



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

Preliminary Plan 4-03134

Application	General Data
Project Name: CADEAUX DE MA MERE Location: Southside of Clagett Landing Road, approximately 4,000 feet of the intersection of US 301. Applicant/Address: Bennett, Wilkerson & Associates, Inc. P.O. Box 17 Dunkirk, MD 20754	Date Accepted: 12/18/03
	Planning Board Action Limit: 05/20/04
	Plan Acreage: 125.7
	Zone: R-A
	Lots: 26
	Parcel: 1
	Planning Area: 74B
	Tier: Rural
	Council District: 06
	Municipality: N/A
	200-Scale Base Map: 202SE15

Purpose of Application		Notice Dates	
RESIDENTIAL SUBDIVISION		Adjoining Property Owners	N/A
		Previous Parties of Record	(filed prior to 01/01/04)
		Registered Associations: (CB-58-2003)	
		Sign(s) Posted on Site:	04/21/04
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 4-03134
Cadeaux de Ma Mere, Lots 1–26, Parcel “A”

OVERVIEW

The property consists of approximately 125.7 acres of land in the R-A Zone. It is undeveloped and partially wooded. The northern half of the property, along Clagett Landing Road, has been farmed. The applicant proposes to subdivide the property into 26 lots for single-family homes using the varying lot sizes technique allowed by Section 27-442(b) of the Zoning Ordinance. Lot sizes range from just over one acre to approximately three acres. Access is provided from two internal street connections to Clagett Landing Road; four lots will have direct access to Clagett Landing Road. Private wells and septic systems are proposed. The southern portion of the property and large middle section will remain undeveloped.

SETTING

The property is located on the south of Clagett Landing Road, just under a mile east of US 301. To the north is Clagett Landing Estates, a subdivision in the R-A Zone. To the east is the Heritage Hills subdivision of single-family homes on large lots in the R-A Zone. To the south is undeveloped farmland in the R-A Zone. To the west is the pending Preliminary Plan 4-03131, Marshall's Landing subdivision in the R-A 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-A	R-A
Uses	Vacant	Single-family homes
Acreage	125.7	125.7
Lots	0	26
Parcels	1	1
Detached Dwelling Units	0	26

2. **Environmental**—A review of the available information indicates that streams, wetlands, 100-year floodplain, 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 identified for this property, due to the distance between the property and US 301. The soils found to occur, according to the Prince George's County Soil Survey, include Adelphia fine sand loam; Collington fine sandy loam; Iuka fine sandy loam; Sandy land, steep; and Westphalia fine sandy loam. The Adelphia, Iuka, and Sandy land, steep soil series have limitations that could affect the

development of this property. According to available information, a substantial amount of Marlboro clay is found to occur on this property. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program publication entitled “Ecologically Significant Areas in Anne Arundel and Prince George’s Counties,” December 1997, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. There are no designated scenic or historic roads in the vicinity of this property. This property is located in the Patuxent River basin and the Rural Tier as reflected in the adopted General Plan.

Woodland Conservation

A revised detailed forest stand delineation (FSD) was submitted with this application. The FSD requires additional revisions to satisfy technical requirements. These revisions are included as conditions of approval.

A portion of the woodland on the southern boundary of the subject property is part of a large, contiguous block of forest interior dwelling species (FIDS) habitat that connects to Patuxent River Park on the east side of this property. The *State Forest Conservation Technical Manual* describes priority retention areas as: “Contiguous forest is either 100 acres or larger, or is 300 feet or more in width and connects to forest area located off-site which is 100 acres or more.”

The “Woodland Conservation Policy Document for Prince George’s County” states that:

“The following areas shall have priority for consideration as preservation and enhancement through reforestation or afforestation:

“**Large contiguous wooded areas** that connect the largest undeveloped or most vegetated tracts on land within or adjacent to the property and diverse forest stands in wooded areas.”

Priority 1 woodlands on the subject property include the forest interior woodland habitat and its 300-foot-wide buffer. This is an area that should not be disturbed except for necessary road crossings or public utility installations, and even then the impacts should be minimized to the fullest extent possible.

The preservation of FIDS habitat is also addressed by the Patuxent River Primary Management Area preservation area as defined in Section 24-101(b)(10) of the Subdivision Ordinance as follows:

“(10) **Patuxent River Primary Management Area Preservation Area:** A buffer established or preserved along perennial streams within the Patuxent River watershed excluding the area within the Chesapeake Bay Critical Area Overlay Zones, which as a minimum includes:

- (A) All perennial streams and a minimum of 50 feet of preserved or established vegetation on the side of each bank;
- (B) The one-hundred (100) year floodplain;
- (C) All wetlands adjacent to the perennial stream or the one hundred (100) year floodplain;

- (D) All areas having slopes of twenty-five percent (25%) or greater abutting or adjoining the perennial stream, the one hundred (100) year floodplain or stream-side wetlands;
- (E) All area having highly erodible soils on slopes of fifteen percent (15%) or greater abutting the perennial stream, the one hundred (100) year floodplain or stream-side wetlands;
- (F) Specific areas of rare or sensitive wildlife habitat, as determined by the Planning Board.”

FIDS habitat is a sensitive wildlife area, and its delineation along with the 300-foot-wide buffer is necessary for an accurate delineation of the PMA on the preliminary plan and Type I tree conservation plan. The FSD has been revised to delineate the FIDS habitat and the 300-foot-wide FIDS buffer.

This property is subject to the provisions of the Prince George’s County Woodland Conservation Ordinance because the property is greater than 40,000 square feet of gross tract area, there are more than 10,000 square feet of existing woodland, and more than 5,000 square feet of woodland clearing is proposed. A Type I Tree Conservation Plan (TCPI/20/02) was submitted concurrent with the preliminary plan application.

The revised Tree Conservation Plan (TCPI/20/02) has been reviewed. The minimum requirement for this site is 55.11 acres (50 percent of the net tract) plus additional acres due to removal totaling 3.82 acres of woodland, for a total minimum requirement of 58.40 acres. The woodland conservation worksheet provided on the plans indicates an incorrect requirement of 57.79 acres.

The TCPI has proposed to meet the requirement with 51.25 acres of woodland conservation and a fee-in-lieu of \$85,465.54, which falls short of the woodland conservation requirement and includes a fee-in-lieu that is not a high priority method to meet the requirements. The TCPI identifies woodland conservation areas by shading, but fails to identify the methodology (preservation, reforestation, and afforestation).

The Type I tree conservation plan requires additional revisions to be in conformance with the Woodland Conservation Ordinance. The PMA has not been correctly delineated, so the afforestation of priority woodland conservation areas cannot be confirmed. Woodland conservation areas have not been identified by their treatment methodology (preservation, reforestation, or afforestation) or labeled by area. It appears that woodland preservation areas are proposed in unwooded areas. A limit of disturbance has not been shown, and conceptual grading has not been provided.

A table of woodland conservation on a lot-by-lot basis has been provided. The table should be amended to include quantities in acreage to the nearest hundredths and the right-of-way for the proposed public road.

Patuxent River Primary Management Area

Section 24-130 of the Subdivision Ordinance requires that the Patuxent River Primary Management Area (PMA) be clearly shown and that the PMA be preserved to the fullest extent possible. The PMA is comprised of streams, a 50-foot stream buffer, adjacent wetlands, a 25-foot

wetland buffer, adjacent 100-year floodplains, adjacent areas of slopes in excess of 25 percent, and adjacent areas of slopes between 15 and 25 percent on highly erodible soils. The plan shows a 25-foot-wide buffer adjacent to streams rather than the required 50-foot-wide stream buffers, and does not delineate the maximum extent of the PMA.

The preliminary plan shows proposed impacts for the construction of Anna Rogers Boulevard, but additional impacts may be apparent after the full delineation of the PMA. The Subdivision Regulations require that the PMA be preserved to the fullest extent possible. Impacts to the PMA are generally supported for the construction of necessary public roads and utilities only. Impacts for the creation of lots and/or grading for lots are generally not supported. Prior to signature approval of the preliminary plan, the preliminary plan and TCPI should be revised to correctly delineate the full extent of the Patuxent River Primary Management Area. After the PMA has been delineated according to the Subdivision Regulations, the preliminary plan and TCPI should be revised as needed to meet the requirement for preservation of the PMA to the fullest extent possible.

If impacts to the PMA cannot be eliminated for the installation of necessary public utilities and roadway connections, the applicant is required to submit a letter of justification for the impacts in accordance with Section 24-130(b)(5) of the Subdivision Ordinance. A letter of justification dated February 10, 2004, was submitted. Two impacts are proposed.

The first area of impact is located adjacent to Anna Rogers Boulevard and requests 960 square feet of temporary impacts for the purpose of grading, installing sediment controls, removing an existing driveway, and restoring the area to grass.

The second area of impact is located adjacent to Anna Rogers Boulevard, where 14,820 square feet of disturbance is proposed. This impact is necessary in order to convey stormwater, grade for the proposed roadway, and stormwater management swales.

Both impacts are incorrectly quantified because the PMA is not correctly delineated, so the full extent of impacts is greater than the amounts stated. But because both impacts are related to the construction of the roadway and have been designed and located to minimize impacts, they meet the review standard of preserving the PMA to the fullest extent possible.

Impacts are proposed to streams, nontidal wetlands, and wetland buffers that are regulated by federal and state agencies. Prior to the issuance of any permits that impact wetlands, wetland buffers, streams, or Waters of the U.S., the applicant should provide the Environmental Planning Section with copies of all federal and state wetland permits, evidence that all approval conditions have been complied with, and any associated mitigation plans.

The site contains significant natural features that are required to be protected under Section 24-129 and/or 130 of the Subdivision Ordinance. A conservation easement will be described by bearings and distances on the final plat.

Soils

The Adelphia, Iuka, and Sandy land, steep soil series have limitations that could affect the development of this property including high water tables, impeded drainage, slope, slow permeability, and stability. Although these limitations may ultimately affect the construction phase of this development, there are not apparent limitations that would affect the site design or

layout. The Department of Environmental Resources will likely require a soils study at the time of permit application addressing the soil limitations with respect to the construction of homes.

Marlboro Clay

This property is located in an area with extensive amounts of Marlboro clay, which is known to be an unstable, problematic geologic formation. The presence of this formation raises concerns about slope stability and the potential for constructing buildings on unsafe land. Based on available information, the Environmental Planning Section projected that the top elevation of the Marlboro clay varies from an elevation of approximately 90 feet near the central part of the property to approximately 100 feet near Clagett Landing Road.

A “Subsurface Exploration and Geotechnical Evaluation,” dated October 29, 2003, and prepared by Geotechnical Environmental and Testing Consultants, Inc, was submitted with the application. The map included with the report fails to identify a continuous 1.5 safety factor line for the setback of structures. A discontinuous line is shown on Lots 26 through 29, where it appears that all proposed dwellings are outside of the safety factor line. The revised preliminary plan shows a different layout in this area, and specifically proposes a flag lot, Lot 20, which appears to be located within the 1.5 safety factor line.

The revised preliminary plan shows a 1.5 safety factor line that is labeled in the legend and clearly shown on the eastern portion of the plan. On the western portion of the property, it is unclear where the 1.5 safety factor line is located. Evaluation of the effect of the 1.5 safety factor line on proposed Lots 1 through 11 cannot be made until the line is clearly delineated.

In the eastern portion of the site almost the entirety of Lot 20 falls within the 1.5 safety factor line. Additionally, the building envelopes shown on Lots 16, 18 and 19 do not contain a 25-foot setback from the safety factor line as required by Section 24-131(a)(1). Northern Court, a private right-of-way, proposes to cross a portion of the 1.5 safety factor line.

On the western portion of the site, the revised preliminary plan appears to show seven dwellings and a proposed private right-of-way (Anna Rogers Boulevard) located within the 1.5 safety factor line (Lots 2, 3, 5, 6, 8, 9 and 11). A dwelling footprint is shown within 25 feet of what may be the 1.5 safety factor line on Lot 4.

It is also strongly recommended that this plan be referred to the Department of Public Works and Transportation for a review of the location of the private rights-of-way proposed within the 1.5 safety factor line prior to signature approval.

Water and Sewer Categories

The property is in water category 6 and sewer category 6; it will be served by private systems.

3. **Community Planning**—This property is located in the Rural Tier as identified by the 2002 General Plan. The vision for the Rural Tier is protection of large amounts of land for woodland, wildlife habitat, recreation and agriculture pursuits, and preservation of the rural character and vistas that now exist. This application, as modified by the conditions of approval, is not inconsistent with the 2002 General Plan Development Pattern policies for the Rural Tier.

The property is in Planning Area 74B/Community X. The *Approved Master Plan and Adopted Sectional Map Amendment (SMA) for Bowie–Collington–Mitchellville and Vicinity, Planning*

Areas 71A, 71B, 74A and 74B recommends large-lot residential development with densities of up to 0.5 dwelling unit per acre. The proposed preliminary plan density is in conformance with large-lot development recommendations of the master plan. The Living Areas Chapter (p. 95) includes Guideline 13 that pertains to the development of this property:

- “13. In residential areas, building setbacks combined with the use of berms, landscaping and/or other acoustical fencing should be utilized to deflect noise and to screen visual impacts from major roads, intersections and interchanges, or where other conflicts between land uses may develop.”

The Bowie-Collington-Mitchellville and Vicinity SMA (1991) retained the R-A Zone.

The proposed preliminary subdivision utilizes the varying lot size development technique, which does not adversely impact the intended character for this area as envisioned by the master plan. The master plan supports larger lots as a way of enhancing the recommended rural character. Therefore, staff recommends that all lots along Clagett Landing Road be a minimum of two acres. This will preserve a consistent lot size pattern along this rural road and, thereby, eliminate apparent conflicts between residential lot sizes along Clagett Landing Road. It will also be compatible with all lot sizes along Clagett Landing Road in the adjacent Marshall's Landing preliminary plan application. Proposed Lots 1 and 2 are the only lots along Clagett Landing Road that are smaller than two acres in size. A reconfiguration of Lots 1 and 2 would also impact Lot 3. Therefore, the area encompassing Lots 1–3 should be redesigned to eliminate one lot and provide one 2-acre lot along Clagett Landing Road in this area.

4. **Parks and Recreation**—In accordance with Section 24-134(a) of the Prince George's County Subdivision Regulations, the proposed subdivision is exempt from mandatory dedication of parkland requirements because all lots are over one acre in size.
5. **Trails**—There are no master plan trails issues identified in the adopted and approved Bowie-Collington-Mitchellville and Vicinity Master Plan. However, if road frontage improvements are required along Clagett Landing Road, a wide asphalt shoulder (seven to ten feet) is recommended along the subject property's frontage to safely accommodate neighborhood pedestrian and bicycle traffic, per the concurrence of DPW&T.
6. **Transportation**— The subject property is not large enough to warrant a traffic study. There is plenty of data in the area that has been provided in support of several larger applications on the west side of US 301. 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 Rural 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) C, with signalized intersections operating at a critical lane volume (CLV) of 1,300 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

Through the review of past cases, including preliminary plans for Beech Tree, the Planning Board has found that nearby intersections along US 301 operate unacceptably when considering growth and approved development with existing traffic. In response to the issues of adequacy, the Planning Board has allowed developments to pay a pro-rata share toward improvements along US 301 between MD 214 and MD 725. These improvements, as described in an item included in the county CIP, include a general roadway widening of one additional through lane northbound and southbound over that distance plus improvements at key intersections along the link. Funding by developers has been based on a payment of \$2.5 million toward the \$24 million required to complete the improvements.

However, the improvements described in the CIP only provide LOS D at signalized intersections along this link of US 301. As noted under the service level standards described above, properties within the Rural Tier that affect intersections along US 301 must demonstrate LOS C. While the county CIP project is certainly still valid for properties to the west of US 301 (which are in the Developing Tier), properties on the east side of US 301 (except for Marlboro Meadows) are subject to a different standard. This dual standard is fully consistent with the intent of the Prince George's County General Plan, which assigns "minimum priority to public sector capital improvements in or for the Rural Tier," and further states as a policy, that "public funds should not encourage further development in the Rural Tier."

Staff has, therefore, reviewed recent traffic data at intersections to the north and south of the subject site. The following conditions exist at the critical intersections:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (AM & PM)	
US 301/Trade Zone Avenue	1,248	1,425	C	D
US 301/Leeland Road	1,198	1,268	C	C

The list of nearby developments is long, and it includes several million square feet of industrial space on approved lots, along with more than 2,000 approved residences. Given the assumptions of approved development, growth, and the CIP project, the following background traffic conditions were determined:

BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (AM & PM)	
US 301/Trade Zone Avenue	1,283	1,390	C	D
US 301/Leeland Road	1,374	1,302	D	D

The application is a plan for a residential subdivision consisting of 26 single-family detached residences. The proposed development would generate 20 AM (4 in, 16 out) and 24 PM (16 in, 8 out) peak-hour vehicle trips as determined using “The Guidelines for the Analysis of the Traffic Impact of Development Proposals.” The site was analyzed using the following trip distribution:

- US 301 from the north: 65 percent
- US 301 from the south: 35 percent

With site traffic, the following operating conditions were determined:

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (AM & PM)	
US 301/Trade Zone Avenue	1,284	1,394	C	D
US 301/Leeland Road	1,376	1,303	D	D

Staff has identified that one additional northbound and southbound through lane would be needed in order to provide LOS C at intersections along the link of US 301 between MD 214 and MD 725. With additional through lanes in place, the following service levels are estimated:

TOTAL TRAFFIC CONDITIONS WITH “LOS C” IMPROVEMENTS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (AM & PM)	
US 301/Trade Zone Avenue	1,057	1,138	B	B
US 301/Leeland Road	1,136	1,152	B	C

The staff’s analysis has identified that two additional northbound and southbound through lanes along US 301 would serve to provide LOS C at key signalized intersections within the corridor. The basic CIP improvement, which provides LOS D in the corridor and involves one additional northbound and southbound through lane, has a cost of \$24 million, of which a portion is being

paid through pro-rata shares by developers, according to the description given for the CIP item. The additional northbound and southbound through lanes—which are not funded as part of the CIP and are needed to provide LOS C at nearby intersections in the US 301 corridor—have an additional estimated cost of \$13.7 million in 1989 dollars.

There is another case in the area, Preliminary Plan of Subdivision 4-03134 for Marshall's Landing, which is pending. Identical transportation findings have been made for this adjacent property. Also, the two properties, when both are added to the network, would not result in worse levels of service than those reported herein for the subject property alone.

Plan Comments

The access and circulation shown on the plan is acceptable with one exception. At Subdivision Review Committee, staff requested that the typical section of the two proposed internal private streets be modified to provide 11-foot lanes in each direction. This would be consistent with County Standard 100.12 for private secondary rural roadways. Therefore, the applicant must modify the typical section shown on the plan to be consistent with the county Department of Public Works and Transportation Standard 100.12.

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 with conditions requiring the road improvements noted.

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 3	Middle School Cluster 2	High School Cluster 2
Dwelling Units	26 sfd	26 sfd	26 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	6.24	1.56	3.12
Actual Enrollment	6141	5131	10098
Completion Enrollment	198.24	217.62	398.97
Cumulative Enrollment	0	0	0
Total Enrollment	6345.48	5350.18	10500.09
State Rated Capacity	5858	4688	8770
Percent Capacity	108.32	114.13	119.73
Funded School	Bowie, Whitehall	N/A	N/A

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

These figures were 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 will be the ones that will apply to this project.

County Council bill CB-31-2003 establishes a school facilities surcharge in the amount 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.

This project meets the adequate public facilities policies for school facilities contained in Section 24-122.02, CB-30-2003 and CB-31-2003 and CR-23-2003. The school surcharge may be used for the construction of additional or expanded school facilities and renovations to existing school buildings or other systemic changes.

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 Bowie Fire Station, Company 43, located at 16400 Pointer Ridge Drive, has a service travel time of 4.80 minutes, which is within the 5.25-minute travel time guideline.
 - b. The existing ambulance service at Bowie Fire Station, Company 43, has a service travel time of 4.80 minutes, which is within the 6.25-minute travel time guideline.
 - c. The existing paramedic service at Bowie Fire Station, Company 43, has a service travel time of 4.80 minutes, which is within the 7.25-minute travel time guideline.

These findings are in conformance with the standards and guidelines contained in the *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 service.

9. **Police Facilities**—The proposed development is within the service area for Police District II-Bowie. 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 January 2, 2004, the county had 823 sworn staff and a total of 101,303 square feet of station space. Based on available space, there is capacity for additional 57 sworn personnel. This police facility will adequately serve the population generated by the proposed subdivision.
10. **Health Department**—The Health Department is reviewing the perk tests for the property. All lots without approved perk tests must be combined with other lots. No outparcels or outlots should be created.
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 not yet been 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 subject property. However, the applicant should be aware that if burials are found during any phase of the development process, development activity must cease in accordance with state law.
13. **Public Utility Easement**—The proposed preliminary plan includes the required ten-foot-wide public utility easement along all rights-of-way. The public utility easements will be shown on the final plat.
14. **Varying Lot Sizes**—The applicant is proposing to use varying lot sizes as permitted by the Prince George’s County Zoning Ordinance. Unlike the provision for the use of lot size averaging (R-55, R-80, R-R, and R-E Zones), the use of varying lot sizes in the R-A and O-S Zones is permitted by right and does not require specific findings for approval. Only the minimum standards outlined in the Zoning Ordinance must be met.

Section 27-442(b)(Table I) of the Zoning Ordinance sets the minimum standards for varying lot sizes. In the R-A Zone, the creation of varying lot sizes is permitted as long as the total tract being subdivided is at least 25 acres in size. In this case, the total tract area is 125.7 acres. Further, at least 60 percent of the lots created using varying lot sizes must meet or exceed the minimum lot size in the zone: two acres in the R-A Zone. This requirement has been met with the submitted preliminary plan: 16 of the 26 lots (or 61 percent) are a minimum of two acres on this subdivision.

The Zoning Ordinance allows one 1-acre lot for every 25 acres of land in the tract. With 125.7 acres of land in the R-A tract, a maximum of five 1-acre lots is permitted. The remaining lots are required to exceed 50,000 square feet. The submitted preliminary plan includes one lot between one acre and 50,000 square feet in size, with the remaining nine lots exceeding 50,000 square feet. This arrangement meets the minimum standards set forth in Section 27-442(b)(Table I) of the Zoning Ordinance for the use of varying lot sizes. If lots are lost due to failing perk tests (or for any other reason) the relationships among the various lot sizes required by the Zoning Ordinance must be maintained.

RECOMMENDATION

APPROVAL, subject to the following conditions:

1. Prior to signature approval of the preliminary plan:
 - a. The Forest Stand Delineation shall be revised as follows:
 - (1) Show the location of steep slopes (15-25 percent) only on highly erodible soils and correct the label in the legend.
 - (2) Show the location of rare, threatened or endangered species habitat or provide a statement that there are none present.
 - (3) Show all existing structures and site features, including cultural features and historic sites, or provide a statement that there are none.
 - (4) Show nontidal wetlands, wetland buffers, and the approved 100-year floodplain, or provide a statement that none exist on the site.

- (5) Have the revised FSD signed and dated by the qualified professional who prepared it.
- b. The Type I tree conservation plan shall be revised as follows:
- (1) Show woodlands clearly identified by acreage and by the treatment proposed (woodland cleared, woodland preservation [Tree Save], woodland afforestation/reforestation, woodland preserved not counted, etc.) using hatching or shading and also identify in key.
 - (2) Show conceptual grading and the limit of disturbance.
 - (3) Revise the woodland conservation worksheet to recalculate the correct woodland conservation requirement for the site, based on a correct quantity for clearing in the 100-year floodplain and all other revisions required.
 - (4) Provide complete information about how the woodland conservation requirements will be met on-site without the use of fee-in-lieu.
 - (5) Revise the lot-by-lot woodland conservation table on the TCPI to include the public rights-of-way to be dedicated and to provide quantities in acres to the nearest hundredths.
 - (6) Have the revised TCPI signed and dated by the qualified professional who prepared it.
- c. The Type I tree conservation plan and preliminary plan shall be revised to:
- (1) Correctly delineate the full extent of the Patuxent River Primary Management Area. After the PMA has been delineated according to the Subdivision Regulations, revise the preliminary plan and TCPI, if needed, to meet the requirement for preservation of the PMA to the fullest extent possible.
 - (2) Clearly delineate the 1.5 safety factor line on the preliminary plan and the TCPI. Lots that do not have sufficient lot area outside of the 1.5 safety factor line for the placement of a dwelling with the required 25-foot setback shall be reconfigured or eliminated.
 - (3) Show all lots along Claggett Landing Road to be a minimum of two acres in size.
 - (4) Reconfigure lots as necessary to provide for adequate private septic systems as determined by the Health Department on all proposed lots, and the TCPI shall be revised to conform to the revised preliminary plan. No outlots shall be created; lots shall be combined where necessary.
- d. The Department of Public Works and Transportation shall review and approve the location of the private rights-of-way proposed within the 1.5 safety factor line.
- e. A stormwater management concept plan shall be approved and the approval number and date shall be added to the preliminary plan.

2. Development of this subdivision shall be in compliance with the approved Type I Tree Conservation Plan (TCPI/20/02). The following note shall be placed on the final plat of subdivision:

“A development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/20/02), 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.”
3. A Type II Tree Conservation Plan shall be approved prior to the issuance of any permits on the site.
5. Prior to the issuance of any permits that impact wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall provide the Environmental Planning Section with copies of all federal and state wetland permits, evidence that all approval conditions have been complied with, and any associated mitigation plans.
6. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the delineated Patuxent River Primary Management Area, except for areas of approved impacts, and shall be reviewed by the Environmental Planning Section prior to final plat approval for accuracy. 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 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 permitted."
7. The final plat shall show the 1.5 safety factor line and be labeled. The final plat shall also show the unsafe lands building restriction line (BRL), setback 25 feet from the 1.5 safety factor line, as required by the Subdivision Ordinance. The location of the 1.5 safety factor line and BRL shall be reviewed and approved by M-NCPPC, Environmental Planning Section, and the Prince George's County Department of Environmental Resources. The final plat shall contain the following notes:

“The delineated 1.5 safety factor line and BRL have been determined based on the requirements of Section 24-131.”

“No part of a principal structure may be permitted to encroach beyond the 1.5 safety factor line BRL. Accessory structures may be positioned beyond the BRL, subject to prior written approval of the Planning Director, M-NCPPC and DER.”
8. If road frontage improvements are required along Clagett Landing Road, the applicant, his heirs, successors and/or assignees shall construct a wide asphalt shoulder (seven to ten feet) along the subject property's frontage to safely accommodate neighborhood pedestrian and bicycle traffic, per the concurrence of DPW&T.
9. Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction, and (c) have an agreed-upon timetable for construction with the SHA/DPW&T:

- US 301 between MD 214 and MD 725: Provide two additional northbound and two additional southbound through lanes.
10. The typical section shown on the plan for the two proposed internal private streets shall be made consistent with the county Department of Public Works and Transportation standard 100.12, particularly for the purpose of providing two 11-foot travel lanes.

STAFF RECOMMENDS APPROVAL OF THE TYPE I TREE CONSERVATION PLAN, TCP I/20/02.