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## Preliminary Plan 4-05119

Application	General Data
<b>Project Name:</b> <b>LYNN'S COVE</b>  <b>Location:</b> East side of Bealle Hill Road, just south of its intersection with Accokeek Road.  <b>Applicant/Address:</b> Khan, Nazim & Cathy 16045 Accolawn Road Accokeek, MD 20607	Date Accepted: 02/07/06
	Planning Board Action Limit: 06/27/06
	Plan Acreage: 2.2
	Zone: R-R
	Lots: 4
	Parcels: 0
	Planning Area: 84
	Tier: Developing
	Council District: 09
	Municipality: N/A
	200-Scale Base Map: 221SE01

Purpose of Application	Notice Dates
RESIDENTIAL SUBDIVISION	Adjoining Property Owners Previous Parties of Record Registered Associations: 11/17/05 (CB-58-2003)
	Sign(s) Posted on Site and Notice of Hearing Mailed: 11/29/06

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 Plan of Subdivision 4-05119  
Lynn's Cove, Lots 1-4

OVERVIEW

The site contains approximately 2.2 acres of land in the R-R Zone. It is Lot 2 of the Cedar Lawn subdivision (Plat Book 04, Plat 81), which was recorded in 1937. The applicant is proposing to subdivide the site into four lots, two of which (Lots 2 and 3) are flag lots. Access to each of the lots will be from the east side of Bealle Hill Road.

This case was denied at the June 15, 2006, Planning Board hearing due to the inadequate fire and rescue staffing levels. A request for reconsideration was granted at the September 7, 2006, Planning Board Hearing. Notices of this hearing were sent to all parties of record on November 29, 2006.

SETTING

The site is located on the east side of Bealle Hill Road, just south of its intersection with Accokeek Road. The site is undeveloped and predominately wooded. The surrounding properties are zoned R-R and are developed with single-family residences.

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	Vacant	Single-Family Residences
Acreage	2.2	2.2
Lots	1	4
Parcels	0	0
Outlots	0	0
Dwelling Units	0	4
Public Safety Mitigation Fee		No

2. **Environmental**—There are no streams, wetlands or 100-year floodplain on the property. The site eventually drains into Mattawoman Creek in the Potomac River watershed. According to the "Prince George's County Soils Survey" the principal soils on this site are in the Beltsville series. Marlboro clay does not occur in the area. 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 do not occur in the vicinity of this property. Beale Hill Road is a designated scenic road. 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 adopted General Plan.

### **Scenic and Historic Roads**

Beale Hill Road is designated in the Subregion V Master Plan as a scenic road. No visual inventory was in the review package. Because of the limited nature of the proposed development, a visual inventory will not be required. The plan shows the required 40 foot-wide landscape buffers adjacent to the 10-foot public utility easements parallel to the land to be dedicated for Beale Hill Road.

### **Natural Resources Inventory**

A signed Natural Resources Inventory (NRI), NRI/097/05, was submitted with the application. There are no streams, wetlands or 100-year floodplain on the property. A simplified forest stand delineation (FSD) was submitted with the NRI. The FSD, based upon three sample points, describes a single forest stand of 2.18 containing no specimen trees. The woodland is mostly immature sweetgum, scarlet oak and red maple. The 1938 and 1965 air photos show that the property was an open field.

There are no sensitive environmental features on the site and there are no priority woodlands as defined in the "Prince George's County Woodland Conservation and Tree Preservation Policy Document". According to the Green Infrastructure Plan, none of the property is near or contains and regulated area or evaluation area. Based upon this analysis, there are no priority woodlands on-site. No impacts to any sensitive environmental features are proposed.

### **Woodland Conservation**

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

The Type I Tree Conservation Plan, TCPI/94/04, has been reviewed and was found to require revisions. The plan proposes clearing 1.76 acres of the existing 2.12 acres of woodland. The woodland conservation threshold is 0.44 acres. Based upon the proposed clearing, the woodland conservation requirement has been correctly calculated as 0.92 acres. The plan proposes to meet the requirement by providing 0.17 acres of on-site woodland conservation and retain 0.20 acres on-site but not part of any requirement.

Although the proposed woodland conservation areas meet all dimensional requirements, the areas are contrary to the intent of the Woodland Conservation and Tree Preservation Ordinance because they only serve to create isolated forest fragments. The proposed woodland conservation areas do not protect sensitive environmental features, do not create large contiguous woodlands and contain no specimen trees. Additionally, the FSD notes that all of the woodland is a low priority because it is dominated by very small trees that have overgrown a field since 1990 and the quality of invasive and noxious plants, including honeysuckle and poison ivy, is high.

Except for the 40-foot buffers along Bealle Hill Road, the plans should be revised to calculate the entire site as cleared. By calculating the woodlands as cleared, a future homeowner may treat the

woodland areas remaining on their lots in any fashion they deem appropriate without violating the Woodland Conservation Ordinance. The 0.17 acre woodland strips remaining in the 40-foot buffers will be re-evaluated at the time of the Type II TCP with specific recommendations for controlling invasive and noxious plants within them.

### **Soils**

According to the Prince George's County Soils Survey the principal soils on this site are in the Beltsville series. Beltsville soils are highly erodible, may have a perched water table and are in the C-hydric group. The Prince George's County Department of Environmental Resources will require a soils report in conformance with CB-94-2004 during the permit process review.

### **Water and Sewer Categories**

The water and sewer service categories are W-3 and S-4 according to water and sewer maps obtained from the Department of Environmental Resources dated June 2003 and the property will, therefore, be served by public systems. A change to categories W-3 and S-3 will be required prior to approval of the final plat.

3. **Community Planning**—The property is within the limits of the 1993 *Subregion V Master Plan* for Planning Area 84 (Piscataway), which recommends the site for low suburban residential land use. The applicant's proposal for 4 single-family detached lots on this property is consistent with the master plan recommendation.

The 2002 General Plan locates this 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 consistent with the 2002 General Plan Development Pattern policies for the Developing Tier.

4. **Parks and Recreation**—In accordance with Section 24-134 of the Subdivision Regulations, the Park Planning and Development Division recommends that the applicant pay a fee-in-lieu of parkland dedication because the land available for dedication is unsuitable due to its size and location.
5. **Trails**—There are no master plan trails issues identified in the Adopted and Approved Subregion V Master Plan.

### **Sidewalk Connectivity**

Roads in the immediate vicinity of the subject site are open section with no sidewalks.

6. **Transportation**—The application is a preliminary plan of subdivision for a residential development consisting of 4 single-family residential lots to be created within an existing platted lot. The proposed net development of three net lots would generate 2 AM and 3 PM peak hour vehicle trip as determined using Guidelines for the Analysis of the Traffic Impact of Development Proposals.

The site is 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.

The traffic generated by the proposed preliminary plan would impact the intersection of Livingston Road and Bealle Hill Road.

Recent planning-level analyses suggest that the intersection of Livingston Road and Bealle Hill Road operates unacceptably as an unsignalized intersection. In similar circumstances, the Planning Board has generally required that more detailed studies be done to determine the need for signalization or other traffic control improvements, and that such signals or improvements be installed by the applicant. Nonetheless, due to the limited trip generation of the additional development proposed for the site, the Prince George's County Planning Board could deem the site's impact at this location to be de minimus. Staff would therefore recommend that the Planning Board find that 2 AM and 3 PM peak hour trips will have a de minimus impact upon delay in the critical movements at the Livingston Road and Bealle Hill Road intersection.

It is noted that Bealle Hill Road is a master plan primary residential facility, with right-of-way that is slightly offset from the existing centerline. The plan reflects correct right-of-way of 30 feet from baseline along Bealle Hill Road.

### **Transportation Staff Conclusions**

Based on the preceding findings, the Transportation Planning Section concludes that adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code if the application is approved with a condition requiring the applicant to dedicate right-of-way along Bealle Hill Road of 30 feet from the master plan baseline as shown on the submitted plan.

7. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this preliminary plan for impact on 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.

### Impact on Affected Public School Clusters

Affected School Clusters	Elementary School Cluster 6	Middle School Cluster 3	High School Cluster 3
Dwelling Units	4 sfd	4 sfd	4 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	0.96	0.24	0.48
Actual Enrollment	3946	5489	9164
Completion Enrollment	121	64	127
Cumulative Enrollment	16.80	108.12	216.24
Total Enrollment	4084.76	5661.36	9507.72
State Rated Capacity	4033	6114	7792
Percent Capacity	101.28%	92.60%	122.02%

Source: Prince George's County Planning Department, M-NCPPC, December 2005

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 \$7,671 and \$13,151 to be paid at the time of issuance of each building permit.

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.

The Historic Preservation and Public Facilities Planning Section staff finds that 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.

8. **Fire and Rescue**—The Historic Preservation & Public Facilities Planning Section has reviewed this subdivision plan for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(B)-(E) of the Subdivision Ordinance.

The Prince George's County Planning Department has determined that this preliminary plan is within the required 7-minute response time for the first due fire station Accokeek, Company 24, using the Seven-Minute Travel Times and Fire Station Locations Map provided by the Prince George's County Fire Department.

Pursuant to CR-69-2006, Prince George's County Council and the County Executive suspended the provisions of Section 24-122.01(e)(1)(A, B) regarding sworn police and fire and rescue personnel staffing levels.

The Fire Chief has reported that the department has adequate equipment to meet the standards stated in CB-56-2005.

9. **Police Facilities**—The preliminary plan is located in Police District IV.

The standard for emergency calls response is 10 minutes and 25 minutes for non-emergency calls. The times are based on a rolling average for the proceeding 12 months. The preliminary plan was accepted for processing by the Planning Department on February 7, 2006.

Reporting Cycle	Date	Emergency Calls	Non-emergency
Acceptance Date	01/05/05-01/05/06	10.00	24.00
Cycle 1			
Cycle 2			
Cycle 3			

The response time standards of 10 minutes for emergency calls and 25 minutes for non-emergency calls were met on 01/05/2006.

Pursuant to CR-69-2006, Prince George's County Council and the County Executive suspended the provisions of Section 24-122.01(e)(1)(A, B) regarding sworn police and fire and rescue personnel staffing levels.

The Police Chief has reported that the department has adequate equipment to meet the standards stated in CB-56-2005.

10. **Health Department**—The Health Department has reviewed the application and has no comments to offer.
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 45540-2005, has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. Development must be in accordance with this approved plan or any approved revisions thereto.
12. **Historic**—Phase I archeological investigations were recommended for this property in a referral dated February 17, 2006. The reasons were as follows:
- a. Mattawoman Creek is located just to the south of the property. Numerous prehistoric archeological sites have been located in similar settings.
  - b. Eleven prehistoric archeological sites are located within one mile of the subject property, to the south, the west, and the northeast of the property. These are sites 18PR98, 18PR141, 18PR147, 18PR172 18PR288, 18PR289, 18PR290, 189PR441, 18PR442, 18PR540, and 18PR541.

- c. The 1861 Martenet map shows a structure labeled 'Clemens' to the southeast of the property.
- d. In accordance with Subtitle 24-104, 121(a)(18), and 24-135.01, the subject property shall be the subject of a Phase I archeological investigation to identify any archeological sites that may be significant to the understanding of the history of human settlement in Prince George's County, including the possible existence of slave quarters and slave graves, as well as archeological evidence of the presence of Native American peoples.

A Phase I report was submitted to the Historic Preservation Section of the Planning Department on April 11, 2006. The field investigation recovered no cultural material. The report was reviewed by staff who concurred in a letter dated May 1, 2006, that additional archeological investigation is not required.

- 13. **Public Utility Easement**—The preliminary plan shows a 10-foot-wide public utility easement (PUE) adjacent to and contiguous with Bealle Hill Road. The plan must be revised to show the flagstems for the two proposed flag lots as PUEs.
- 14. **Flag Lots**—The applicant proposes two flag lots in the subdivision. The flag lots are shown as Lots 2 and 3.

Flag lots are permitted pursuant to Section 24-138.01 of the Subdivision Regulations. Staff supports these flag lots 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. The flag stem is a minimum width of 25 feet for the entire length of the stem.
- c. The net lot area for the proposed lots exclusive of the flag stem 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 orientation does not occur in this instance.
- f. Where front yards are oriented toward rear yards, a "C" bufferyard is required. This occurs in this instance, with ample area for the required bufferyards as shown on the flag lot sketch.

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 lot yields a superior design to that which would be allowed conventionally. This recorded lot, at 2.2 acres in area, is more than four times the minimum lot size required in the R-R Zone. Allowing the flag lots to be accessed via driveways on a flagstem would negate the need for a short 50-foot-radius cul-de-sac to



serve development at the rear of the site. Such a cul-de-sac would be out of character with the surrounding development, the historic character of Bealle Hill Road and would be an unnecessary expanse of impervious surface.

**B. The transportation system will function safely and efficiently.**

**Comment:** The flag lots would each have a driveway to Bealle Hill Road. No significant impact on the transportation system is expected.

**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:** The flag lot will blend harmoniously with the rest of the development. The homes on the flag lots continue a linear arrangement as if located along a cul-de-sac, without the large and unnecessary impervious surface.

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

**Comment:** Given the ability to site the houses, the flag-style development of the lot will not impair the privacy of either the homeowner of these lots or the homeowners of other lots. Ample room exists to provide for the required bufferyards.

Given these findings, staff recommends approval of the flag lots.

## **RECOMMENDATION**

APPROVAL, subject to the following conditions:

1. Development of this site shall be in conformance with the Stormwater Management Concept Plan CSD 45540-2005 and any subsequent revisions.
2. 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/94/04), 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 and Tree Preservation Ordinance. This property is subject to the notification provisions of CB-60-2005.”
3. The 40-foot landscape buffers along Beale Hill Road shall be shown on the final plats as a scenic easement and the following note shall be placed on the plats:

"Scenic 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."
4. The woodland strips remaining in the 40-foot scenic buffers along Bealle Hill Road shall be re-evaluated at the time of the Type II TCP with specific recommendations for controlling invasive and noxious plants within them.

5. Prior to signature approval of the preliminary plan, the Type I Tree Conservation Plan, TCPI/94/04, shall be revised to:
  - a. Calculate the entire site as cleared, except for the 40-foot buffers along Bealle Hill Road.
  - b. Change the legend for the pattern from “Saved But Not Counted” to “Calculated As Cleared.”
  - c. Revise the worksheet as needed.
  - d. Provide all required additional woodland conservation as fee-in-lieu.
  - e. Have the revised plan signed and dated by the qualified professional who prepared the plan.
6. Prior to approval of the Final Plat of subdivision the applicant, his heirs, successors and/or assignees shall pay a fee-in-lieu of parkland dedication. The plan shall be revised to show a note to this effect.
7. Prior to the issuance of permits, a Type II tree conservation plan shall be approved.

STAFF RECOMMENDS APPROVAL OF THE TYPE I TREE CONSERVATION PLAN TCPI/94/04.