The Maryland-National Capital Park and Planning Commission
Prince George's County Planning Department
Development Review Division
301-952-3530

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

Preliminary Plan 4-06112 & VP-06112

Application	**General Data**	
Project Name: **BRADBURY PARK**	Date Accepted:	11/01/06
	Planning Board Action Limit:	01/26/07
	Plan Acreage:	0.70
Location: West side of Shadyside Avenue, 200 feet south of its intersection with Davis Avenue.	Zone:	R-55
	Lots:	2
	Parcels:	0
Applicant/Address: Sharma, Raj 14109 London Lane Rockville, Maryland 20853	Planning Area:	75A
	Tier:	Developed
	Council District:	07
	Municipality:	N/A
	200-Scale Base Map:	204SE04

Purpose of Application	**Notice Dates**	
RESIDENTIAL SUBDIVISION Variance from the 65-foot lot width requirement required by Section 27-442(d)	Adjoining Property Owners Previous Parties of Record Registered Associations: (CB-58-2003)	08/31/06
	Sign(s) Posted on Site and Notice of Hearing Mailed:	12/21/06

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 4-06112
Bradbury Park, Lots 12 & 13

OVERVIEW

The subject property is located on Tax Map 80, Grid D-2, and is known as Lot 3, Block K of the Bradbury Park subdivision, which was recorded in 1924 in Plat Book 2, Plat 74. The property is approximately 0.7 acre in area and is zoned R-55. The applicant is proposing to subdivide the site into two lots for single-family residences. Both of the lots would gain access from the west side of Shadyside Avenue.

Neither of these proposed lots meets the 65-foot width requirement at the front building line prescribed by Section 27-442(d), Table III. The applicant seeks a variance from this requirement, which is discussed in Finding 14 later in this report.

SETTING

The subject property is located at the west side of Shadyside Avenue, 200 feet south of its intersection with Davis Avenue. The site is undeveloped and partially wooded. Surrounding properties are developed with single-family residences on small lots in the R-55 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-55	R-55
Use(s)	Undeveloped	Single-family Residences
Acreage	0.7	0.7
Lots	1	2
Outparcels	0	0
Parcels	0	0
Dwelling Units:	0	2
Public Safety Mitigation Fee		No

2. **Environmental**—A review of available information indicates there are no regulated environmental features associated with the site such as a stream, 100-year floodplain, wetlands and steep slopes. Based on year 2005 air photos, the site is approximately 35 percent wooded. The soil types found to occur on the subject property according to the Prince George's County Soil Survey are Croom and Sandy & Clayey soils. These soil types generally exhibit slight to

moderate limitations to development due to steep slopes. Based on information obtained from the Maryland Department of Natural Resources Natural Heritage Program, there are no rare, threatened, or endangered species located in the vicinity of this property. According to available information, the site is not in a sensitive species evaluation area. There are no scenic and historic roads or traffic noise generators in vicinity of the site, and the site is not anticipated to generate noise based on the proposed land use. Sunnyside Avenue is classified as a collector roadway and is not generally regulated for noise. The site is in the Oxon Run watershed of the Potomac River basin, the Suitland District Heights and Vicinity Planning Area and the Developed Tier of the 2002 adopted General Plan. The site does not contain regulated areas, evaluation areas or network gaps within the green infrastructure network of the Countywide Green Infrastructure Plan.

Natural Resources Inventory

The preliminary plan application has a signed natural resources inventory (NRI/115/06) dated September 15, 2006 that was included with the application package. The site acreages shown on the NRI and the preliminary plan are not consistent. All plans with the associated application must be revised to reflect the correct site acreage consistently.

Woodland Conservation

This property is not subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the site is less than 40,000 square feet in area and it has no previously approved tree conservation plan. A Type I tree conservation plan was not submitted with the required package and it is not required. A standard letter of exemption from the ordinance was issued by the Environmental Planning Section, Countywide Planning Division, on August 22, 2005.

Water and Sewer Categories

The water and sewer service categories are W-3 and S-3 according to water and sewer maps obtained from the Department of Environmental Resources dated June 2003 and will therefore be served by public systems.

3. **Community Planning**—The property is within the limits of the 1986 *Approved Master Plan and Adopted Sectional Map Amendment for Suitland-District Heights and Vicinity, Planning Areas 75A and 75B,* PA 75A/Suitland. The master plan recommended land use is for single-family residential. The 2002 General Plan places the site in the Developed Tier. The vision for the Developed Tier is a network of sustainable, transit-supporting, mixed-use, pedestrian-oriented, medium- to high-density neighborhoods. The proposed preliminary plan is consistent with the recommendations of the master plan and the 2002 General Plan.

4. **Parks and Recreation**—In accordance with Section 24-134 of the Subdivision Regulations, the Park Planning and Development Review Division recommends that the applicant pay a fee-in-lieu of mandatory park dedication because land available for dedication is unsuitable due to size and location.

5. **Trails**—There are no master plan trails issues identified in the Adopted and Approved Suitland-District Heights and Vicinity Master Plan that impact the subject application. The majority of

Shadyside Avenue is open section with no sidewalks for its entire length. However, there are sidewalks along a few segments where frontage improvements have been made. Edgar Allan Poe Elementary School is north of the subject site along Shadyside Avenue. The Bradbury Community Center is one block to the west along Whitehall Street. Staff recommends the provision of a standard sidewalk along the frontage of the subject site, unless modified by DPW&T.

6. **Transportation**—The application is a preliminary plat of subdivision for two residential lots. The proposed development would generate 2 AM and 2 PM peak hour vehicle trips as determined using "The Guidelines for the Analysis of the Traffic Impact of Development Proposals."

The traffic generated by the proposed preliminary plan would impact the intersection Davis and Shadyside Avenues. This intersection is operating at adequate levels of service during both peak periods, and is not programmed for any additional improvement in the current Prince George's County Capital Improvement Program. The subject property is located within the developed tier, as defined in the *Prince George's County Approved General Plan*.

The guidelines state that the Planning Board may find that the traffic impact of any development that generates 5 or fewer peak-hour trips, is a de minimus, or insignificant impact.

Findings and Recommendations

Based on the fact that the subject application is considered to be de minimus, the Transportation Planning Section finds that adequate transportation facilities exist to service the proposed subdivision as required under Section 24-124 of the Prince George's County Code if the application is approved.

7. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed 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 7	Middle School Cluster 4	High School Cluster 4
Dwelling Units	2 sfd	2 sfd	2 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	0.48	0.12	0.24
Actual Enrollment	35,388	11,453	16,879
Completion Enrollment	218	52	105
Cumulative Enrollment	103.68	25.92	51.84
Total Enrollment	35,710.16	11,531.04	17,036.08
State-Rated Capacity	39,187	11,272	15,314
Percent Capacity	91.13	102.3	111.25

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

These figures are correct on the day the referral 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 amounts of: $7,000 per dwelling if a building is located between interstate highway 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 a 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 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 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 Boulevard Heights, Company 17, 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 subject property is located in Police District III. 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. The preliminary plan was accepted for processing by the Planning Department on October 31, 2006.

Reporting Cycle	Date	Emergency Calls	Nonemergency
Acceptance Date	10/05/05-10/05/06	10.00	18.00
Cycle 1			
Cycle 2			
Cycle 3			

The response time standards of 10 minutes for emergency calls and 25 minutes for nonemergency calls were met on October 5, 2006.

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

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.

10. **Health Department**—The Health Department reviewed the application and has no comments.

11. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. Stormwater Management Concept Plan 29303-2005-00 has been approved. Development must be in accordance with that approved plan to ensure that development of this site does not result in on-site or downstream flooding.

12. **Historic Preservation**—Phase I archeological survey is not recommended on the above-referenced 0.70-acre property in Suitland, Maryland. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low. The property appears to have been previously impacted by construction of a house and driveway on the property prior to 1965. The surrounding area is also highly developed. However, the applicant should be aware that there are three archeological sites and one historic site within a one-mile.

    Moreover, Section 106 review may require archeological survey for state or federal agencies. Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effects of their undertakings on historic properties, to include archeological sites. This review is required when state or federal monies, or federal permits are required for a project.

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. **Variance Request for Section 27-442(g), Lot Width at Front Building Line**

    Section 27-442(d), Table III of the Zoning Ordinance establish minimum lot width/frontage requirements for lots in the R-55 Zone. It requires 65 feet of lot width at the front building line. Each of the two lots proposed has 53 feet of lot width at the front building line. Variances may be granted provided the application meets the following criteria, contained within Section 27-230(a) of the Prince George's County Code.

    (1) A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographical conditions, or other extraordinary situations or conditions;

    The property is uncommonly large and deep for a lot in the R-55 Zone. At 30,607 square feet, it is more than four and one-half times the required minimum lot size for the zone (6,500 square feet). The lot directly to the south was similarly split into two lots by deed (Liber 4042, Folio 470) several decades ago and is developed with two residences, each of which has less than 65 feet of

width at the building line. Just beyond that to the south, Lot 1, Block K, was subdivided into five lots, including one (Lot 2), which has 55 feet of lot width at the building line. The lot to the north, which is nearly identical in size but has frontage on both Davis Avenue and Sunnyside Avenue, was subdivided into three lots in 1983. The proposed size of Lot 12 (15,000 square feet) and Lot 13 (14,500 square feet) and the proposed lot width at the building line (12 feet below the minimum 65 feet required) either far exceed (lot area) or are consistent with (lot width) the lots directly to the south. These factors combine to create an extraordinary situation not generally applicable to other properties in the area.

(2) The strict application of this Subtitle will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property;

The hardship to the owner would be the loss of 50 percent of the development or the additional expense to attempt to obtain a portion of the adjacent lots through a lot line adjustment to provide two lots with the required lot width. Staff considers either of these two scenarios as an undue hardship to the property owner and sees no public purpose being served if either were to be required. Additionally, the applicant had originally submitted a pre-preliminary plan that showed the lot split in such a way that an unattractive "flag lot" was created which had a flared frontage that met the 45-foot lot width at street line as well as the 65-foot lot width at building line requirement. Staff has not been supportive of these "flared" lots (although they meet technically meet the requirements of the code) and encouraged the applicant to submit a more conventional layout.

(3) The variance will not substantially impair the intent, purpose, or integrity of the General Plan or master plan.

The granting of this variance will not substantially impair the intent, purpose, or integrity of the 2006 Master Plan and Sectional Map Amendment for Bowie and Vicinity. The plan calls for low to moderated suburban residential density, which is exactly what is proposed by the subject application.

Staff supports this variance request for these reasons.

RECOMMENDATION

APPROVAL, subject to the following conditions:

1. Development shall be in conformance with the approved Stormwater Management Concept Plan 38336-2004-00 and any subsequent approved revisions thereto. Prior to signature approval of the preliminary plan, the concept plan number and approval date shall be noted on the plan.

2. The applicant shall provide a standard sidewalk along the subject site's entire frontage of Shadyside Avenue, unless modified by DPW&T.

3. Prior to signature approval of the preliminary plan, the applicant shall revise the site acreage to be consistent on all plans.

STAFF RECOMMENDS APPROVAL OF A VARIANCE TO SECTION 27-442(d) OF THE ZONING ORDINANCE.