



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

Preliminary Plan 4-05035

Application	General Data
Project Name: SMITH PROPERTY Location: West side of Frank Tippet Road and south side of Commo Road, approximately 800 feet southwest of the intersection of those two roads. Applicant/Address: Smith, Daniel H. & F. Douglas c/o The Michael Companies 4640 Forbes Boulevard, Suite #300 Lanham, MD. 20706	Date Accepted: 10/05/05
	Planning Board Action Limit: 03/09/06
	Plan Acreage: 50.8
	Zone: R-R
	Lots: 60
	Parcels: 5
	Planning Area: 82A
	Tier: Developing
	Council District: 09
	Municipality: N/A
	200-Scale Base Map: 214SE09

Purpose of Application	Notice Dates
RESIDENTIAL SUBDIVISION	Adjoining Property Owners Previous Parties of Record Registered Associations: (CB-58-2003) 08/12/05
	Sign(s) Posted on Site and Notice of Hearing Mailed: 11/15/05

Staff Recommendation		Staff Reviewer: Tom Lockard	
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 Subdivision Plan 4-05035
Smith Farm, Lots 1-60 and Parcels A-D

OVERVIEW

The site contains approximately 50.78 acres of land in the R-R Zone. It appears on Tax Map 126, Grid F-3, as Parcels 10, 20 and 62. The applicant is proposing to subdivide the site into 60 lots, two of which (Lots 50 and 60) are flag lots, and 5 parcels.

Access to the site will be from a 50-foot-wide rural secondary residential road intersecting Frank Tippet Road. Each of the lots will access the internal street network with no lots gaining access directly from Frank Tippet Road.

In addition to the nine lots shown on the preliminary plan, the applicant is also showing five parcels. They are to be conveyed to a homeowners association and are to be used for stormwater management facilities, homeowner's open space, and on-site recreation.

SETTING

The site is located on the west side of Frank Tippet Road and the south side of Commo Road, approximately 800 feet southwest of the intersection of those two roads. The site is developed with two single-family residences and numerous barns and outbuildings, which are to be removed. Much of the site is cleared from years of farming and grazing. The northern section of the site is a wooded stream valley containing a tributary to Piscataway Creek, located to the west. A large farm pond is located in the eastern-central portion of the property, it is to be retrofitted for stormwater management. Most of the surrounding properties are zoned R-R and are developed with single-family residences. To the south, in the R-R Zone, is the Cheltenham Youth Facility, a regional detention facility for Southern Maryland, providing services for youth in Anne Arundel, Prince George's, Charles, Calvert and St. Mary's Counties.

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
Uses	Single-Family Residences Farmland	Single-Family Residences
Acreage	50.78	50.78
Lots	0	60

	EXISTING	PROPOSED
Parcels	3	5
Outparcels	0	0
Dwelling Units	2	60

2. **Environmental**— There are streams, wetlands and 100-floodplain on the property. The site drains into Piscataway Creek in the Potomac River watershed. As shown in the Countywide Green Infrastructure Plan, the site contains areas within the network designated as Regulated Areas, Evaluations Areas, and Gap Areas. According to the “Prince George’s County Soils Survey,” the principal soils on this site are in the Aura, Beltsville, Bibb, Croom, Galestown, Ochlockonee, Rumford and Sassafras series. Marlboro clay does not occur in this area. 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, suggests that rare, threatened, or endangered species do not occur in the vicinity of this property. No designated scenic or historic roads will be affected by the proposed development. There are no nearby sources of traffic-generated noise. The proposal is not expected to be a noise generator. This property is located in the Developing Tier as reflected in the approved General Plan.

Natural Resources Inventory

An approved natural resources inventory (NRI), NRI-010-05, was submitted with the application. The inventory indicates that there are streams, wetlands and 100-year floodplain on the property and the plan delineates the extent of the expanded stream buffers. Approximately one-third of the site is wooded. The plans submitted show the NRI information correctly.

Impact to Environmentally Sensitive Areas and Variation Request

Impacts to significant environmental features that are required to be protected by Section 24-130 of the Subdivision Regulations are proposed. The design should avoid any impacts to streams, wetlands, or their associated buffers unless the impacts are essential for the development as a whole. Staff will generally not support impacts to sensitive environmental features that are not associated with essential development activities. Essential development includes such features as public utility lines (including sewer and stormwater outfalls), road crossings, and so forth, which are mandated for public health and safety; nonessential activities are those, such as grading for lots, stormwater management ponds, parking areas, and so forth, which can be designed to eliminate the impacts. Impacts to sensitive environmental features require variations to the Subdivision Regulations.

Impacts to sensitive environmental features are shown on the Type I tree conservation plan in the form of two proposed sanitary sewer connections and reconstruction of the existing farm pond to meet requirements for its conversion into a stormwater management facility. The impacts shown appear to be the minimum necessary and sufficient for the reasonable development of the site. Five variation requests, dated November 14, 2005, have been submitted.

The proposed impacts are: (1) grading for a stormdrain; (2) grading to retrofit the existing outfall on the pond to meet county standards; (3) and (5) grading for the installation of sewer line to serve the majority of the property; and (4) grading for the installation of sewer line to serve a portion of the property. The justification statement clearly addresses the required findings of Section 24-113 of the Subdivision Regulations for each individual impact and contains exhibits that show all of the proposed impacts.

Section 24-113 of the Subdivision Regulations contains four required findings [text in **bold**] to be made before a variation can be granted.

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 request would not be detrimental to public safety, health or welfare and does not injure other property;**

The installation of the stormwater management facilities are required by the Prince George's County Department of Environmental Resources to provide for public safety, health and welfare. County Code requires that the proposed development be served by sanitary sewer. All designs of these types of facilities are reviewed by the appropriate agency to ensure compliance with the regulations. These regulations require that the designs are not injurious to other property.

- (2) **The conditions on which the variations are based are unique to the property for which the variation is sought and are not applicable generally to other properties;**

The specific topography of the site requires the use of the stormwater management facilities shown on the plans to adequately serve the proposed development. The existing sanitary sewer is wholly within the expanded stream buffer and the connections to serve the proposed development with gravity sewer must impact the expanded stream buffers.

- (3) **The variation does not constitute a violation of any other applicable law, ordinance or regulation; and**

The installation of stormwater management facilities and connection to the existing sanitary sewer are required by other regulations. The proposed impacts are not a violation of any other applicable law, ordinance or regulation because federal and state permits will be required.

- (4) **Because of the peculiar 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 the strict letter of these regulation is carried out.**

The topography provides no alternative for the location of the stormwater facilities that are required to serve the development. The only existing sanitary sewer to serve this property is wholly within the expanded stream buffer. Without the required stormwater management facilities or sanitary sewer connection, the property could not be properly developed in accordance with the R-R Zone.

The Environmental Planning Section supports the variation requests for the reasons stated above.

Woodland Conservation

This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the site is more than 40,000 square feet in area and contains more than 10,000 square feet of woodland. A Type I tree conservation plan is required.

A Type I Tree Conservation Plan, TCPI/27/05, has been reviewed. The plan proposes clearing 11.19 acres of the existing 19.19 acres of upland woodland, clearing none of the existing 2.29 acres of floodplain woodland, and clearing 0.51 acre of off-site woodland. The woodland conservation requirement has been correctly calculated as 17.59 acres. The plan proposes to meet the requirements by providing 5.71 acres of on-site preservation, 10.22 acres of on-site planting and 1.66 acres of off-site conservation, for a total of 17.59 acres. An additional 2.29 acres of on-site woodland will be preserved but not as part of any requirement.

The on-site preservation and planting areas are concentrated in and around the sensitive areas of the site. None of the woodland conservation is proposed on any lot. The design of the woodland conservation areas on site furthers the goals of the Woodland Conservation Ordinance and the Green Infrastructure Plan by retaining wooded stream valleys and afforesting areas to increase the size of woodlands, corridors, and connections to sensitive environmental features. Although the network gap area shown on the Green Infrastructure Plan is not proposed to be planted, the sensitive resources are being connected through the planting of the areas north of the existing pond. It should be noted that all afforestation shown on the approved TCPI shall be within a conservation easement and planted prior to issuance of the first building permit. The Environmental Planning Section recommends approval of TCPI/35/05.

Soils

According to the "Prince George's County Soils Survey," the principal soils on this site are in the Aura, Beltsville, Bibb, Croom, Galestown, Ochlockonee, Rumford and Sassafras series. Aura and Croom soils are only problematic when associated with extensive areas of steep slopes; however, there are only limited areas where this occurs on this property. Beltsville soils are highly erodible and may have areas with perched water tables and impeded drainage. Bibb soils are associated with floodplains. Galestown, Ochlockonee, Rumford and Sassafras soils pose no special problems for development.

Water and Sewer Categories

The water and sewer service categories are W-4 and S-4 according to water and sewer maps dated June 2003 obtained from the Department of Environmental Resources. The proposed development will utilize public systems.

3. **Community Planning**—The property is in Planning Area 82A/Rosaryville. The 2002 General Plan places the property in the Developing Tier. 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. This application is not inconsistent with the 2002 General Plan Development Pattern policies for the Developing Tier. The 1993 Subregion VI Study Area Master Plan recommends Low-Suburban residential land use

at an average density of 1.6–2.6 dwelling units per acre. This application conforms to the master plan recommendation.

4. **Parks and Recreation**—In accordance with Section 24-134 of the Prince George’s County Subdivision Regulations, the Department of Parks and Recreation recommends the provision of on-site recreational facilities.
5. **Trails**—The adopted and approved Subregion VI Master Plan includes one master plan trail recommendation that impacts the subject site. Frank Tippet Road is designated as a master plan bikeway. This recommendation can be accommodated through the provision of bikeway signage and paved shoulders or wide outside curb lanes.

The master plan also recommends a trail along Piscataway Creek, which is located just west of the subject site. The far western tip of the subject site is adjacent to existing M-NCPPC parkland along this corridor. Pending the recommendation of DPR, park dedication may be warranted along the subject site’s small portion of the stream valley.

Sidewalk Connectivity

Adjoining and nearby communities include sidewalks on either one side or both sides of internal roads. Where road improvements have been made along Frank Tippet Road, a standard sidewalk has been provided. The submitted preliminary plan includes standard sidewalks along both sides of all internal roads and along the frontage of Frank Tippet Road.

6. **Transportation**—The subject application proposes the construction of 60 single-family dwelling units. As part of the development application, the applicant presented staff with a traffic study that was prepared in October 2005.

Traffic Study Analyses

The study identified the following intersections as the ones on which the proposed development would have the most impact:

EXISTING CONDITIONS		
Intersection	AM (LOS/CLV)	PM (LOS/CLV)
Surratts Road/Frank Tippet Road ** unsignalized	B/12.8 secs.	C/19.0 secs
Rosaryville Road/ Frank Tippet Road	C/1,293	A/848
US 301/ Frank Tippet Road	A/892	C/1,216
** Unsignalized intersections are analyzed using the Highway Capacity Software. The results show the level-of-service and the intersection delay measured in seconds/vehicle. A level-of-service “E” which is deemed acceptable corresponds to a maximum delay of 50 seconds/car. For signalized intersections, a CLV of 1450 or less is deemed acceptable as per the guidelines.		

The traffic study assumed a growth rate of 1.5 percent to simulate the effect of future development in the study area. Additionally, a growth rate of 2 percent and 1 percent were applied to the existing traffic counts along US 301 and local roads, respectively. The analysis revealed the following results:

BACKGROUND CONDITIONS		
Intersection	AM (LOS/CLV)	PM (LOS/CLV)
Surratts Road/Frank Tippet Road ** unsignalized	B/13.5 secs.	C/22.0 secs
Rosaryville Road/ Frank Tippet Road	D/1,393	A/913
US 301/ Frank Tippet Road	A/986	C/1,327

Using the *Guidelines For The Analysis Of The Traffic Impact Of Development Proposals*, the study has indicated that the proposed development of 60 single-family dwelling units will be adding 45 (9 in; 36 out) AM peak-hour trips and 54 (36 in; 19 out) PM peak-hour trips at the time of full build-out. A third analysis was done, whereby the impact of the proposed development was evaluated. The results of that analysis are as follows:

TOTAL CONDITIONS		
Intersection	AM (LOS/CLV)	PM (LOS/CLV)
Surratts Road/Frank Tippet Road ** unsignalized	B/15.9 secs.	C/22.1 secs
Rosaryville Road/ Frank Tippet Road	D/1,406	A/919
US 301/ Frank Tippet Road	A/996	D/1,330
Site entrance/ Frank Tippet Road ** unsignalized	B/12.1 secs	B/14.1 secs.

Based on the results indicated above, the traffic study concluded that, “the proposed Smith Property residential development could occur as planned without appreciable adverse impact on the study area road network.” In the review of the applicant’s traffic study, staff agrees that the impact upon buildout of the development would not significantly impact the road network. Staff also recognized, however, that there were some technical errors in the study findings.

In the analyses of the unsignalized intersection of Surratts Road and Frank Tippet Road, the traffic study assumed that the Surratts Road leg of the intersection consisted of two approach lanes instead of one. The results of the analysis for the AM period shows that the left turn movement on the Surratts Road approach had a delay of 51.7 seconds. Consequently, pursuant to our guidelines, the applicant must conduct a traffic signal warrant study and provide for the installation of said signal, if deemed to be warranted, and approved by the Department of Public Works and Transportation (DPW&T).

The traffic study was reviewed by two additional agencies, the State Highway Administration (SHA) and DPW&T. As of this writing, SHA has not provided written comments to staff. In DPW&T's response to the traffic study, DPW&T staff recommended the following:

- “The developer shall be required to provide for a left turn lane along westbound Frank Tippet Road at its intersection with Surratts Road.
- The developer shall also be required to construct or participate in the construction of a northbound double left turn lane along Frank Tippet Road at Rosaryville Road. This will require widening of Rosaryville Road to accept the double left and signal modifications associated with this widening.”

Regarding DPW&T's first comment, the applicant did not assume a separate left turn lane along westbound Frank Tippet Road in the analysis of the Surratts Road/Frank Tippet Road intersection. While a significant left turn movement is projected, the shoulders at the intersection (if wide enough and structurally sound) can indeed provide the effect of a bypass lane. However, if the need for the left turn is based on safety, then staff fully supports DPW&T's request for this left turn lane.

With regard to the second comment, a second left turn lane is not necessary. Previous analyses have shown that a single left turn lane is indeed adequate and staff therefore has no basis to requiring such improvement.

Transportation Conclusions

The Transportation Planning Section concludes that adequate access roads will not exist as required by Section 24-124 of the Prince George's County Code if the application is approved with the conditions consistent with this analysis.

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

Finding

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 4	Middle School Cluster 2	High School Cluster 2
Dwelling Units	60 sfd	60 sfd	60 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	14.4	3.6	7.2
Actual Enrollment	4,395	5,307	10,580
Completion Enrollment	317.28	189.24	378.24
Cumulative Enrollment	18.72	11.76	23.52
Total Enrollment	4,744.92	5,511.48	10,988.72
State-Rated Capacity	5,384	4,688	8,770

Affected School Clusters #	Elementary School Cluster 4	Middle School Cluster 2	High School Cluster 2
Percent Capacity	88.13	117.57	125.3

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

These figures are correct on the day the referral memo was written. They are subject to change under the provisions of CB-30-2003 and CR-23-2003. 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 will be the ones that 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 an 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. Council bill CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts are \$7,412 and \$12,706 to be paid at the time of issuance of each building permit.

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. This project meets the adequate public facilities policies of Section 24-122.02, CB-30-2003, CB-31-2003 and CR-23-2003.

8. **Fire and Rescue**—The Prince George's County Planning Department has determined that this preliminary plan is within the required seven-minute response time for the first due fire station Marlboro, Company 20, using the Seven-Minute Travel Times and Fire Station Locations Map provided by the Prince George's County Fire Department.

The Fire Chief has reported that the current staff complement of the Fire Department is 685 (98.99 percent), which is within the staff standard of 657 (or 95 percent) of authorized strength of 692 as stated in CB-56-2005.

The Fire Chief has reported by letter, dated 10/01/05, that the department has adequate equipment to meet the standards stated in CB-56-2005.

9. **Police Facilities**—The Prince George's County Planning Department has determined that this preliminary plan is located in Police District V. The response standard is 10 minutes for emergency calls and 25 minutes for nonemergency calls. The times are based on a rolling average for the preceding 12 months, beginning with January 2005.

The preliminary plan was accepted for processing by the Planning Department on October 5, 2005.

Reporting Cycle	Date	Emergency Calls	Nonemergency
Acceptance Date	01/05/05-10/05/05	12.00	22.00
Cycle 1	01/05/05-11/05/05	12.00	22.00
Cycle 2	01/05/05-12/05/05	To be provided 12/08/05	To be provided 12/08/05
Cycle 3			

The Police Chief reported that the current staff complement of the Police Department is 1,302 sworn officers and 43 student officers in the academy, for a total of 1,345 (95 percent) personnel, which is within the standard of 1,278 officers (or 90 percent) of the authorized strength of 1,420 as stated in CB-56-2005.

This application does not meet the emergency response time standard for police. CB-56-2005 provides for mitigation of police inadequacies through approval of a mitigation plan. These mitigation plans are to be created in accordance with guidelines that have been enumerated by the District Council in CR-78-2005, which establishes a police facilities mitigation charge (as adjusted by the percentage change in the Consumer Price Index for all urban consumers) in the amount of \$3,780 per dwelling unit. Any approval of this application would be subject to the payment of this charge.

10. **Health Department**—The Health Department has reviewed the subject application and reminds the applicant that raze permits are required prior to the removal of any structure on the site. Also, numerous abandoned vehicles and unlabeled drums must be removed and properly stored or discarded in accordance with county and state regulations. Lastly, the existing septic tank on the site must be pumped out by a licensed scavenger and properly backfilled in place as part of the grading permit.
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, CSD 42748-2004-00, has been approved. The plan requires the retrofitting of the existing farm pond to meet current standards and construction of a second pond, as shown on the TCPI, to provide for water quality. The CSD approval is correctly noted on the preliminary plan and the TCPI. 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 or any approved revision thereto.
12. **Historic Preservation**—A Phase I archeological survey is recommended by the Planning Department on this property. An unnamed branch of Piscataway Creek runs through the northern edge of the property. Archeological sites have been found in similar settings. One archeological site, 18PR563, is located within one mile of the property, to the west of the property.

Phase I archeological investigations should be conducted according to Maryland Historical Trust (MHT) guidelines and the *Standards and Guidelines for Archeological Investigations in Maryland* (Shaffer and Cole 1994). Report preparation should follow MHT guidelines and the *American Antiquity* or *Society of Historical Archaeology* style guide. Archeological excavations shall be spaced along a regular 15-meter or 50-foot grid and excavations should be clearly identified on a map to be submitted as part of the report.
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. **Flag Lots**—The applicant proposes two flag lots in the subdivision. The flag lots are shown as Lots 50 and 60.

Flag lots are permitted pursuant to Section 24-138.01 of the Subdivision Regulations. Staff supports these flag lot based on the following findings and reasons.

- a. A maximum of two tiers is permitted. Each of the flag lots is a single tier. The houses would be sited such that each would have a private rear yard area.
- b. Each flag stem is a minimum width of 25 feet for the entire length of the stem.
- c. The net lot area for each proposed lot (exclusive of the flag stem) meets or exceeds the minimum lot size of 20,000 square feet in the R-R Zone.
- d. The proposal includes no shared driveways.
- e. Where rear yards are oriented toward driveways, an “A” bufferyard is required. This relationship does not occur in either flag lot.
- f. Where front yards are oriented toward rear yards, a “C” bufferyard is required. This relationship does not occur in either flag lot.

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: One of the two proposed flag lots yields a superior design to that which would be allowed conventionally. This property has several narrow fingers of developable land, one of which is sandwiched between the existing farm pond and adjacent properties. Originally, this strip of highly desirable but somewhat inaccessible land was shown as an area for on-site recreation. Staff was of the opinion that a more visible, centrally-located recreation area was in order and that this area would be preferable as home sites. The applicant revised the plan to show the recreation area down along the main spine road and divided the previous recreation site into four lots overlooking the pond, with access via a 50-foot-wide right-of-way. This results in Lot 60 being at the end of the cul-de-sac, tucked behind and very near the property line for Parcel 19. Depending on how Parcel 19 were to develop in the future, having this orientation for Lot 60 could be problematic. Staff cannot support Lot 60 as a flag lot.

Lot 50, on the other hand, continues the courtyard effect at the end of the cul-de-sac without the unaesthetic stacking houses. At 32,437 square feet, it is considerably larger than the minimum lot size in the R-R Zone. The proposed flag lot is somewhat unique in that the stem is unusually short. Generally a flag lot is utilized to extend a buildable lot area into environmentally sensitive areas without creating a need to extend a road system. Staff does not generally support this particular configuration of lots. However, in this particular case, staff has agreed that this unusually large lot creates a beneficial relationship and will be all but indistinguishable from the other lots along the cul-de-sac. Staff supports Lot 50 as a flag lot.

B. The transportation system will function safely and efficiently.

Comment: The Transportation Planning Section and the Department of Public Works and Transportation have evaluated the applicant’s proposed layout and finds that the location of the driveway for the flag lots does not adversely impact the safety of efficiency of the street layout. All of the flag lots would access the internal street.

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: Lot 50 will blend harmoniously with the rest of the development. The homes on the flag lots are laid out so that they continue a cul-de-sac arrangement, without having to further constrain the lots or impact the extended buffer by placing them on an unnecessary public road.

D. The privacy of property owners has been assured in accordance with the evaluation criteria.

Comment: Given the size of the net lot areas, all of which meet or exceed 20,000 square feet, the flag-style development of the lot will not impair the privacy of either the homeowner of this lot or the homeowners of other lots. The applicant's proposal does not result in stacking of dwelling units.

Given these findings, staff recommends approval of the flag lot at Lot 50, but does not support a flag lot at Lot 60.

RECOMMENDATION

APPROVAL, subject to the following conditions

1. Prior to the issuance of permits, a Type II tree conservation plan shall be approved.
2. Development shall be in accordance with the approved stormwater management concept plan (CSD 42748-2004-00) or any approved revision thereto.
3. Prior to approval of the final plat the applicant shall submit a Phase I archeological investigation and a Phase II and Phase III investigation, as determined appropriate by Planning Department staff. If necessary, the final plat shall provide for the avoidance and preservation of the resources in place or shall include plat notes to provide for mitigating the adverse effect upon these resources. All investigations must be conducted by a qualified archaeologist and must follow *The Standards and Guidelines for Archeological Investigations in Maryland* (Schaffer and Cole: 1994) and must be presented in a report the same guidelines.
4. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the expanded stream buffer, except for areas where variations have been approved, 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.”
5. Prior to the issuance of any permits which impact jurisdictional wetlands, wetland buffers, streams or waters of the U.S., the applicant shall submit copies of all federal and state wetland

permits, evidence that approval conditions have been complied with, and associated mitigation plans.

6. 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/35/05), 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 Ordinance. This property is subject to the notification provisions of CB-60-2005.”

7. Prior to the issuance of building permits, the applicant, his heirs, successors and/or assignees shall convey to the homeowners association (HOA) 24.4± acres of open space land (Parcels A-E), in accordance with Staff Exhibit A. Land to be conveyed shall be subject the following:

- a. Conveyance shall take place prior to the issuance of building permits.
- b. A copy of unrecorded, special warranty deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division (DRD), Upper Marlboro, along with the final plat.
- c. All waste matter of any kind shall be removed from the property, prior to conveyance, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section, or the entire project.
- d. The conveyed land shall not suffer the disposition of construction materials, soil filling, discarded plant materials, refuse or similar waste matter.
- e. Any disturbance of land to be conveyed to a homeowners association shall be in accordance with an approved detailed site plan or shall require the written consent of DRD. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement, and stormdrain outfalls. If such proposals are approved, a written agreement and financial guarantee shall be required to warrant restoration, repair or improvements, required by the approval process.
- f. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to a homeowners association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by DRD prior to the issuance of grading or building permits.
- g. Temporary or permanent use of land to be conveyed to a homeowners association for stormwater management shall be approved by DRD.
- h. The Planning Board or its designee shall be satisfied that there are adequate provisions to assure retention and future maintenance of the property to be conveyed.

8. Prior to building permits the applicant, his heirs, successors and/or assignees shall demonstrate that a homeowners association has been established and that the common areas have been conveyed to the homeowners association.

9. Prior to the approval of the final plat, a limited detailed site plan (LDSP) shall be approved by the Planning Board or its designee for the construction of private on-site recreational facilities on Parcel B, establishing appropriate bonding amounts and determining triggers for construction, in accordance with the *Parks and Recreation Facilities Guidelines*.
10. The applicant, his heirs, successors and/or assignees shall submit three original recreational facilities agreements (RFAs) to DRD for construction of recreational facilities on homeowners land for approval prior to the submission of final plats. Upon approval by DRD, the RFA shall be recorded among the County Land Records.
11. The applicant, his heirs, successors and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for the construction of recreational facilities on homeowners land, prior to the issuance of building permits.
12. Prior to the issuance of a grading permit for the development, A public safety mitigation fee shall be paid in the amount of \$226,800 (\$3,780 x 60 dwelling units). Notwithstanding the number of dwelling units and the total fee payments noted in this condition, the final number of dwelling units shall be as approved by the Planning Board and the total fee payment shall be determined by multiplying the total dwelling unit number by the per unit factor noted above. The per unit factor of \$3,780 is subject to adjustment on an annual basis in accordance with the percentage change in the Consumer Price Index for all urban consumers. The actual fee to be paid will depend upon the year the grading permit is issued.
13. The applicant and the applicant's heirs, successors, and/or assignees shall provide the following unless modified by DPW&T:
 - a. A standard sidewalk along the subject site's entire frontage of Frank Tippet Road.
 - b. A standard sidewalk along one side of both sides of all internal roads.
14. The applicant, and the applicant's heirs, successors, and/or assignees shall provide a financial contribution of \$210 to the Department of Public Works and Transportation for the placement of a "Share the Road With a Bike" sign along Frank Tippet Road. A note shall be placed on the final record plat for payment to be received prior to the issuance of the first building permit. If road frontage improvements are required by DPW&T, a paved asphalt shoulder or wide outside curb lane is also encouraged to safely accommodate bicycle traffic.
15. Prior to signature approval of the preliminary plan, Lot 50 shall be deleted and combined with adjoining lots.
16. 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 through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency.

At Frank Tippet Road/Surratts Road intersection

Provide signalization, if warranted, and provision of an exclusive left turn lane along the westbound Frank Tippet Road approach, and a separate left turn and right turn lane along the Surratts Road approach.