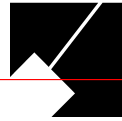


The Maryland-National Capital Park and Planning Commission
 Prince George's County Planning Department
 Development Review Division
 301-952-3530



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.mncppc.org/pgco/planning/plan.htm

PRELIMINARY PLAN

4-02073

Application	General Data
Project Name: SPRING MEADOWS	Date Accepted 08/28/02
Location: Southeast quadrant of Annapolis Road and Church Road	Planning Board Action Limit 11/09/02
Applicant/Address: K & P Builders 13627 Annapolis Road Bowie, MD 20720	Tax Map & Grid 046/D-02
	Plan Acreage 33.01
	Zone R-R
	Lots 52
	Parcels 4
	Planning Area 71A
	Council District 06
	Municipality BOWIE
	200-Scale Base Map 208NE12

Purpose of Application			Notice Dates	
RESIDENTIAL CLUSTER SUBDIVISION			Adjoining Property Owners (CB-15-1998)	N/A
			Previous Parties of Record (CB-13-1994)	N/A
			Sign(s) Posted on Site	10/04/02
			Variance(s): Adjoining Property Owners	N/A
Staff Recommendation			Staff Reviewer: Del Balzo	
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 4-02073
Spring Meadows Cluster

OVERVIEW

The subject property consists of 33.01± acres of land in the R-R Zone. It is currently identified as Parcels 6, 11, 12 and 120, Tax Map 46, Grid D-2. A single-family home appears on Parcel 12, along with several accessory buildings. Two single-family homes and accessory structures exist on Parcel 11 with frontage on Church Road. Both parcels have been extensively farmed. The applicant proposes to subdivide the property into 52 lots for single-family homes under the cluster subdivision provisions. Four parcels for open space and stormwater management are also proposed.

Primary access is provided from MD 450, with secondary access provided from Lakeford Lane. Four lots, including the existing dwellings, will have direct access to Church Road.

Proposed A-44 bisects the property running from north to south. For reasons outlined in the Transportation Finding of this report, staff is not recommending reservation of this facility at this time.

SETTING

The subject property is located at the northern terminus on Lakeford Lane, on the south side of MD 450 and on the east side of Church Road. Single-family homes in the R-R Zone abut the property to the south and to the east, across Church Road. Commercial uses are east and west of the northern portion of the property along MD 450. Wooded land is to the north across MD 450.

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	R-R	R-R
Use(s)	Single-family homes and farming	Single-family detached dwellings
Acreage	33.01	33.01
Lots	0	52

Parcels	4	4
Dwelling Units:		
Detached	3	52

2. **Cluster Development Data as proposed by Applicant—**

Zone	R-R
Gross Tract Area	33.01 acres
Area with Slopes Greater than 25%	0.0 acres
Area within Preliminary 100-year Floodplain	0.0 acres
Area of A-44 Reservation	0.0 acres
Cluster Net Tract Area	33.01 acres
Minimum Lot Size Permitted	10,000 sq.ft.
Minimum Lot Size Proposed	10,000 sq.ft.
Number of Lots Permitted	66
Number of Lots Proposed	52
Flag Lots Proposed	1
Cluster Open Space Required	7.98 acres
2/3 of Required Open Space to be Located Outside of the 100-Year Floodplain and Stormwater Management Facilities	5.35 acres
Cluster Open Space Proposed Outside of the 100-Year Floodplain and Stormwater Management Facilities	11.29 acres
Cluster Open Space Provided	7.98 acres
Mandatory Dedication Required	1.65 acres
Mandatory Dedication Proposed	Private Recreational Facilities
Total Open Space Required (Cluster plus Mandatory Dedication)	9.63 acres
Total Open Space Provided	15.89 acres
Open Space to be Conveyed to Homeowners' Association	15.89 acres
Open Space to be Conveyed to M-NCPPC	0 acres
Open Space to be Conveyed to Prince George's County	0 acres
Slopes Exceeding 25% in grade	0 acres
25% of Steep Slopes	0 acres
Area of Steep Slopes to be Disturbed	N/A acres
Area of Nontidal Wetlands and Waters of the U.S.	0 acres

Modification in Dimensional Standards Permitted in Cluster	Standard in Zone	Modification	
		Allowed	Proposed
27-443.2(c) Net Lot Coverage	25%	30%	30%
27-442(d) Lot Width at Building Line	100'	75'	75'

Lot Frontage Along Street Line	70'	50'	50'
Lot Frontage Along Cul-de-Sac	60'	50'	50'

3. **Cluster Findings**—The design for the proposed cluster subdivision meets the purposes and criteria for approval of cluster developments in the R-R Zone found in Subtitles 27–Zoning and 24–Subdivision of the Prince George’s County Code. The following findings are required in accordance with Section 24-137 of the Subdivision Regulations:

- a. **Individual lots, streets, buildings and parking areas will be designed and situated in conformance with the provisions for woodland conservation and tree preservation set forth in Subtitle 25 of the Prince George’s County Code, and in order to minimize alteration of the historic resources or natural site features to be preserved.**

Comment: Woodland and tree conservation on the subject property will occur at the site’s perimeter in the homeowners’ open space. Most of this property has been farmed, so little woodland exists on site. The applicant has amended the application to include additional land in the subdivision, fronting on MD 450. Much of the tree preservation will occur along this frontage. This approach will provide a degree of buffering between the subject property and MD 450 and adjoining properties. The overall layout of individual lots, streets, buildings and parking areas has been designed and situated so as to minimize alteration of the remaining woodland natural site features to be preserved.

- b. **Cluster open space intended for a recreational or public use, conservation purposes, or as a buffer for a historic resource is appropriate, given its size, shape, topography and location, and is suitable for the particular purposes it is to serve on the site.**

Comment: The cluster open space is intended for both conservation and recreational purposes and is suitable for its intended use. Although generally behind the proposed lots, there is access to the open space from the proposed street. The open space parcel will benefit the development by permanently securing an undeveloped perimeter and by allowing all interior lots to back to open space. This will enhance the living area environment.

- c. **Cluster open space will include irreplaceable natural features located on the tract (such as, but not limited to, stream beds, significant stands of trees, steep slopes, individual trees of significant size, and rock outcroppings).**

Comment: There are few irreplaceable natural features on this site, given its history of being farmed. However, the trees along MD 450 will be saved and these represent the irreplaceable natural features of the property.

- d. **Cluster open space intended for recreational or public use will be easily accessible to pedestrians; and the means of access will meet the needs of the physically handicapped and elderly.**

Comment: The cluster open space originally was hidden behind all of the lots. The original proposal included 52 lots. Staff recommended that the applicant eliminate at least one of these lots, creating a wider view into the open space from the entrance road and allowing for future pedestrian access. The applicant agreed to this and removed one lot. Now, the open

space is not only more visible to the majority of the subdivision, it is more accessible as well. In addition, the applicant acquired additional land to allow the main entrance to be from MD 450. As one enters the site, a wide view of open space is provided.

- e. **Cluster open space intended for scenic value will achieve this purpose through the retention of irreplaceable natural features described above; or where such natural features do not exist, such techniques as berms planted with trees and the use of landscaping material may be required to eliminate visual monotony of the landscape.**

Comment: The cluster open space is mostly cleared. The large trees along MD 450 must be preserved. These provide scenic value to the open space.

- f. **Diversity and originality of lot layout and individual building design, orientation, and location will achieve the best possible relationship between development and the land.**

Comment: The property is basically a large square. It includes a large house with stately trees. The layout allows for the preservation of these trees and also provides opportunity for on-site recreational activities, be they passive or active, allowing the open space to be enjoyed by most of the homeowners. This is the best possible relationship between the development and the land. A conventional layout could lot out much of the open space.

- g. **Individual lots, buildings, parking areas, and streets will be arranged, designed, situated, and oriented so as to harmoniously relate to surrounding properties, to improve the view from dwellings, and to lessen the area devoted to motor vehicle access and circulation.**

Comment: Most of the lots in this case satisfy this requirement. However, several lots continue to cause staff concerns. Section 24-137(d) states, in part:

“Modification of yard, frontage, lot coverage and net lot area requirements may be permitted by the Planning Board in accordance with the pertinent provisions of the Zoning Ordinance for lots within the interior of the cluster subdivision. These provisions represent the theoretical minimum standards and maximum densities permissible in cluster developments. They will not necessarily be acceptable for all cluster developments, and should not be construed to be authorized as a matter of right. These requirements shall not be modified for lots at entrances to cluster developments, or for lots adjoining existing streets along which the cluster development has frontage....”

Proposed Lots 42–45 abut land in the R-R Zone that is not within the subdivision. These lots are not in the “interior” of the proposed subdivision. The applicant proposes these as smaller, 10,000-square-foot lots, when clearly the intent of the Subdivision Regulations is to allow smaller lots in the interior of the property with larger lots around its perimeter. That way, compatibility is assured. Staff recommends that these four lots be reduced to two, creating two 20,000-square foot lots abutting the adjoining property.

- h. **Individual lots, buildings, parking areas, and streets will be so situated and oriented as to avoid the adverse effects of shadows, noise, and traffic on, and afford privacy to, the residents of this site.**

Comment: Lots are not located adjacent to MD 450; instead, open space and woodland will buffer the lots from traffic and noise. Privacy is afforded with the exception of the flag lot, which staff recommends eliminating.

- i. **Not more than one-fourth (1/4) of any of the land having slopes greater than twenty-five percent (25%) will be removed or altered, and then only when the slopes are isolated, small, or otherwise occur as insignificant knolls, so that the design of the development or cluster open space will not be adversely affected.**

Comment: No slopes of 25 percent or greater appear on the site.

- j. **Appropriate landscape screening techniques will be employed at each entrance to the subdivision and along adjoining existing streets, so as to assure the compatibility of the appearance of the cluster subdivision with that of surrounding existing and planned residential development not approved for cluster development, and to provide an attractive appearance from streets. Individual lots shall also be appropriately landscaped in such a manner as to provide an attractive appearance.**

Comment: This issue is best dealt with at the detailed site plan stage. The details of the frontage appearance will be determined at detailed site plan if this application is approved. The lots near the entrance have a larger appearance (in conformance with Section 24-137(d) of the Subdivision Regulations) and the rears will be buffered from streets.

- 4. **Environmental**—A review of the available information indicates streams, 100-year floodplain, severe slopes, and areas of steep slopes with highly erodable soils are not found to occur on the property. Wetlands are located on this site. No transportation-related noise impacts have been found to impact this property. The soils found to occur according to the Prince George's County Soil Survey include soils in the Collington and Shrewsbury series. The Shrewsbury soils have limitations of high water tables and poor drainage. The Collington soils present no difficulties for development. According to available information, Marlboro clay is not found to occur on this property. The sewer and water service categories are S-4 and W-4, according to information obtained from the Department of Environmental Resources dated November 1, 2001. The lots will be served by public systems. According to information obtained from the Maryland Department of Natural Resources—Natural Heritage Program publication entitled "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. Church Road is a Scenic and Historic Road. This property is located in the Western Branch watershed of the Patuxent River basin and in the Developing Tier as reflected in the adopted General Plan.

The revised detailed Forest Stand Delineation (FSD) submitted with this application has addressed some of the comments from the Environmental Planning Section's previous memo; however, additional revisions are needed for the FSD to be in conformance with the Prince George's County *Woodland Conservation and Tree Preservation Technical Manual*.

The FSD identifies numerous trees less than 30 inches in diameter as specimen trees. Specimen trees are only trees greater than 30 inches in diameter. The FSD must be revised to remove any trees identified as specimen trees that are less than 30 inches in diameter. The legend for the FSD also does not list all environmental features as required. Prior to signature approval of the preliminary

plan, the FSD needs to be revised as follows:

- a. Remove any trees identified as specimen trees that are less than 30 inches in diameter.
- b. Include all environmental features in the legend.

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 are more than 10,000 square feet of existing woodland on-site. The revised Type I Tree Conservation Plan, TCPI/39/02, as submitted with this application, has been found to require additional revisions.

The 7.73-acre woodland conservation requirement is proposed to be met by providing a combination of on-site woodland preservation, afforestation and reforestation. However, all the proposed areas of woodland conservation have been measured by staff and found to be incorrect. The TCPI must be revised to reflect the correct amount of on-site woodland conservation. To the extent possible, the woodland conservation requirement shall be met on site.

Afforestation is proposed on Parcel A in areas adjacent to the rear property lines of several houses. In order to ensure the protection of these afforestation areas, a two-rail, split-rail fence shall be constructed along the perimeter of the property lines and the afforestation area. All reforestation and afforestation shall be provided through a combination of seedlings and larger-caliper stock. Additional areas of Parcel A may be used for afforestation in order for the requirements to be met on site. In addition, the legend for the TCP I does not list all environmental features as required. Prior to signature approval of the preliminary plan, TCP I needs to be revised as follows:

- a. Reflect the correct amount of on-site woodland conservation for each area labeled. To the extent possible, the woodland conservation requirements shall be met on site.
- b. Show the location of a split-rail fence along the perimeter of the property lines and the afforestation area in Parcel A. All reforestation and afforestation shall be provided through a combination of seedlings and larger-caliper stock, with the larger-caliper stock being placed in areas closest to the residential lots. The Type II TCP shall show the locations of the larger caliper stock.
- c. Include symbols for the wetlands and 25-foot wetland buffer within the legend.

This site contains significant natural features that are required to be protected under Section 24-130 of the Subdivision Regulations. A wetlands study was submitted with the revised preliminary plan and TCPI. Staff has field-checked the location of the wetlands and found them to be correct. No disturbances are proposed to the wetlands or the 25-foot wetlands buffer. No further information is required with regard to the wetlands study.

This site is adjacent to MD 450, a potential noise generator. The Transportation Section of M-NCPPC has indicated that traffic will be diverted from this section of MD 450 by a realignment to the north of the property. It is anticipated that this section of MD 450 will remain in its current location as a collector road. There are no present noise impacts from MD 450 and no future noise impacts are expected. No further information is needed with regards to noise on this site.

Afforestation is proposed within the stormwater management parcels to fulfill the requirements of the Woodland Conservation Ordinance. A stormwater management concept approval letter has been

submitted, but it does not indicate the allowable use of these areas for afforestation. Stormwater management technical plans or other documentation is needed indicating the concurrence of the Department of Environmental Resources with the use of the stormwater management parcels to satisfy woodland conservation requirements. Prior to certification of the detailed site plan, approved stormwater management technical plans or other documentation must be submitted indicating the concurrence of the Department of Environmental Resources with the use of the stormwater management parcels to satisfy woodland conservation requirements.

5. **Community Planning**—The 2002 *General Plan* places this property in the Developing Tier. The 1991 *Bowie-Collington-Mitchellville and Vicinity Master Plan* recommends residential land use at low-suburban density. The *Bowie-Collington-Mitchellville and Vicinity Sectional Map Amendment* (1991) retained the R-R Zone. This subdivision is in conformance with the *Bowie-Collington-Mitchellville and Vicinity Master Plan* (1991) for low-suburban development.
6. **Parks and Recreation**— In accordance with Section 24-134(a) of the Prince George’s County Subdivision Regulations, Lots 15 and 18 of the proposed subdivision are exempt from mandatory dedication requirements because the dwelling units shown are existing. The remaining lots are subject to mandatory park dedication requirements. Staff recommends that the applicant provide adequate, private recreational facilities in accordance with the standards outlined in the *Parks and Recreation Facilities Guidelines*.
7. **Trails**—The *Adopted and Approved Bowie-Collington-Mitchellville and Vicinity Master Plan* designates Church Road as a trail/bikeway corridor. The trail is being implemented as six-foot-wide asphalt shoulders. If road improvements are required along Church Road, staff recommends the applicant construct the shoulders.

Internal sidewalks are also recommended. However, the Department of Public Works and Transportation (DPW&T) has jurisdiction over the internal road design. DPW&T will determine the appropriateness of internal sidewalks at the street construction permitting stage.

8. **Transportation**— The transportation staff determined that a traffic study was not warranted by the size of the proposed development. Staff did request a traffic count of the applicant, and although the needed count was provided, it was not available to staff until September 17, 2002, or about 20 days prior to the Planning Board date. Staff requests that all counts be available to the staff 30 days prior to the Planning Board date in order that the count might be shared with the operating agencies for comment and so that all needed analyses can be completed. The findings and recommendations outlined below are based upon a review of relevant 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 Adopted 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 traffic controls) if deemed warranted by the appropriate operating agency.

Staff Analysis of Traffic Impacts

The transportation staff is basing its findings on the traffic impacts at two critical intersections:

MD 450/Church Road
Future MD 450/Grenville Lane

Existing Conditions				
Intersection	Critical Lane Volume (AM & PM)		Level-of-Service (AM & PM)	
MD 450/Church Road	1,194	1,608	C	F
Future MD 450/Grenville Lane	Future		--	--

Under existing traffic, the MD 450/Church Road intersection operates unacceptably during the PM peak hour. The *Guidelines* identify signalized intersections operating at LOS D or better during both peak hours as acceptable.

The transportation staff has reviewed approved development in the area (including the entire Fairwood development) and assumed a two percent annual growth rate for through traffic along MD 450 over three years. The State Consolidated Transportation Program includes a project to widen MD 450 and relocate it to the north in this area. The changes will result in the main intersection with MD 450 serving this area being relocated to Grenville Lane, with existing MD 450 becoming a local roadway. This project is fully funded for construction within the next five years and is under construction at this time. The existing MD 450/Church Road intersection will continue to operate as a "T" intersection. Background conditions are summarized below:

Background Conditions				
Intersection	Critical Lane Volume (AM & PM)		Level-of-Service (AM & PM)	
MD 450/Church Road	982	1,167	A	C
Future MD 450/Grenville Lane	1,238	1,322	C	D

The site is proposed for development as a residential subdivision of 52 lots. Using trip generation rates in the *Guidelines*, the proposed use would generate 39 AM (8 in, 31 out) and 47 PM (31 in, 16 out) peak-hour vehicle trips. Staff assumes these trips are distributed as follows:

- 40% - east along existing MD 450
- 5% - east along future MD 450
- 10% - south along Church Road
- 45% - west along present/future MD 450

Given these assumptions, we obtain the following results under total traffic:

Total Traffic Conditions				
Intersection	Critical Lane Volume (AM & PM)		Level-of-Service (AM & PM)	
MD 450/Church Road	1,013	1,193	B	C
Future MD 450/Grenville Lane	1,252	1,331	C	D

Based on the staff's review of transportation adequacy issues in the area, the transportation staff notes that both intersections would operate acceptably in both peak hours.

Plan Comments

There has been considerable discussion about the impact of the proposed development on Lakeford Lane and Westview Forest Drive. The initial plan showed sole access through these roadways, but staff had not believed that the subdivision was sufficiently large enough to pose a traffic calming concern that needed to be addressed. With the addition of an access point directly onto existing MD 450, staff believes this issue is even less significant.

The A-44 facility crosses the subject property north to south. The plan was referred out for potential reservation. Neither the State Highway Administration nor the county's Department of Public Works and Transportation provided comments in writing, but staff has spoken to both agencies, and neither were willing to pursue purchase of the proposed right-of-way (although both agencies have frequently expressed support for the use of reservation where appropriate). Therefore, staff finds that the requirements for placement of a property in reservation under Subtitle 24 have not been met. No agency has supported the reservation and offered a time period required to complete a purchase.

Church Road is being relocated to the west as a future collector facility under the master plan; therefore, dedication as shown on the plan along Church Road is acceptable. Also, MD 450 is being relocated to the north as a future arterial facility under the master plan; therefore, existing dedication along existing MD 450 is acceptable.

Based on the preceding findings, adequate transportation facilities will exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code. No transportation-related conditions are requested at this time.

9. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of public facilities in accordance with Section 24-122.02 of the Subdivision Regulations and the *Adequate Public Facilities Regulations for Schools* (CR-23-2001). **These findings are subject to change in accordance with the provisions of CR-23-2001 and CR-38-2002.**

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 3	Middle School Cluster 2	High School Cluster 2
Dwelling Units	52 sfd	52 sfd	52 sfd
Pupil Yield Factor	0.24	0.06	0.12

Subdivision Enrollment	12.48	3.12	6.24
Actual Enrollment	5,864	4,397	12,045
Completion Enrollment	339	201	412
Wait Enrollment	128	189	377
Cumulative Enrollment	159.36	96.24	192.48
Total Enrollment	6,502.84	4,886.36	13,032.72
State-Rated Capacity	5,054	3,648	10,811
Percent Capacity	128.67%	133.95%	120.55%
Funded School	Bowie, Whitehall	Ernest Everett Just	Frederick Douglass addn.

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

The affected elementary, middle, and high school cluster capacities are greater than 105 percent. There is no funded school in the affected elementary school cluster. Bowie and Whitehall are the funded schools in the affected elementary school cluster. Ernest Everett Just is the funded school in the affected middle school cluster. The Frederick Douglass addition is the funded school in the affected high school cluster. Based on this information, staff finds that the subdivision may be approved subject to conditions, including a three-year waiting period, in accordance with Section 24-122.02.

10. 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 Bowie Fire Station, Company 39, located at 15454 Annapolis Road, has a service travel time of 4.86 minutes, which is within the 5.25-minute travel time guideline.
- b. The existing ambulance service at Bowie Fire Station, Company 39, has a service travel time of 4.86 minutes, which is within the 6.25-minute travel time guideline.
- c. The existing paramedic service at Glenn Dale Fire Station, Company 18, located at 11900 Glenn Dale Boulevard, has a service travel time of 7.03 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.

11. Police Facilities—The proposed development is within the service area for District II-Bowie. In accordance with Section 24-122.1(c) of the Subdivision Regulations of Prince George's County, existing county police facilities will be adequate to serve the proposed Spring Meadows development. This police facility will adequately serve the population generated by the proposed subdivision.

12. Health Department—The Health Department notes that there are existing wells and septic systems

on the property. These must be pumped, backfilled and sealed in accordance with COMAR 26.04.04. There is also a significant amount of debris that has been illegally dumped on the site, including tires. These must be properly disposed of prior to signature approval of the preliminary plan.

13. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan, #23251-2002-00, was approved with conditions on July 31, 2002, to ensure that development of this site does not result in on-site or downstream flooding. This approval is valid through July 31, 2005. Development must be in accordance with this approved plan.
14. **Cemeteries**—The applicant's registered land surveyor has certified that there are no cemeteries on the site.
15. **Flag Lot**—Flag lots are permitted pursuant to Section 24-138.01 of the Subdivision Regulations. The proposed flag lot falls short of the standards of Section 24-138.01(d).
 - A. A maximum of two tiers is permitted. The proposed flag lot represents the second tier.
 - B. The flag stem is a minimum width of 25 feet for the entire length of the stem.
 - C. At 14,125 square feet, the net lot area for proposed Lot 17 (exclusive of the flag stem) exceeds the minimum lot size of 10,000 square feet in the R-R Zone cluster. However, flag lots are not permitted in zones more dense than the R-R Zone. This is because typically lots smaller than 20,000 square feet have difficulty in providing the required bufferyards and setbacks to ensure privacy. Lot 17 is an oddly shaped flag lot and will interfere with the privacy of adjoining properties.
 - D. A building envelope must be established at the time of preliminary plan. The applicant has not included a building envelope on the preliminary plan. If the flag lot remains, this information must be included on the preliminary plan prior to signature approval.
 - E. Shared driveways are only permitted under certain circumstances. The proposal includes no shared driveways.
 - F. Where rear yards are oriented toward driveways, an "A" bufferyard is required. Staff questions whether this can be provided on these lots while still providing adequate useable yard space.
 - G. Where front yards are oriented toward rear yards, a "C" bufferyard is required. In this case, the front yard is oriented toward rear yards. Again, staff is concerned that no adequate useable yards will be available given the bufferyard requirement.

Prior to approval of a flag lot, the Planning Board must make the following findings of Section 24-138.01(f):

- A. **The design is clearly superior to what would have been achieved under conventional subdivision techniques.** The proposed flag lot does not yield a superior design to that which would be allowed conventionally. The flag lot appears to be included to maximize density rather than to provide a superior subdivision. The flag lot is located in a narrow area

between two conventional cluster lots. The relationship between the flag lot and the neighboring lots is odd at best. A far better design would eliminate the flag lot altogether, leaving only three lots fronting on Church Road.

- B. The transportation system will function safely and efficiently.** This flag lot will be the fourth lot fronting on and having direct vehicular access to Church Road. This location is appropriate for reducing the number of curb cuts.
- C. The use of flag lots will result in the creative design of a development that blends harmoniously with the site and the adjacent development.** The use of a flag lot here runs counter to this requirement. Harmonious development, in staff's opinion, does not include the relationships caused by extra lots. In this case, this lot damages an otherwise well-planned cluster subdivision (notwithstanding staff's other concerns regarding the subdivision in general).
- D. The privacy of property owners has been assured in accordance with the evaluation criteria.** Staff is not convinced that the privacy of property owners will be assured by this design. Flag lots are not permitted in any zone with a density higher than that in the R-R Zone. The proposed lot sizes in the area of the flag lots more closely resembles the R-80 Zone, a zone in which flag lots are not permitted, principally because R-80 Zone lot sizes are generally too small to accommodate the additional setbacks and buffering needed to ensure privacy.

The combination of problems associated with this flag lot is a hurdle that cannot be overcome. Therefore, staff recommends that the preliminary plan be revised to eliminate this flag lot and incorporate its land into adjacent lots.

- 16. Variance**—The widening of Church Road will leave one existing house (on proposed Lot 18) with less of a front yard setback than required. The applicant has filed a variation request, but not on time. The Zoning Ordinance requires variance applications to be filed a minimum of 21 days prior to the hearing. The subdivision may be approved with a condition requiring the home to be razed. In lieu of such drastic action, a condition that the variance be approved prior to final plat may also be added. Staff recommends this condition be applied in this case.
- 17. Existing Barn** – Proposed Lot 14 includes a large barn and the note “save existing barn.” Barns are not permitted principle structures in the R-R Zone. If the applicant wishes to keep the barn, Lot 14 will need to be incorporated into Lot 15 where an existing home is to remain. If this lot is to remain, the barn must be razed prior to final plat.

RECOMMENDATION

APPROVAL, subject to the following conditions:

- 1. Prior to signature approval of the preliminary plan, the plan shall be revised as follows:
 - a. Combine Lots 42 and 43 into one lot and combine Lots 44 and 45 into one lot.
 - b. Eliminate the proposed flag lot.

2. Prior to approval of final plats, a detailed site plan shall be approved.
3. The applicant, his successors, and/or assigns, shall provide adequate, private recreational facilities in accordance with the standards outlined in the *Parks and Recreation Facilities Guidelines*, subject to the following:
 - a. A site plan shall be submitted to the Development Review Division (DRD) of the Prince George's County Planning Department, which complies with the standards outlined in the *Parks and Recreation Facilities Guidelines*.
 - b. Three original, executed Recreational Facilities Agreements (RFAs) shall be submitted to the DRD for their approval, three weeks prior to a submission of a final plat. Upon approval by DRD, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.
 - c. A performance bond, letter of credit, or other suitable financial guarantee, in an amount to be determined by DRD, shall be submitted within at least two weeks prior to applying for building permits.
 - d. The developer, his successor and/or assigns shall satisfy the Planning Board that there are adequate provisions to assure retention and future maintenance of the proposed recreational facilities.
 - e. The private recreational facilities shall be reviewed by the Urban Design Review Section of DRD for adequacy and property siting prior to approval of the detailed site plan by the Planning Board.
4. The land to be conveyed to a homeowners association shall be subject to the following:
 - a. Conveyance shall take place prior to the issuance of building permits.
 - b. A copy of unrecorded, special warranty deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division (DRD), Upper Marlboro, along with the final plat.
 - c. All waste matter of any kind shall be removed from the property, prior to conveyance, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section or the entire project.
 - d. The conveyed land shall not suffer the disposition of construction materials, soil filling, discarded plant materials, refuse or similar waste matter.
 - e. Any disturbance of land to be conveyed to a homeowners association shall be in accordance with an approved specific design plan or shall require the written consent of DRD. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement and storm drain outfalls. If such proposals are approved, a written agreement and financial guarantee shall be required to warrant restoration, repair or improvements, required by the approval process.
 - f. Storm drain outfalls shall be designed to avoid adverse impacts on land to be conveyed to a

homeowners association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by DRD prior to the issuance of grading or building permits.

- g. Temporary or permanent use of land to be conveyed to a homeowners association for stormwater management shall be approved by DRD.
 - h. Storm drain outfalls shall be designed to avoid adverse impacts on adjacent land, owned by or to be conveyed to The Maryland-National Capital Park and Planning Commission (M-NCPPC). If the outfalls require drainage improvements on land to be conveyed to or owned M-NCPPC, the Department of Parks and Recreation (DPR) shall review and approve the location and design of these facilities. DPR may require a performance bond and easement agreement prior to issuance of grading permits.
 - i. There shall be no disturbance of any adjacent land that is owned by, or to be conveyed to, M-NCPPC without the review and approval of DPR.
 - j. The Planning Board or its designee shall be satisfied that there are adequate provisions to assure retention and future maintenance of the property to be conveyed.
- 5. Prior to signature approval of the preliminary plan, the applicant shall satisfy the Health Department condition that all illegally dumped debris on the property has been discarded in a proper manner.
 - 6. Prior to approval of the final plats, a variance shall be secured for the front yard setback for the existing house on proposed Lot 18 or the structure shall be razed.
 - 7. Prior to final plat approval, proposed Lot 14 shall be eliminated or the existing barn on it shall be razed.
 - 8. Prior to signature approval, and as required revisions are made to the plans, the revision boxes on each plan sheet shall be used to describe what revisions were made, when and by whom.
 - 9. Prior to signature approval of the preliminary plan, the Forest Stand Delineation shall be revised to:
 - a. Remove any trees identified as specimen trees that are less than 30 inches in diameter.
 - b. Include all environmental features in the legend.
 - 10. Prior to signature approval of the preliminary plan, the TCP I shall be revised to:
 - a. Reflect the correct amount of on-site woodland conservation for each area labeled and overall. To the extent possible, the woodland conservation requirements shall be met on-site.
 - b. Show the location of a split-rail fence along the perimeter of the property lines and the afforestation area in Parcel A. All reforestation and afforestation shall be provided through a combination of seedlings and larger-caliper stock, with the larger-caliper stock being placed in areas closest to the residential lots. The Type II TCP shall show the locations of the larger-caliper stock.

- c. Include symbols for the wetlands and 25-foot wetland buffer within the legend.
- 11. Prior to certification of the detailed site plan, approved stormwater management technical plans or other documentation shall be submitted indicating the concurrence of the Department of Environmental Resources with the use of the stormwater management parcels to satisfy woodland conservation requirements
- 12. Development of this subdivision shall be in compliance with the approved Type I Tree Conservation Plan (TCP I/39/02). 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 (TCP I/39/02), 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."
- 12. At the time of detailed site plan, a Type II Tree Conservation Plan shall be approved.
- 13. If road improvements are required along Church Road, the applicant, his heirs, successors and/or assignees shall construct six-foot-wide shoulders along the property's frontage as a trail/bikeway. If the Department of Public Works and Transportation does not allow these shoulders, this condition shall be void.

STAFF RECOMMENDS APPROVAL OF THE TYPE I TREE CONSERVATION PLAN, TCP I/39/02, WITH REVISIONS.