



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

# Preliminary Plan

## 4-03066

Application	General Data
<b>Project Name:</b> <b>LATHAN PROPERTY</b>  <b>Location:</b> North side of Woodyard Road, approximately 500 feet east of Clendinnen Drive.  <b>Applicant/Address:</b> Lathan, Robert 7819 Woodyard Road Clinton, MD. 20735	Date Accepted: 07/15/2003
	Planning Board Action Limit: 01/01/2004
	Plan Acreage: 5.0
	Zone: R-R
	Lots: 3
	Election District: 09
	Planning Area: 81A
	Council District: 09
	Municipality: N/A
	200-Scale Base Map: 210SE08

Purpose of Application	Notice Dates
<b>RESIDENTIAL SUBDIVISION</b>	Adjoining Property Owners: (CB-15-1998) N/A
	Previous Parties of Record: (CB-13-1997) N/A
	Sign(s) Posted on Site: 11/26/03
	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 4-03066  
Robert Lathan Property Lots 1, 2 and 3

OVERVIEW

The subject property is located on Tax Map 108, Grid D-4, and is known as Parcel 24. The property is approximately five acres and zoned R-R. The applicant is proposing to subdivide the property into three lots for the construction of single-family dwelling units. The applicant is proposing one flag lot as discussed further in Finding 12 of this report. The property is improved with an existing dwelling that is to be razed.

The flag lot is Lot 1; the flag stem for Lot 1 extends along the northeast property line to Woodyard Road. The property to the northeast is an existing landscaping contractor business (SE-3254). The *Landscape Manual* identifies this use as an incompatible use to a single-family dwelling unit and requires additional building setbacks and landscape buffers between incompatible uses. The *Landscape Manual* requires a 40-foot building setback and a 30-foot landscape yard along the northeast property line on the subject property.

The applicant has proposed an alternative method of compliance from the strict requirements of the *Landscape Manual* to buffer these uses from one another. The applicant has located the flag stem along the northeast property line to increase the distance from the residence to the use on the abutting property. The proposed number of plant units meets the minimum requirement for the "C" bufferyard. The applicant has filed a request for alternative compliance, AC-03032 (attached), that has been recommended for approval by the Alternative Compliance Committee and the Planning Director. The alternative compliance request is a companion case to this preliminary plan of subdivision application.

The property is located on the northwest side of Woodyard Road, a master plan arterial roadway. Section 24-121 of the Subdivision Regulations recommends that access to an arterial be via an interior street or service road. Because of the narrow width (216 feet) and exceptional depth (995 feet after dedication) of Parcel 24, providing an interior dedicated public street is not feasible and no service road exists along Woodyard Road at this time. The applicant has requested a variation from 24-121, as discussed further in Finding 13 of this report, and has proposed direct vehicular access onto Woodyard Road. Section 24-121 also requires that residential lots fronting on an arterial roadway be platted with a minimum depth of 150 feet. Lots 2 and 3 are both proposed with lot depths of 282 feet.

SETTING

The subject property is located on the north side of Woodyard Road approximately 600 feet east of Clendennin Drive in Clinton. The property is south of Andrews Air Force Base. Abutting to the north is vacant land zoned I-4; to the east is a landscaping contractor business on land zoned R-R. To the west is generally vacant residentially zoned land. The Marshall-Walters House (Miller House) is located on property abutting to the west. The property was evaluated in 2002 by the Historic Preservation Commission and was

removed from its inventory of Historic Resources. The Miller House was previously known as Historic Resource 81A-3.

## 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)	Residential	Residential
Acreage	5.0	5.0
Lots	0	3
Parcels	1	0
Dwelling Units:		
Detached	1	3

2. **Environmental**—This site is subject to the provisions of the Woodland Conservation Ordinance because the entire site is more than 40,000 square feet in size and has more than 10,000 square feet of woodland. The Type I Tree Conservation Plan, TCPI/42/02, has been reviewed. The plan proposes clearing 1.19 acres of the existing 2.28 acres of upland woodland and no clearing of any of the 1.06 acres of floodplain woodland. The woodland conservation requirement has been correctly calculated as 0.92 acre. The plan proposes to meet the requirement by providing 1.02 acres of on-site preservation. The proposed woodland conservation areas will provide additional protection to the stream and wetlands and will provide screening of individual houses and yards. Staff recommends approval of the proposed tree conservation plan.

Based on the most recent Air Installation Compatible Use Zone Study released to the public in August 1994 by Andrews Air Force Base, aircraft-generated noise is significant. The study indicates that the noise threshold is within 65-70 dBA (Ldn). This noise level is above the state acceptable noise level for residential land uses. It will not be possible to mitigate aircraft noise in the outdoor activity areas; however, the use of proper construction materials could ensure that the noise inside of the residential structures does not exceed 45dBA (Ldn).

Woodyard Road is a potential transportation-generated noise source. The standard model for a soft surface transmission used by the Environmental Planning Section predicts the unmitigated 65 dBA (Ldn) noise contour to be approximately 144 feet from the centerline of Woodyard Road. The proposed structures as shown will provide significant noise mitigation for the rear yard outdoor activity areas from the transportation-generated noise.

According to the *Prince George's County Soils Survey*, the predominant soil types on site are Bibb, Sassafras, and Woodstown series. Almost all of the proposed development is within the area shown to have Sassafras series soils. These soils pose no special problems for development and are

generally suited for infiltration of stormwater runoff. Bibb and Woodstown soils are subject to impeded drainage and a high water table.

The site contains significant natural features that are required to be protected under Section 24-130 of the Subdivision Regulations. There are wetlands, streams and 100-year floodplain on the site associated with Piscataway Creek in the Potomac Watershed. The stream, 50-foot stream buffers, wetland, and 25-foot wetland buffers are shown on the plans. No impacts to the expanded stream buffer are proposed. At time of final plat, a conservation easement should be established that will protect the expanded stream buffer.

3. **Community Planning**—The property is located within the limits of the 1993 master plan for Subregion V, Planning Area 81A, in the Clinton Community. The master plan land use recommendation for the property is for low-density suburban residential. The 2002 General Plan locates the property in the Developing Tier. The proposed subdivision is consistent with the recommendation of the master plan and the General Plan.
4. **Department of Parks and Recreation**—In accordance with Section 24-134(a) of the Subdivision Regulations, the Department of Parks and Recreation recommends the payment of a fee-in-lieu of the requirement of mandatory dedication of parkland because the land available for dedication is unsuitable due to its size and location. The amount of land required for dedication is 2,400 square feet and is not abutting an existing public park. Lot 1 is exempt for the requirement of mandatory dedication because it is greater than one acre.
5. **Trails**—There are no master plan trails issues associated with this application.
6. **Transportation**—The application is a proposal for a residential subdivision of three lots. The proposed development would generate 2 AM and 3 PM peak-hour vehicle trip as determined using the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*. The guidelines state that the Planning Board may find that the traffic impact of a very small development, defined as a development, which generates five or fewer peak-hour trips, is a de minimus, or insignificant, impact.

Woodyard Road (MD 223) is an arterial facility with a total right-of-way width of 120 feet in the vicinity of subject site. Arterial facilities carry a significant amount of traffic and are not to be used to provide individual lot access. Since there are no lower-type facilities that can be used for providing access to the proposed subdivision, staff recommends that common access points be used where feasible, subject to SHA approval. The needed and required right-of-dedication is 60 feet from the existing centerline. Staff recommends that the building permit plans for Lots 1, 2 and 3 demonstrate driveways with turn-around capabilities to avoid vehicles having to back out onto Woodyard Road.

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 Prince George's County Code if the application is approved.

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:

## Finding

### Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 5	Middle School Cluster 3	High School Cluster 3
Dwelling Units	3 sfd	3 sfd	3 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	0.72	0.18	0.36
Actual Enrollment	4,452	4,598	8,393
Completion Enrollment	180	66	132
Wait Enrollment	20	15	29
Cumulative Enrollment	238.80	151.32	302.64
Total Enrollment	4,891.52	4,830.50	8,857
State Rated Capacity	4,175	5,114	7,752
Percent Capacity	117.16%	94.46%	114.25%
Funded School	N/A	N/A	N/A

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

These figures are correct on the day the school referral was written. Other projects that are approved prior to the public hearing on this project will cause changes to these figures. The numbers shown in the resolution, if approved, are the ones that apply to this project.

County Council bill CB-31-2003 establishes a school facilities surcharge in the amounts of: \$7,000 per dwelling if a building is located between I-495 and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts on existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$12,000 per dwelling for all other buildings.

The school surcharge may be used for the construction of additional school facilities, which are expected to accommodate the new students that will be generated by this development proposal. The Historic Preservation and Public Facilities Planning Section finds that this project meets the adequate public facilities policies of Section 24-122.02, CB-30-2003 and CB-31-2003.

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 Clinton Fire Station, Company 25, located at 9025 Woodyard Road, has a service travel time of 4.00 minutes, which is within the 5.25-minute travel time guideline.

- b. The existing ambulance service at Clinton Fire Station, Company 25, located at 9025 Woodyard Road, has a service travel time of 4.00 minutes, which is within the 6.25-minute travel time guideline.
- c. The existing paramedic service at Clinton Fire Station, Company 25, located at 9025 Woodyard Road, has a service travel time of 4.00 minutes, which is within the 7.25-minute travel time guideline.

The proposed subdivision will be within the adequate coverage area of the nearest existing fire/rescue facilities for fire engine, ambulance, and paramedic services. The above findings are in conformance with the standards and guidelines contained in the *Adopted and Approved Public Safety Master Plan 1990* and the *Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities*.

- 9. **Police Facilities**—The proposed development is within the service area for Police District V-Clinton. In accordance with Section 24-122.1(c) of the Subdivision Regulations, the existing county police facilities will be adequate to serve the proposed Robert Lathan Property development. This police facility will adequately serve the population generated by the proposed subdivision.

The Planning Board's current test for police adequacy is based on a standard for square footage in police stations relative to the number of sworn duty staff assigned. The standard is 115 square feet per officer. As of June 30, 2002, the county had 874 sworn staff and a total of 101,303 square feet of station space. Based on available space, there is capacity for an additional 69 sworn personnel.

- 10. **Health Department**—The Health Department notes that an existing abandoned septic tank may be located on the property. Prior to final plat the applicant should investigate and, if found to occur, the tank must be pumped out by a licensed scavenger and either crushed or backfilled in place. The Health Department notes that a significant amount of domestic trash was found on the property. The debris should be hauled away and properly discarded, prior to approval of the final plat.

- 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, #29001-2002-00, 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. **Flag Lot**—The proposal includes one flag lot, proposed Lot 1. Flag lots are permitted pursuant to Section 24-138.01 of the Subdivision Regulations. The proposed flag lot satisfies the design standards found in Section 24-138.01(d) as follows:

- a. **A maximum of two tiers are permitted.** The applicant is proposing only one flag lot.
- b. **The flag stem has a minimum width of 25 feet for the entire length of the stem.** The applicant is proposing a 34-foot-wide flag stem, as recommended by the Alternative Compliance Committee, to provide adequate buffering between the subject property and the property to the northeast.
- c. **The net lot area, exclusive of the stem, must meet the minimum lot size standard.** Lot 1 has a gross lot area of 3.73 acres and a net lot area of 1.61 acres (minus 100-year

floodplain), exceeding the minimum 20,000 square feet of net lot area for conventional development in the R-R Zone. The net lot area of 1.61 minus the flag stem (.22 acre) is 1.39 acres or 60,548 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 accesses other lots, or toward a front or side yard of another lot. The applicant has proposed a landscape plan that conforms to these requirements. However, the plan does not meet the requirement of the *Landscape Manual* for required bufferyards for incompatible uses. The applicant has requested alternative compliance from Section 4.7. along the northeast property line. The Planning Director recommends approval of AC-03032, which provides an alternative to the strict compliance with the *Landscape Manual*.

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.** Because of the exceptional lot depth (995 feet after dedication) and narrow lot width (216 feet), the use of a flag allows for the creation of three lots which all conform to the minimum requirements for conventional development in the R-R Zone.
  - b. **The transportation system will function safely and efficiently.** The driveway entrance to the flag lot has been proposed opposite the existing driveway across Woodyard Road, and the driveways for the remaining two lots are proposed with one access apron, reducing the number of access points onto Woodyard Road to two. Staff is recommending that the building permit plans for each dwelling unit demonstrate a driveway with turn-around capabilities to avoid vehicles from backing out onto Woodyard Road.
  - 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.** The use of a flag lot provides for the reasonable use of the entire property. The flag lot layout utilizes the existing woodland on site and on adjoining properties to mitigate views and help to blend the existing development with the proposed development.
  - d. **The privacy of adjoining property owners has been assured in accordance with the evaluation criteria established above.** The applicant has proposed alternative compliance for the required bufferyard along the northeast property line and provided an alternative that is creative and provides the best possible bufferyard between the proposed development and the existing development on the abutting property. The interior bufferyards have been provided in accordance with Section 24-138.01 of the Subdivision Regulations and will be further evaluated at the time of review of the building permits.
13. **Variation from 24-121**—The Subdivision Regulations recommends that access to an arterial be via an interior street or service road. The applicant has requested a variation to this requirement. Staff is recommending approval of the variation based on the following:

Section 24-113(a) of the Subdivision Regulations sets forth the required findings for approval of variation requests. Section 24-113(a) reads:

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

- (1) **The granting of the variation will not be detrimental to the public safety, health, or injurious to other property.** Staff is recommending that the applicant provide a double access apron for two lots and a separate access point for the flag lot in the vicinity of the abutting properties site entrance. The property currently has one point of access. The approval of this subdivision would increase the number of access points by one. Staff is recommending that each lot provide a driveway with turn-around capabilities to avoid vehicles having to back out onto Woodyard Road.
- (2) **The Conditions on which the variation is based are unique to the property for which the variation is sought and are not applicable generally to other properties.** The property is too narrow to provide a dedicated public street and have adequate land area to develop with a reasonable lot yield to support the construction of the public street. In addition, Woodyard Road is an arterial facility with no plans for the construction of a service road. The applicant's proposal increases the number of access points by one. The property is unique to the surrounding properties because of its proximity to the landscaping contractor business.
- (3) **The variation does not constitute a violation of any other applicable law, ordinance, or regulation.** The applicant will be required to obtain access permits from the State Highway Administration (SHA) for the additional point of access, the construction of a double access apron, and the relocation of the existing point of access.
- (4) **Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if strict letter of these regulations is carried out.** Because the property is narrow, with 216 linear feet of frontage on Woodyard Road, and exceptionally deep, 995 feet, providing a dedicated public street is not feasible. In addition to the particular shape of the parcel, the site has a significant amount of 100-year floodplain that further restricts development. Without direct vehicular access to Woodyard Road the site could not be developed, which could result in a particular hardship to the owner.

## 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 adjust the gross tract area to reflect the lots proposed.
  - b. To provide the alternative compliance case number (AC-03032) on General Note 18.
  - c. To provide the approval date of the conceptual stormwater management plan.
  - d. To label the ultimate right-of-way of Woodyard Road, demonstrating an ultimate right-of-way of 120 feet.
  - e. To provide a note that building permit plans shall demonstrate driveways with turn-around capabilities.
  - f. To provide a note that double access aprons shall be provided for Lots 2 and 3 unless modified by the State Highway Administration.
  - g. To locate the plant units shown on the west side of the driveway, staggered between Lot 3 and Lot 1, not on the property line on the landscape plan.
  - h. To reflect the Planning Board's action on the landscape plan.
2. Prior to the issuance of permits a Type II Tree Conservation Plan shall be approved.
  3. Prior to the issuance for building permits, the applicant shall obtain approval from SHA for the construction of a double access apron for Lots 2 and 3. Any modification to this condition shall require the approval by the Planning Director or the designee prior to the issuance of building permits.
  4. Prior to approval of the final plat of subdivision, the applicant, his heirs, successors and or assignees shall pay a fee-in-lieu of parkland dedication for Lots 2 and 3 only.
  5. The final plat shall provide a note that the applicant shall provide driveways with turn-around capabilities on each lot in order to minimize the need for vehicles accessing these lots to back onto Woodyard Road.
  6. Development shall be in conformance with the Stormwater Management Concept Plan, #29001-2002-00, once approved.
  7. Prior to the issuance of grading permits, the applicant shall submit evidence from the Health Department that the domestic trash located on the property has been hauled away and properly discarded.
  8. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the expanded stream buffer and shall be reviewed by the Environmental Planning Section prior to certificate approval. In addition, the following note shall be placed on the plat:

“Conservation easements described on this plat are areas where the installation of structures and the removal of vegetation are prohibited without prior written consent from the M-

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

9. 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/42/02), 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.”

10. Prior to the approval of building permits, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building permits, stating that building shells of structures have been designed to reduce interior noise levels to 45 dBA (Ldn) or less.

11. The following note shall be placed on the final plat:

“Properties within this subdivision have been identified as possibly having noise levels that exceed 65 dBA (Ldn) due to military aircraft over flights. This level of noise is above the Maryland designated acceptable noise level for residential uses.”

12. Prior to signature approval of the preliminary plan of subdivision, a copy of the stormwater management concept approval letter shall be submitted to the Development Review Division.

STAFF RECOMMENDS APPROVAL OF TREE CONSERVATION PLAN TCPI/42/02, A VARIATION FROM SECTION 24-121, AND AC-03032.