

The 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.mnccppc.org/pgco/planning/plan.htm.

Preliminary Plan 4-03010

Application	General Data
Project Name: COLLINGTON Location: North side of Old Stage Road, 3,000 feet east of Church Road. Applicant/Address: Marco Homes 4303 Northview Drive Bowie, MD 20715	Date Accepted: 02/27/03
	Planning Board Action Limit: 07/16/03
	Plan Acreage: 17.50
	Zone: R-R
	Lots: 21
	Parcels: 3
	Planning Area: 71A
	Council District: 06
	Municipality: N/A
	200-Scale Base Map: 207NE12&13

Purpose of Application	Notice Dates
RESIDENTIAL SUBDIVISION	Adjoining Property Owners: (CB-15-1998) N/A
	Previous Parties of Record: (CB-13-1997) N/A
	Sign(s) Posted on Site: 05/07/03
	Variance(s): Adjoining Property Owners: N/A

Staff Recommendation		Staff Reviewer: Whitney Chellis	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		

MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Preliminary Plan of Subdivision 4-02072
Collington, Lots 1 – 21, Parcels A, B and C

OVERVIEW

The subject property is located on Tax Map 46 in Grid E-3 and is known as Parcels 21, 14 and 65. All three parcels are acreage parcels never having been the subject of a record plat of subdivision. The applicant is proposing to subdivide the property into 21 lots for the construction of single-family dwelling units and 3 parcels. The applicant is proposing to utilize the optional design approach of Lot Size Averaging (LSA) as provided for in Section 24-121 of the Subdivision Regulations.

The applicant previously submitted Preliminary Plan 4-02072, which was subsequently withdrawn. That preliminary plan was proposed as a cluster subdivision with 21 lots. The applicant resubmitted the subject application with 21 lots but is not proposing to utilize the cluster development standards. At the time of review of Preliminary Plan 4-02072, Parcels 14 and 65 were in Water and Sewer Service Category 5, with Parcel 21 in Category 4. The applicants proposed use of public water and sewer systems requires a Category 4 and is necessary for the approval of a preliminary plan of subdivision for the use of public systems. The applicant has subsequently obtained a water and sewer service category change to 4 for both Parcels 14 and 65.

Parcel A is to be dedicated to M-NCPPC for the fulfillment of the requirements of mandatory dedication of parkland in accordance with Section 24-134 of the Subdivision Regulations. Parcel A is approximately 36,332 square feet and will be located on the south side of Road B, which is to be constructed by the applicant to provide direct vehicular access to Parcel 20, owned by M-NCPPC to the east.

Parcel B is 141,396 square feet and will contain the required stormwater management facility and be dedicated to a homeowners association. This stormwater management and proposed bio-retention facility will be encumbered by an easement to the benefit of the Department of Environmental Resources for the monitoring and necessary maintenance of the facility.

Parcel C is approximately 1,960 square feet and is proposed to be dedicated to the owners of Lot 1, along the west property line. Lot 1 was created in 1974 via record plat CEC 91 @ 6. That record plat of subdivision recognized an existing 20-foot-wide ingress and egress easement serving an existing dwelling on proposed Lot 1, which crosses the subject property. The applicant is proposing to relocate that existing 20-foot-wide access easement which crosses proposed Lots 1 and 2 along the western property line. The applicant has proposed to create Parcel C to contain the relocated existing easement. Parcel C will then be conveyed in fee-simple to the owner of Lot 1. The proposed preliminary plan of subdivision recognizes the existing situation and is assisting in the relocation of the easement serving existing Lot 1. The applicant has provided evidence of the concurrence of the property owners of Lot 1, Mr. and Mrs. Knott.

SETTING

The subject property is located on the northeast side of Old Fort Road across from Pleasant Valley Drive, west of the City of Bowie. The subject property and surrounding properties are zoned R-R. To the east is land owned by M-NCPPC. To the west is the Bowie Montessori School, and to the north is land previously dedicated to M-NCPPC through the subdivision of the Westview Subdivision, zoned R-O-S.

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)	Vacant	Residential/SFD
Acreage	16.64	16.64
Lots	0	21
Parcels	3	3
Dwelling Units:		
Detached	0	21

2. **Environmental**— The Detailed Forest Stand Delineation (FSD) submitted with this application was reviewed and was found to address the criteria for a Forest Stand Delineation as found in the Woodland Conservation and Tree Preservation Technical Manual. 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. This 16.64-acre property has a net tract area of 14.84 acres, a Woodland Conservation Threshold (WCT) of 20 percent or 2.97 acres, replacement requirements totaling 3.02 acres, for a total requirement of 5.88 acres. This 5.88-acre requirement will be satisfied with a combination of on-site preservation and reforestation and off-site mitigation. The Environmental Planning Section recommends approval of TCPI/38/02 subject to the conditions.

A review of the available information indicates that 100-year floodplain, wetlands, severe slopes, and areas of steep slopes with highly erodible soils are found to occur on the property. 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 Westphalia and Mixed Alluvial Land series. The Westphalia soils are considered highly erodible and have a K Factor of 0.43. The Mixed Alluvial Land soils have limitations of high water tables and flood hazard and are considered hydric. 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.

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. This property is located in the Collington Branch watershed of the Patuxent River basin and in the Developing Tier as reflected in the adopted General Plan.

The Type I Tree Conservation Plan, TCPI/38/02, as submitted with this application has been found to require revisions. The TCPI does not indicate how the 5.88-acre woodland conservation requirement will be satisfied. The Woodland Conservation Worksheet has not been completed on the TCPI. Staff is assuming that a portion of the woodland conservation requirement will be met through off-site mitigation. The 25-foot wetlands buffer has not been shown as previously requested. In addition, the PMA has not been shown on the TCPI as it has been shown on the preliminary plan. The TCPI must be revised to show the correct location of the PMA.

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 this application. Staff has reviewed the wetlands study and found it to be correct. The 100-year floodplain on this site has been based on a DER-approved floodplain study. However, the Subdivision Regulations require that a 25-foot building setback be shown on the Preliminary Plan and this setback has not been shown as previously requested.

Collington Branch is located adjacent to this site, and the Patuxent River Primary Management Area (PMA) associated with this stream extends onto this property. On this site the PMA includes the 25-foot wetlands buffer, floodplain, and the severe slopes and steep slopes on highly erodible soils. The preliminary plan shows the correct location of the PMA; however, the required 25-foot wetlands buffer has not been shown.

The proposed stormwater management facility has been redesigned so as not to impact the PMA. This new design has created a steep grade on Lot 8 and a significantly smaller stormwater management pond. If the pond is required to be larger or its design changes, Lot 8 may need to be eliminated to provide additional space for the pond and ensure the preservation of the PMA to the fullest extent possible. A justification for PMA impact for Lot 8 has not been submitted and would not be permitted after the preliminary plan of subdivision is approved.

3. **Community Planning**—The preliminary plan is located within the limits of the *Bowie-Collington-Mitchellville & Vicinity Master Plan* (1991), in Planning Area 71A in Bowie. The property is located in the Developing Tier as defined by the 2002 General Plan. The proposed subdivision is consistent with the master plan and General Plan.

One of the challenges cited for future development in the Developing Tier is “to direct growth in order to encourage design of new communities and neighborhoods, and existing communities to be more land efficient, more environmentally sensitive, and more transit supporting than conventional subdivisions.... The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial Centers, and employment areas that are increasingly transit serviceable.” Goals for the Developing Tier that appear relevant to review of the land use proposed in these applications include:

- a. “Maintain low- to moderate-density land uses (except in Center and Corridors).”
- b. “Reinforce existing suburban residential neighborhoods.”
- c. “Preserve and enhance environmentally sensitive areas.”
- d. “Balance the pace of development with the ability of the private sector to provide adequate transportation and public facilities.”

- e. “Encourage contiguous expansion of development where public facilities and services can be more efficiently provided.”

Development Pattern policies and strategies for the Developing Tier that are relevant to review the type of land use proposed by this application include:

- a. Policy 1: “Encourage low- to moderate-density, transit- and pedestrian-oriented development.”
 - (i) Strategy I: “Promote a greater mix of uses and housing choices in neighborhoods and communities focused around human-scale, mixed use centers accessible by multiple transportation modes.”
 - (ii) Strategy II: “Revise master plans, sector plans and land use regulations to encourage compact neighborhood development on large sites.”

A single-family, detached residential subdivision in this part of the Bowie-Collington community, prepared in accordance with existing regulations, is not inconsistent with the 2002 *General Plan* Developing Tier Policy 1.

Consistency of this application with other 2002 General Plan policies for the Developing Tier has been evaluated by the Countywide Planning Division and found to be consistent:

- a. Policy 2: “Preserve and enhance environmental features and green infrastructure elements.”
- b. Policy 3: “Provide as many multimodal options as possible for new development to reduce the need for new arterial or major collector roads.”
- c. Policy 4: “Plan and provide public facilities to support the planned development pattern.”

The proposed single-family, detached residential preliminary subdivision in the R-R Zone conforms to recommendations of the master plan for Low-Suburban residential land use in this part of the Bowie-Collington community.

- 4. **Parks and Recreation**—In accordance with Section 24-134(a) of the Subdivision Regulations, the Department of Parks and Recreation recommends that dedication of Parcel A to M-NCPPC be required for the fulfillment of the mandatory dedication of parkland.
- 5. **Trails**—The Adopted and Approved Bowie-Collington-Mitchellville and Vicinity Master Plan recommends a stream valley park and a master plan trail along the Collington Branch. The northern portion of the subject site includes a small portion of the floodplain of Collington Branch. The adjacent Westview development has already dedicated a large parcel to M-NCPPC on the north side of Collington Branch, and this appears to be the most appropriate location for the stream valley trail. There is no recommendation for construction of the master plan trail on the subject site.

Construction of a standard sidewalk along both sides of all internal roads to safely accommodate pedestrian movement is recommended. In addition, if road frontage improvements are required by DPW&T along Old Stage Road, wide asphalt shoulders are encouraged to safely accommodate

bicycle traffic.

6. **Transportation**—The property is located on the north side of Old Stage Road, approximately 3,000 feet east of its intersection with Church Road. The transportation staff determined that a traffic study was not warranted by the size of the proposed development. Staff did request a traffic count and the needed count was provided at the time of a previous application, Preliminary Plan 4-02072, that was subsequently withdrawn. The count was combined with other counts provided in support of Preliminary Plan 4-02073 to indicate a complete analysis of adequacy. Therefore, 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 2002 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

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

Church Road/Old Stage Road (unsignalized)
MD 450/Church Road
Future MD 450/Grenville Lane

Existing Conditions				
Intersection	Critical Lane Volume (CLV, AM & PM)		Level-of-Service (LOS, AM & PM)	
Church Road/Old Stage Road	12.1*	11.5*	--	--
MD 450/Church Road	1,194	1,608	C	F
Future MD 450/Grenville Lane	Future		--	--
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According the Guidelines, an average delay exceeding 50.0 seconds indicates inadequate traffic operations. Delays of +999 are outside the range of the procedures, and should be interpreted as excessive.				

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 actually 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 (CLV, AM & PM)		Level-of-Service (LOS, AM & PM)	
Church Road/Old Stage Road	20.4*	16.3*	--	--
MD 450/Church Road	1,013	1,193	B	C
Future MD 450/Grenville Lane	1,252	1,331	C	D
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, an average delay exceeding 50.0 seconds indicates inadequate traffic operations. Delays of +999 are outside the range of the procedures, and should be interpreted as excessive.				

The site is proposed for development as a residential subdivision of 21 lots. Using trip generation rates in the Guidelines, the proposed use would generate 16 AM (3 in, 13 out) and 19 PM (13 in, 6 out) peak hour vehicle trips. Staff assumes these trips are distributed as follows:

- 30% - east along existing MD 450
- 5% - east along future MD 450
- 25% - south along Church Road
- 40% - west along present/future MD 450

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

Total Traffic Conditions				
Intersection	Critical Lane Volume (CLV, AM & PM)		Level-of-Service (LOS, AM & PM)	
Church Road/Old Stage Road	21.5*	17.4*	--	--
MD 450/Church Road	1,021	1,201	B	C
Future MD 450/Grenville Lane	1,259	1,335	C	D
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, an average delay exceeding 50.0 seconds indicates inadequate traffic operations. Delays of +999 are outside the range of the procedures, and should be interpreted as excessive.				

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

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 as proposed.

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 concluded the following. **These findings are subject to change in accordance with the provisions of CR-23-2001 and CR-38-2002.**

Finding

Affected School Clusters #	Impact on Affected Public School Clusters		
	Elementary School Cluster 3	Middle School Cluster 2	High School Cluster 2
Dwelling Units	21 sfd	21 sfd	21 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	5.40	1.26	2.52
Actual Enrollment	5619	4896	9660
Completion Enrollment	276	197	393
Wait Enrollment	202	225	451
Cumulative Enrollment	7.44	5.40	10.80
Total Enrollment	6109.48	5325.66	10517.32
State Rated Capacity	5094	4638	10517.32
Percent Capacity	119.93	114.81	119.92
Funded School	Bowie, Whitehall	N/a	Frederick Douglass addn.

Source: Prince George's County Planning Department, M-NCPPC, January 2003

This recommendation is based on the originally submitted preliminary plan that proposed 21 lots. These findings are subject to change in accordance with the provisions of CR-23-2001 and CR-38-2002 and will reflect the number of lots approved by the Planning Board in the Planning Board's preliminary plan resolution if the subdivision is approved.

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

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

8. **Fire and Rescue**—The Historic Preservation 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 6.06 minutes, which is beyond the 5.25-minute travel time guideline.
- b. The existing ambulance service at Bowie Fire Station, Company 39, located at 15454 Annapolis Road, has a service travel time of 6.25 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 8.06 minutes, which is beyond the 7.25-minute travel time guideline. The nearest fire station Bowie, Company 39, is located at 15454 Annapolis Road, which is 6.25 minutes from the development. This facility would be within the recommended travel time for paramedic service.

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*.

In order to alleviate the negative impact on fire and rescue services due to the inadequate service discussed, the Fire Department requires that a fire suppression system be installed in all residential structures in accordance with National Fire Protection Association Standard 13D and all applicable Prince George's County laws. Since this is a matter of existing law, no condition is necessary.

9. **Police Facilities**—The proposed development is within the service area for Police District II-Bowie. In accordance with Section 24-122.1(c) of the Subdivision Regulations, the existing county police facilities will be adequate to serve the proposed Collington development. This police facility will adequately serve the population generated by the proposed subdivision.
10. **Health Department**—The Health Department notes that a significant amount of trash was found on the property including tires and other debris. The tires must be hauled away by a licensed scrap tire hauler to a licensed scrap tire disposal/recycling facility and a receipt for tire disposal must be submitted to the Health Department. All other trash, including domestic and other debris, must be removed and properly discarded.
11. **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, #18986-2002-00, 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.
12. **Lot Size Averaging**—The applicant has proposed to utilize the Lot Size Averaging (LSA) provision set forth in Section 24-121(a)(12) of the Subdivision Regulations for the portion of this property in the R-R Zone.

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 (16.64 acres/20,000= 33).

- b. At least 50 percent of the lots created shall equal or exceed the largest minimum lot size in the zone (20,000).

For the 16.64 acres located in the R-R Zone, 33 lots would be allowed. The applicant proposes 21 lots. Eleven of the proposed lots meet or exceed 20,000 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 subject property contains significant environmental features on the northern portion of the site. The property is encumbered by wetlands, 100-year floodplain, steep and severe slopes. By utilizing the Lot Size Averaging provisions the applicant has been able to preserve these features on a common open space parcel and on large lots, helping to ensure preservation to the greatest extent possible.

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 proposed lots adjacent to Old Stage Road generally meet the minimum lot size standards of the R-R Zone, maintaining a large lot image typical in the R-R Zone. The property to the east of the subdivision is owned by the Department of Parks and Recreation and is currently unimproved. Smaller lots (15,000+ square feet) are provided along this property line and with the open space abutting to the east provide the appearance of larger lots.

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.

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

- 13. **Flag Lots**—The proposal includes two flag lots, proposed Lots 9 and 10. Flag lots are permitted pursuant to Section 24-138.01 of the Subdivision Regulations. The proposed flag lots satisfy the design standards found in Section 24-138.01(d) as follows:

- a. **A maximum of two tiers are permitted.** The applicant is proposing two tiers.
- b. **The flag stem has a minimum width of 25 feet for the entire length of the stem.** The applicant is proposing a 25-foot-wide flag stem.
- c. **The net lot area, exclusive of the stem, must meet the minimum lot size standard.** Lot 9 is 1.59 acres and exclusive of the flag stem, has a net lot area of 1.42 acres. Lot 10 is 31,263 square feet and exclusive of the flag stem has a net lot area of 29,686 square feet.

Section 24-138.01(d)(6) of the Subdivision Regulations requires that the preliminary plan demonstrate compliance to the *Landscape Manual* where a rear yard is oriented toward a driveway that accessed other lots or toward a front or side yard of another lot. The applicant has not demonstrated conformance to the required bufferyards; however, adequate yard areas exist to accommodate bufferyards if required at the time of application of building permits. The preliminary plan should be revised to provide a note regarding the provisions of bufferyards if required. Bufferyards are required based on the dwelling unit orientation, which is not generally determined at this stage of the development process.

Section 24-138.01(f) establishes specific findings for the approval of the use of flag lots. The Planning Board must find the following:

(A) The design is clearly superior to what would have been achieved under conventional subdivision techniques;

The use of flag lots for Lots 9 and 10 allows the dwellings to be set back over 200 to 300 feet from the internal public street on a knoll at the top of the environmental feature. Without the use of the flag lot provisions the applicant could not take advantage of the opportunity to “tuck” the dwellings so far back from the street. Because of the configuration of the property, too much land possible disturbance of the Patuxent Management Area may occur to locate the dwelling where proposed utilizing the flag lot provision.

(B) The transportation system will function safely and efficiently; and

The Transportation Planning Section has evaluated the proposed layout and supports the proposal. The applicant has proposed adequate “flag stems” to support the driveways serving the flag lots and has located the lots at the end of a cul-de-sac to avoid conflict with other traffic.

(C) The use of flag lots will result in the creative design of a development that blends harmoniously with the site and with adjacent development; and

The use of flag lots allows for a unique opportunity to locate the dwellings proposed on Lots 9 and 10 adjacent to significant environmental features that will contain attractive views and wildlife. These properties will be surrounded on three sides by Department of Parks and Recreation property in a natural setting blending with the surrounding properties. Lots 9 and 10 are stacked back into the woods providing a transition from the bulk of the development and the public street.

(D) The privacy of adjoining property owners has been assured in accordance with the evaluation criteria established above.

The applicant’s proposal integrates the proposed flag lots with the existing parkland and homeowners open space. To assure that privacy further, the site will also be evaluated based on the standards contained in the *Landscape Manual*. Appropriate bufferyards are required at the time of building permit if the orientation of the dwellings could adversely affect privacy. The proposed layout assures privacy to the extent possible at this stage of development.

RECOMMENDATION

APPROVAL, subject to the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision the plan shall be revised as follows:
 - a. To provide a note that bufferyards shall be provided in accordance with the *Landscape Manual* at the time of building permits for Lots 9 and 10 if deemed necessary based on dwelling unit orientation.
 - b. To provide a note that the existing 20-foot access easement serving Lot 1 (CEC 91 @ 6) is to be relocated and contained in Parcel C to be conveyed to the owners of Lot 1, as agreed to in the December 17, 2002, letter from Marco Homes to Mr. And Mrs. John Knott (owners). The proposed subdivision is not creating a new easement but only acknowledging existing ingress and egress easement serving Lot 1
 - c. To show the 25-foot building setback from the floodplain.
 - d. To show the location of the 25-foot wetlands buffer.
2. Prior to the issuance of permits a Type II Tree Conservation Plan shall be approved.
3. Prior to building permits the applicant, his heirs, successors and/or assignees shall demonstrate that a homeowners association has been established and that the common areas have been conveyed to the homeowners association.
4. At the time of final plat, the applicant, his heirs, successors and/or assignees shall convey to the homeowners association (HOA) 3.2± acres of open space land (Parcel B). Land to be conveyed shall be subject 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 detailed site 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 by 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. At the time of final plat, in accordance with Section 24-134 and 24-135 of the Subdivision Regulations, the applicant, his heirs, successors and or assignees shall dedicate to The Maryland-National Capitol Park and Planning Commission 36,332 square feet of land, Parcel A. Land to be dedicated shall be subject to the following:
- a. An original, special warranty deed for the property to be conveyed (signed by the Assessment Supervisor, Washington Suburban Sanitary Commission) shall be submitted to the Subdivision Section of the Development Review Division, The Maryland-National Capital Park and Planning Commission (M-NCPPC), along with the Final Plat.
 - b. M-NCPPC shall be held harmless for the cost of public improvements associated with land to be conveyed, including but not limited to sewer extensions, adjacent road improvements, drains, sidewalks, curbs and gutters, and front-foot benefit charges, prior to and subsequent to Final Plat.
 - c. The boundaries and acreage of land to be conveyed to M-NCPPC shall be indicated on all development plans and permits that include such property.
 - d. The land to be conveyed shall not be disturbed or filled in any way without the prior, written consent of the Department of Parks and Recreation (DPR). If the land is to be disturbed, DPR shall require that a performance bond be posted to warrant restoration, repair, or improvements made necessary or required by M-NCPPC development approval process. The bond or other suitable financial guarantee (suitability to be judged by the General Counsel's Office, M-NCPPC) shall be submitted to DPR within two weeks prior to applying for permits.
 - e. Storm drain outfalls shall be designed to avoid adverse impacts on land to be conveyed to or owned by M-NCPPC. DPR shall review and approve the location and design of these facilities. DPR may require a performance bond and easement agreement prior to the issuance of grading permits.

- f. All waste matter of any kind shall be removed from the property to be conveyed. DPR shall inspect the site and verify that it is in acceptable condition for conveyance prior to Final Plat approval.
 - g. No stormwater management facilities, or tree conservation or utility easements shall be proposed on lands owned by or to be conveyed to M-NCPPC without the prior written consent of DPR. DPR shall review and approve the location and/or design of these features. If such proposals are approved by DPR, a performance bond and an easement agreement may be required prior to the issuance of grading permits.
 - h. The applicant, his successors and/or assigns shall submit a letter to the Subdivision Section, DRD, prior to final plat indicating that the Department of Parks and Recreation has conducted a site inspection and found the land to be dedicated to M-NCPPC in acceptable condition for conveyance.
- 6. Development of this property shall be in conformance with the approved Conceptual Stormwater Management Plan, #18986-2002-00.
- 7. Prior to signature approval of TCPI/38/02 the plan shall be revised to:
 - a. Provide a completed Woodland Conservation Worksheet
 - b. Show the correct location of the PMA
 - c. Show the location of the 25-foot wetlands buffer
 - d. Have the revised plan signed and dated by the Qualified Professional that prepared the plan.
- 8. Development of this property shall be in compliance with an approved Type I Tree Conservation Plan (TCPI/38/02). 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/38/02), 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.”
- 9. Prior to the approval of the final plat, Lot 8 shall be eliminated to provide additional space for the stormwater management pond and ensure the preservation of the PMA to the fullest extent possible if the stormwater management pond is required to be larger or its design changes.
- 10. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain all 100-year floodplain, stream buffers, wetlands and wetland buffers and shall be reviewed by the Environmental Planning Section prior to certificate approval.
- 11. The following note shall be placed on the plat:

"Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation is prohibited without prior written consent from the

M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is permitted."

12. The applicant, his heirs, successors and/or assignees shall provide standard sidewalks along both sides of internal public streets unless modified by the Department of Public Works and Transportation at the time of issuance of street construction permits.
13. Prior to the issuance of grading permits the applicant shall submit evidence from the Health Department that the tires found on the property have been hauled away by a licensed scrap tire hauler to a licensed scrap tire disposal/recycling facility.
14. 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.

STAFF RECOMMENDS APPROVAL OF TREE CONSERVATION PLAN TCPI/38/02.