the provisions of CR-23-2001 and CR-38-2002.

**Finding**

**Impact on Affected Public School Clusters**

Affected School Clusters #	Elementary School Cluster 5	Middle School Cluster 3	High School Cluster 3
Dwelling Units	9 sfd	9 sfd	9 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	2.16	0.54	1.08
Actual Enrollment	4357	4959	9317
Completion Enrollment	220	43	172
Wait Enrollment	50	15	30
Cumulative Enrollment	31.20	27.22	54.92
Total Enrollment	4660.36	5044.76	9575.00
State Rated Capacity	3971	5114	8767
Percent Capacity	117.36%	98.65%	109.22%
Funded School	N/A	N/A	Surrattsville

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

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

8. **Fire and Rescue**—The 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 Brandywine Fire Station, Company 40, located at 14201 Brandywine Road, has a service travel time of 5.20 minutes, which is within the 5.25-minute travel time guideline.

- b. The existing ambulance service at Brandywine Fire Station, Company 40, located at 14201 Brandywine Road, has a service travel time of 5.20 minutes, which is within the 6.25-minute travel time guideline.
- c. The existing paramedic service at Brandywine Fire Station, Company 40, located at 14201 Brandywine Road, has a service travel time of 5.20 minutes, which is within the 7.25-minute travel 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.

- 9. **Police Facilities**—The proposed development is within the service area for District V-Clinton. In accordance with Section 24-122.01(c) of the Subdivision Regulations, the existing county police facilities will be adequate to serve the proposed Foster Property development. This police facility will adequately serve the population generated by the proposed subdivision.
- 10. **Health Department**—The Health Department reviewed the preliminary plan of subdivision and offered no comments.
- 11. **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, #19057-2002-00, 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.

The stormwater management concept approval letter refers to the Earnshaw Property (Parent #8324903-200). Stormwater management for the subject property was approved under that “parent” stormwater management plan. This information was provided by the applicant and verified with staff of the Department of Environmental Resources, Permits and Review Division, Engineering and Plans Review Section.
- 12. **Lot Size Averaging**—The applicant has proposed to utilize the lot size averaging (LSA) provision provided for in Section 24-121(a)(12) of the Subdivision Regulations for development of the subject property, zoned R-R.

Section 27-423 of the Prince George’s County Zoning Ordinance establishes the zoning requirements for lot size averaging. Specifically, in the R-R Zone:

- A. **The maximum number of lots permitted is equal to the gross acreage divided by the largest minimum lot size in the zone (20,000 square feet).**
- B. **At least 50 percent of the lots created shall equal or exceed the largest minimum lot size in the zone (20,000 square feet).**

For the 6.80 acres located in the R-R Zone, 14 lots would be allowed ( $296,208 / 20,000 = 14$ ). The applicant proposes nine lots. Eight of the lots meet or exceed the minimum 20,000-square-foot lot size. 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 subject property is elongated, improved with an existing dwelling unit, and will be segmented by the extension of the Crestwood Turn right-of-way through the property. These unique characteristics of this property are better addressed through the use of LSA as opposed to the conventional lot standards of the R-R Zone. Utilizing LSA would allow the applicant to provide 4 of the 9 lots in the subdivision at 15,000 square feet in size.

The applicant has proposed only one of the nine lots below 20,000 square feet. Lot 4, Block A, is proposed at 17,125 square feet with approximately 137 linear feet of street frontage and a lot depth that averages 264 feet. Lot 4, Block A, does have an unusual configuration, coming to a point at the rear property line; however, the lot is relatively flat and provides a usable rear yard for the occupants. Block A of the subdivision is north of Crestwood Turn and Block B is to the south.

Utilizing LSA has allowed the applicant to provide a 62,800-square-foot lot to accommodate the existing dwelling, proposed Lot 1, Block A, which is located toward the center of the northern portion of this property. Lots 1 through 5, Block B, are located on the southern portion of the property and each exceeds the 20,000-square-foot lot size for conventional development in the R-R Zone.

**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.**

The Clinton Acres subdivision to the west was approved in conformance with the conventional development standards of the R-R Zone, with all of the lots abutting the subject subdivision exceeding the minimum 20,000-square-foot minimum lot size in the R-R Zone. All of the abutting lots in the proposed subdivision also exceed those minimum standards, providing a compatible development scenario with the adjacent residential development.

The Earnshaw Estates subdivision to the east was approved in conformance with the LSA provision for development in the R-R Zone. The lots abutting the subject property are between 20,020 and 20,932 square feet. Those lots are oriented with the rear yards abutting the side yards of Lot 4, Block A (17,125 square feet in size), and Lot 1, Block B (21,300 square feet in size), in the proposed subdivision. Lot 4, with an average depth of 264 feet, will have the appearance from the Earnshaw Subdivision of a lot compatible in size. Lot 1 is consistent with conventional development in the R-R Zone and is compatible with the abutting lot in the Earnshaw Estates subdivision.

**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.**

There are no significant natural features between the properties to the west and the east.

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

13. **SMECO Easement**—An existing 30-foot-wide SMECO easement crosses the west side of property in a north to south direction. The SMECO easement crosses proposed Lot 1, Block A, and Lot 3, 4 and 5, Block B. Originally staff was concerned with the proximity of the proposed dwellings and their access locations in relation to the existing overhead power lines.

As a result of staff concerns, the applicant (PDC, Inc.) met with Charles Stone, the District Engineering Supervisor for Charles and Prince George's Districts, SMECO, on September 4, 2002. At that meeting, it was agreed that the undergrounding of the single phase primary electric distribution line, approximately 600 feet, can occur and will be at the sole cost of the applicant. SMECO has agreed to incorporate the conversion design (undergrounding) into the overall design concept for the subdivision.

The undergrounding of the SMECO electric line, which crosses the property, is essential for the safety of the residents and their property. The undergrounding should occur prior to the approval of the final plat of subdivision. If the undergrounding does not occur, staff does not support the proposed layout shown on the preliminary plan of subdivision.

14. **Detailed Site Plan**—Notwithstanding the undergrounding of the SMECO power line, the 30-foot-wide SMECO easement, which is to remain, places additional restrictions on the lotting pattern and the placement of improvements on this property. The building envelopes on proposed Lots 3, 4 and 5, Block B, create a stacking effect most often found in the development of flag lots. However, the layout does not provide the benefits of a good flag lot design and staff does not support the lotting pattern proposed for Lots 3, 4 and 5. A design criteria for the flag lots includes the creation of a courtyard environment. Evaluation includes circulation, outdoor activity area and dwelling unit orientation.

Staff recommends the review of a Detailed Site Plan (DSP) to evaluate the relationship of these three lots, buffering and usable yard area. If the applicant can demonstrate through the review of a detailed site plan an efficient relationship between these three lots, staff would support the number of lots proposed in the subdivision. Due to the possibility of the reduction of one lot and the possible alteration in the lotting pattern, staff recommends that the review and approval of the DSP occur prior to the approval of the final plat of subdivision. This would provide the greatest amount of flexibility to the applicant and the staff and/or Planning Board in the review of the DSP.

## RECOMMENDATION

APPROVAL, subject to the following conditions:

1. 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 6 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.

2. Prior to the approval of the initial building permit within the subject property, the applicant shall submit an acceptable traffic signal warrant study to the State Highway Administration (SHA) for the intersection of MD 5 and Earnshaw Drive/Burch Hill Road. The applicant should utilize a new 12-hour count and should analyze signal warrants under total future traffic as well as existing traffic. If deemed warranted by SHA, the applicant shall bond the signal prior to the release of the initial building permit and install the signal if directed by SHA. The requirement of a signal warrant study may be waived by the responsible highway agency if it is determined that recent studies exist to assess the presence or lack of signal warrants.
3. Prior to approval of the final plat the applicant, the successors and/or assignees shall complete the undergrounding of the existing power line that is located within the 30-foot-wide SMECO easement. The applicant shall demonstrate that the work has been completed and approved by SMECO.
4. Prior to the approval of the final plat of subdivision the applicant, the successors and/or assignees shall obtain approval of a Detailed Site Plan (DSP) from the Planning Board or its designee for Lots 3, 4, and 5, Block B. The DSP shall evaluate the lotting pattern, dwelling unit orientation, compatibility and buffering. The DSP shall evaluate architectural elevations if deemed integral in the compatibility of the dwellings. The DSP may alter the lotting pattern in order to obtain the most beneficial relationship between lots while maintaining conformance to the R-R Zone.
5. Prior to signature approval of TCPI/32/02 the plan shall be revised as follows:
  - a. TCPI Note #4 shall be corrected to reflect a mitigation fee of \$1.50, not the \$1.20 as currently shown on the TCP.
  - b. The TCPI proposes the use of a fee-in-lieu for 0.18 acre. The fee-in-lieu is the last option available and therefore is not acceptable until all other options have been exhausted. The plan shall be revised to provide for 0.18 acre of off-site mitigation.
  - c. The land shown to be dedicated for the future Shady Oak Parkway has been correctly shown in the worksheet as cleared. Revise the TCP to include a text box and reference to this area with a hatching pattern that indicates that this land is being counted as cleared.
6. Development of this subdivision shall be in compliance with an approved Type I Tree Conservation Plan (TCPI/32/02). The following note shall be placed on the Final Plat of Subdivision:

Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/32/02), 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.
7. All afforestation and reforestation on lots shall be protected by permanent fencing, reforestation signs, and at least 50 percent of the planting stock shall be 1 inch caliper or larger.
8. Prior to the approval of the detailed site plan, a Type II Tree Conservation Plan shall be approved for

the property.

STAFF RECOMMENDS APPROVAL OF TYPE I TREE CONSERVATION PLAN TCPI/32/02.