



Note: Staff reports can be accessed at www.mncppc.org/pgco/planning/plan.htm.

Preliminary Plan 4-03081

Application	General Data
Project Name: NORTHERN ESTATES Location: North side of Northern Avenue, approximately 1,000 feet east of its intersection with Good Luck Road. Applicant/Address: Northern Estates, LLC. 24024 Frederick Road Clarksburg, MD. 20871	Date Accepted: 08/07/03
	Planning Board Action Limit: 11/09/03
	Plan Acreage: 31.93
	Zone: R-E
	Lots: 27
	Parcel: 1
	Planning Area: 70
	Council District: 04
	Municipality: N/A
	200-Scale Base Map: 210/211NE09

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: 10/22/03
	Variance(s): Adjoining Property Owners: NA

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 4-03081
Northern Estates, Lots 1 – 27, Parcel “A”

OVERVIEW

The subject property consists of approximately 31.9 acres of land in the R-E Zone. It is made up of three parcels (Parcels 15, 79 and 147) and improved with several structures that are to be razed. It has been farmed and is partially wooded. The applicant proposes to subdivide the property into 27 lots for single-family detached development, using the Lot Size Averaging technique.

A single access point is proposed on Northern Avenue, a narrow scenic road. All but two lots will have access to the internal street. Two lots will have frontage on and direct vehicular access to Northern Avenue. A stormwater management facility will also be along Northern Avenue.

Four flag lots are proposed. They satisfy the design criteria laid out in the Subdivision Regulations and are a good example of the use of flag lots. Two flag lots are designed to avoid impacts to wetlands, and two are designed in a cluster with two standard lots to create a court-like setting.

SETTING

The property is located on the north side of Northern Avenue, approximately 1,000 feet east of its intersection with Good Luck Road. To the north and west is the Forestgate subdivision of single-family homes in the R-E Zone. To the southeast is undeveloped land in the R-E Zone. To the southwest are single-family homes on large parcels in the R-R Zone.

FINDINGS AND REASONS FOR STAFF RECOMMENDATION

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

	EXISTING	PROPOSED
Zone	R-E	R-E
Uses	Single-family home and farming	Single-family homes
Acreage	33.79	33.79
Lots	0	27
Parcels	3	0
Detached Dwelling Units	3	27

2. **Environmental**—There are wetlands on the property associated with Lottsford Branch of the Western Branch in the Patuxent River watershed. There are no apparent areas of 100-year floodplain, severe slopes, or areas of steep slopes with highly erodible soils on the property. No

transportation-related noise impacts have been found to impact the property. The soils found to occur according to the Prince George's County Soil Survey include soils in the Muirkirk, Keyport and Christiana series. According to available information, Marlboro clay is not found to occur on this property. 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, rare, threatened, or endangered species are not found to occur in the vicinity of this property. There are no designated scenic or historic roads located in the vicinity of this property. This property is located in the Folly Branch watershed of the Patuxent River Basin and in the Developing Tier as reflected in the adopted General Plan.

Woodland Conservation

A revised Detailed Forest Stand Delineation (FSD) was submitted. Based upon nine sample points, four forest stands totaling 9.70 acres are described. The plan shows the location of all wetlands on the site and notes 13 specimen trees on the property and contains a table listing their species, size and general condition. Soils boundaries and characteristics conform to those shown in the *Prince George's County Soils Survey*. The FSD meets the requirements of the Woodland Conservation Ordinance.

This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the area of existing woodland is greater than 10,000 square feet and the area of the property is greater than 40,000 square feet.

The revised Type I Tree Conservation Plan, TCPI/55/03, has been reviewed. The plan proposes clearing 3.30 acres of the existing 9.70 acres of woodland. The woodland conservation threshold for this site is 7.97 acres and the woodland conservation requirement is 9.96 acres. The plan proposes to meet the requirements by providing 5.25 acres of on-site preservation, 0.38 acre of on-site reforestation and 4.36 acres of on-site afforestation for a total of 9.99 acres. The plan proposes retaining an additional 1.15 acres of woodland on-site that is not part of any requirement.

The plan preserves all of the priority woodland on-site and retains additional woodland areas that are for the most part contiguous to the priority woodlands. The plan proposes extensive planting. None of the designated woodland conservation areas will be within 40 feet of the rear of any proposed dwelling nor are any woodland conservation areas within 20 feet of the side of any proposed dwelling. Some areas of reforestation are proposed that will encumber more than 50 percent of some of the proposed lots. In order to ensure that these woodlands survive in perpetuity it is recommended that all areas of reforestation on the proposed lots be placed in a woodland conservation easement. Additionally, the Type II Tree Conservation Plan should show the use of larger caliper stock for these visible planting areas and adequate tree protection devices to ensure the survival of the trees. Staff notes that the use of an off-site easement in lieu of such extensive planting may be an appropriate alternative to the extensive afforestation proposed.

Patuxent River Primary Management Area (PMA)

The site contains significant natural features, which are required to be protected under Section 24-130 of the Subdivision Regulations. The Patuxent River Primary Management Area Preservation Area (PMA) is defined in Section 24-101(b)(10) of the Subdivision Regulations and is an area to be preserved in its natural state to the fullest extent possible. A Jurisdiction

Determination, including a letter and signed plan, was submitted. No impacts to the PMA are proposed.

The *Prince George's County Soils Survey* indicates that the principal soils on the site are in the Muirkirk, Keyport and Christiana series. Muirkirk soils do not pose any difficulties for development. Keyport and Christiana soils are considered highly erodible. Christiana soils pose a problem for foundations because of their high shrink-swell characteristics. A soils report may be required by the Prince George's County Department of Environmental Resources during the permit process review.

Water and Sewer Categories

The property is in Water Category W-4 and Sewer Category S-4; it will be served by public systems.

3. **Community Planning**—The property is in PA 70/Lanham-Severn Road Community and in the Developing Tier, as defined in the 2002 General Plan. 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. The application is not inconsistent with the 2002 General Plan Development Pattern policies for the Developing Tier.

The Glenn Dale-Seabrook-Lanham and Vicinity Master Plan (1993) recommends residential estate land use for the property. The property was retained in the R-E Zone through the District Council approval of the Glenn Dale SMA in 1993. The application is in conformance with the Glenn Dale-Seabrook- Lanham and Vicinity Master Plan. There are no master plan issues associated with this application.

4. **Parks and Recreation**— Proposed Lots 3, 4, 6, 13-16, 19, 20 and 22 of the proposed subdivision are exempt from mandatory dedication of parkland requirements because they are greater than one acre in size. The remaining lots are subject to the mandatory park dedication requirements of Section 24-134 of the Subdivision Regulations.

The applicant has proposed the payment of \$30,000 in lieu of mandatory park dedication. Because the size and location of land available for dedication is unsuitable for park purposes, staff recommends that the Planning Board require the payment of this fee-in-lieu of mandatory park dedication.

5. **Trails**—The Adopted and Approved Glenn Dale-Seabrook-Lanham and Vicinity Master Plan designates Northern Avenue as a Class III Bikeway and recommends appropriate signage. In cases along county rights-of-way, the Planning Board has typically required the applicant to provide a financial contribution of \$210 to the Department of Public Works and Transportation for the placement of this signage. Staff recommends the payment be required in this case.
6. **Transportation**— Due to the size of the subdivision, staff has not required that a traffic study be done. The staff did request traffic counts of the applicant, and turning movement counts at the critical intersection dated October 2003 were provided. Therefore, the findings and recommendations outlined below are based upon a review of these materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*.

Growth Policy - Service Level Standards

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

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

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

Summary of Traffic Impacts

The application is a preliminary plan of subdivision for a residential subdivision of 27 lots. The intersections of Good Luck Road/Northern Avenue and MD 193/Northern Avenue are determined to be the critical intersections for the subject property. These intersections are the nearest major intersections to the site and would serve virtually all of the site-generated traffic. Both intersections are unsignalized. The transportation staff has available counts taken by the applicant in 2003. Existing conditions in the vicinity of the subject property are summarized as follows:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 193/Northern Avenue	27.9*	10.2*	--	--
Good Luck Road/Northern Avenue	9.4*	9.6*	--	--
*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 vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are outside of the normal range of the procedure, and should be interpreted as a severe inadequacy.				

The study assumed limited growth in through traffic along MD 193. Five approved developments were identified in the area. Background conditions are summarized below:

BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 193/Northern Avenue	35.5*	20.5*	--	--
Good Luck Road/Northern Avenue	9.5*	9.8*	--	--
*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 vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are outside of the normal range of the procedure, and should be interpreted as a severe inadequacy.				

With the development of 27 residences, the site would generate 20 AM (4 in and 16 out) and 24 PM (16 in and 8 out) peak-hour vehicle trips. The site was analyzed with the following trip distribution: 5 percent —north along Good Luck Road; 25 percent—south along Good Luck Road; 30 percent—east along MD 193; 40 percent—west along MD 193. Given this trip generation and distribution, staff has analyzed the impact of the proposal. Adding the site, the critical intersections would operate as follow:

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 193/Northern Avenue	36.0*	21.2*	--	--
Good Luck Road/Northern Avenue	9.8*	9.9*	--	--
*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 vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are outside of the normal range of the procedure, and should be interpreted as a severe inadequacy.				

Based on the review of transportation adequacy issues in the area, both intersections would operate acceptably as unsignalized intersections in both peak hours.

The site is not adjacent to or within any master plan transportation rights-of-way. Therefore, no street dedication beyond that required by county code along Northern Avenue and the internal streets is required.

Based on these findings, 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. No transportation-related conditions are required at this time.

7. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and CB-30-2003 and CR-23-2003.

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 2	Middle School Cluster 2	High School Cluster 2
Dwelling Units	27 sfd	27 sfd	27 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	6.48	1.62	3.24
Actual Enrollment	6,182	4,896	9,660
Completion Enrollment	234	197	393
Wait Enrollment	96	225	451
Cumulative Enrollment	101.76	37.14	74.28
Total Enrollment	6,620.24	5,356.76	10,581.52
State Rated Capacity	6,616	4,638	8,770
Percent Capacity	100.06%	115.50%	120.66%
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 referral memorandum was written. Other projects that are approved prior to the public hearing on this project will cause changes to these figures. The numbers that will be used in the resolution are the ones that will 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.

Staff finds that this project meets the adequate public facilities policies of Section 24-122.02, CB-30-2003 and CB-31-2003. 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.

8. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of public fire and rescue facilities.

- a. The existing fire engine service at Glenn Dale Fire Station, Company 18, located at 11900 Glenn Dale Boulevard, has a service travel time of 3.62 minutes, which is within the 5.25-minute travel time guideline.
- b. The existing ambulance service at Glenn Dale Fire Station, Company 18, has a service travel time of 3.62 minutes, which is within the 6.25-minute travel time guideline.
- c. The existing paramedic service at Glenn Dale Fire Station, Company 18, has a service travel time of 3.62 minutes, which is within the 7.25-minute travel time guideline.

These 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*. The proposed subdivision will be within the adequate coverage area of the nearest existing fire/rescue facilities for fire engine, ambulance and paramedic services.

9. **Police Facilities**—The proposed development is within the travel area for Police District II-Bowie. In accordance with Section 24-122.01(c) of the Subdivision Regulations, existing county police facilities will be adequate to serve the proposed Northern Estates 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 Prince George's County Health Department reviewed the application and offered several comments. Any abandoned well and/or septic system will need to be pumped, backfilled and sealed in accordance with COMAR 26.04.04. A substantial amount of trash, including abandoned vehicles, oil storage tanks, and at least one unlabeled drum, was found on the property. This must be properly discarded prior to final plat approval. The drum may contain hazardous waste; if it does, it needs to be removed by a licensed hazardous waste company. A manifest of that removal must be submitted to the Health Department.
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 has been filed, but not yet approved. To ensure that development of this site does not result in on-site or downstream flooding, a stormwater management concept plan must be approved prior to signature approval of the preliminary plan. Development must be in accordance with this approved plan, or any revisions thereto.
12. **Cemeteries**—There are no known cemeteries on or adjoining the property.
13. **Public Utility Easement**—The preliminary plan includes the required ten-foot-wide public utility easement. This easement will be shown on the final plat.
14. **Lot Size Averaging**—The applicant proposes the use of Lot Size Averaging. 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.** *Comment:* The design of this subdivision respects the natural features on this property. The property exhibits a large area of irreplaceable wetlands. While this area is incorporated into the lots, conservation easements will ensure its preservation.
- 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. *Comment:* The property abuts Forestgate subdivision to the west and north. Proposed lots sizes along those property lines are consistent with Forestgate. Lots adjoining Forestgate are at least 40,000 square feet in size. Smaller, 30,000-square-foot lots are concentrated in the center of the property.

- 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.** *Comment:* Again, a large area near the northeast corner of the property is wetlands. This area will remain densely wooded and provide an adequate transition and buffer to the wetlands as they extend onto adjoining properties.

In addition, Section 27-423 of the Prince George's County Zoning Ordinance sets the zoning requirements for lot size averaging. Specifically, in the R-E Zone

- A. **The maximum number of lots permitted is equal to the gross acreage divided by the largest minimum lot size in the zone (40,000 square feet).** *Comment:* In this case, with 33.79 acres and a minimum lot size of 40,000 square feet, the maximum number of lots allowed is 36. The applicant proposes 27 lots.
- B. **At least 50 percent of the lots created shall equal or exceed the largest minimum lot size in the zone (40,000 square feet).** *Comment:* As proposed, 22 of the proposed 27 lots (or 81+ percent) exceed 40,000 square feet. Therefore the proposed subdivision meets the minimum Zoning Ordinance standards for lot size averaging. This proposal represents a good use of the Lot Size Averaging technique.

15. **Flag Lots**— The applicant proposes four flag lots. Flag lots are permitted pursuant to Section 24-138.01 of the Subdivision Regulations. The proposed flag lots satisfy all standards of Section 24-138.01(d).

- a. A maximum of two tiers is permitted. The proposed flag lots represent the second tier.
- b. The flag stems are a minimum width of 25 feet for the entire length of the stem.
- c. All four flag lots exceed the minimum of 40,000 square feet, exclusive of the flag stem, required in the R-E Zone.
- 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. This information must be included on the preliminary plan prior to signature approval.
- e. Shared driveways are only permitted under certain circumstances. The proposal does not include shared driveways.
- f. Where rear yards are oriented toward driveways, an "A" bufferyard is required. In this case, no rear yard is oriented toward a driveway.
- g. Where front yards are oriented toward rear yards, a "C" bufferyard is required. In this case, the front yard is not oriented toward rear yards.

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.** *Comment:* The proposed flag lots yield a superior design to that which would be allowed conventionally. Lots 12 and 15 are designed to avoid impacts to wetlands and Lots 3 and 4 are designed to provide a court-like setting in conjunction with conventional Lots 2 and 5.
- B. **The transportation system will function safely and efficiently.** *Comment:* Lots 12 and 15 are located in the rear of the property at the end of the cul-de-sac, where traffic generally runs slower, so these do not negatively affect transportation safety and efficiency. Lots 3 and 4 are located closer to the entrance of the site, but their location on a long straight street provides sufficient site distances for safe traffic movement.
- 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.** *Comment:* As noted, the flag lots reduce impacts to the wetlands on-site, minimize clearing and provide the court-like setting described in the Subdivision Regulations. This is a creative design that helps the subdivision blend with the characteristics of the site and adjoining properties.
- D. **The privacy of property owners has been assured in accordance with the evaluation criteria.** *Comment:* Given the size of the proposed flag lots (three are more than 40,000 square feet and the fourth is nearly 100,000 square feet) privacy will not be an issue. At the time of building permits, landscaping will be required if front yards and rear yards abut each other. This buffering will ensure that rear yards are kept private.

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. The Type I Tree Conservation Plan, TCPI/55/03, shall be revised to:
 - (1) Add the following note to the worksheet:

“The Type II Tree Conservation Plan may substitute an off-site easement for reforestation/afforestation areas not within the PMA.”
 - (2) Add the following note:

“Whips and seedlings may be used to afforest wetland areas; all other areas shall be reforested/afforested using stock at least 1 inch in caliper.”
 - (3) Add the following note:

“The Type II TCP shall show the use of split-rail fencing or any similar permanent fencing for all reforestation/afforestation areas.”
 - (4) Have the revised plan signed and dated by the qualified professional who prepared the plan.

- b. A stormwater management concept plan shall be approved and the approval number and date shall be added to the preliminary plan.
 - c. The plan shall be revised to include building envelopes on all flag lots.
2. Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/55/03), 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.
 3. A Type II Tree Conservation Plan shall be approved prior to approval of the final plat.
 4. At time of final plat, a woodland conservation easement shall be described by bearings and distances. The conservation easement shall contain all of the proposed areas of reforestation and afforestation. The following note shall be placed on the plat:

"Woodland conservation easements described on this plat are areas where reforestation is required and the installation of structures and roads 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 allowed."
 5. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the wetlands and wetland buffers and be reviewed by the Environmental Planning Section prior to certification. 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 are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed."
 6. At the time of final plat, the applicant shall pay a fee-in-lieu of mandatory park dedication of \$30,000.
 7. Prior to the issuance of building permits, the applicant, his heirs, successors and/or assignees shall provide a financial contribution of \$210.00 to the Department of Public Works and Transportation for the placement of a bikeway sign along Northern Avenue, designated a Class III Bikeway. A note shall be placed on the final plat for payment to be received prior to the issuance of the first building permit.
 8. All debris on the site, including abandoned vehicles, oil storage tanks, and the unlabeled drum, shall be properly discarded prior to final plat approval. If any hazardous waste is found, it shall be removed by a licensed hazardous waste company. A manifest of that removal shall be submitted to the Health Department prior to final plat approval.

STAFF RECOMMENDS APPROVAL OF THE TYPE I TREE CONSERVATION PLAN, TCPI/55/03.