PGCPB No. 05-81 File No. 4-04160

R E S O L U T I O N

WHEREAS, Richard Coleman is the owner of a 19.47-acre parcel of land known as Parcel 76, 92, 129 and part of Lot 1, Tax Map 46 in Grid D-4 said property being in the 7th Election District of Prince George's County, Maryland, and being zoned R-E; and

WHEREAS, on November 16, 2004, Timberlake Homes, Inc. filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 8 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-04160 for Coleman Property was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on March 31, 2005, for its review and action in accordance with Article 28, Section 7-116, Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

WHEREAS, the staff of The Maryland-National Capital Park and Planning Commission recommended APPROVAL of the application with conditions; and

WHEREAS, on March 31, 2005, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED the Type I Tree Conservation Plan (TCPI/95/04), and further APPROVED Preliminary Plan of Subdivision 4-04160, Lots 1-8 for Coleman Property with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision the plan shall be revised as follows:

    a. Indicate the conceptual stormwater management plan number, approval date, and the approving authority.

    b. Locate the existing well on proposed Lot 6.

    c. Reflect the location of the two septic systems.

    d. Remove proposed dwelling units.

    e. Remove woodland conservation.

    f. Clearly label distances on all lot lines.

g. Provide solid property lines for the area of Lot 1 that was not originally part of the subdivision.

h. Provide a lot size averaging chart.

i. Demonstrate a minimum five-foot setback as required by Section 24-138.01(d)(2), and provide a note "unless modified with the review of the revised applicant's Exhibit A to accommodate additional landscaping."

j. Label the required bufferyard on Lots 1 and 4 in accordance with the *Landscape Manual*.

2. Prior to the issuance of permits, a Type II tree conservation plan shall be approved.

3. Development of this site shall be in conformance with the approved stormwater management concept plan and any subsequent revisions.

4. Prior to signature approval of the preliminary plan of subdivision, the applicant shall submit a conceptual landscape plan for Lots 1-4, in accordance with the applicant's Exhibit A. The landscape plan shall propose a mix of shade, ornamental and evergreen trees to ensure that the "lane" effect proposed by the applicant is created.

5. Prior to the issuance of grading permits the applicant shall submit a manifest demonstrating that the unlabeled drums, buckets and storage tanks located on the property have been properly disposed of by a licensed waste company and reclamation of any contaminated soils has occurred under the direction of the Health Department.

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 for Lots 4-7.

7. The applicant shall provide standard sidewalks along the property's entire street frontage unless modified by the Department of Public Works and Transportation at the time of issuance of street construction permits.

8. Building permits for Lots 1-4 shall demonstrate conformance to the revised applicant's Exhibit A—Landscape Plan required by the Planning Board's approval of the preliminary plan.

9. Prior to signature approval of the preliminary plan the FSD shall be revised as follows:

a. Provide a revised narrative and plan to include all of existing Lot 1, the expanded acreage.

b. Provide information on the plan as to the source of the floodplain easement area on proposed Lot 1 or include verification from DER as to the accuracy of the floodplain delineation.

c. Add a soils table that indicates the soil name, erodibility, and hydric characteristics.

d. Remove the labels regarding the two "non-forest" areas or revise the existing tree line to reflect only areas that meet the definition of woodland.

e. Indicate the amount of existing woodland to the closest one-hundredth of an acre.

f. Label the forest stands to the closest one-hundredth of an acre.

g. Remove the word "candidate" from the specimen tree label in the legend.

h. Provide a specimen tree table and include information stating each tree size, species and condition. Indicate how the specimen trees were located (field or survey located).

i. Remove the proposed limits of disturbance and the proposed house locations.

j. Revise the legend and the map to indicate the locations of steep slopes 15–25 percent in grade on highly erodible soils.

k. After these revisions have been made, have the qualified professional who prepared the plan sign and date it.

10. Prior to signature approval of the preliminary plan, the TCPI shall be revised as follows:

a. Show the location of the existing driveway to the house on proposed Lot 1.

b. Update the worksheet to subtract that portion of the existing driveway from the credit for woodland preservation, and on the plan show the driveway as not being a part of a woodland conservation treatment area.

c. Remove the word "Candidate" from the specimen tree table title.

d. Remove the soils boundary.

e. Relabel each proposed woodland conservation treatment area with an arrow pointing to it and refer to each area with a specific number (for example: Woodland Conservation Treatment Area #1).

f. Remove the M-NCPPC signature approval box and replace it with the standard M-NCPPC signature approval box for a TCPI.

g. Update the revision box to reflect the revisions made prior to the March 1, 2005, plan submittal.

h. After all these revisions have been made, have the qualified professional who prepared

the plan sign and date it.

11. Development of this subdivision shall be in conformance with an approved Type I Tree Conservation Plan (TCPI/95/04). The following note shall be placed on the Final Plat of Subdivision:

"Development is subject to the restrictions shown on the approved Type I Tree Conservation Plan (TCPI/95/04), 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/Tree Preservation Policy."

12. Prior to signature approval of the preliminary plan, the TCPI and preliminary plan shall be revised to accurately show the stream and 100-year floodplain on proposed Lot 1 as being within the Patuxent River Primary Management Area (PMA).

13. At the time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain all the Patuxent River Primary Management Areas, except for the area of the pre-existing impact for the driveway on proposed Lot 1, and shall be reviewed by the Environmental Planning Section prior to certificate approval. The following note shall be placed on the plat:

"Conservation easements described on this plat are areas where the installation of structure 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."

14. Prior to signature approval of the preliminary plan a copy of the approved conceptual stormdrain plan shall be submitted. The storm drain improvements shall all be installed within the disturbed areas shown on the TCPI.

15. The final plat for the remainder of Lot 1 fronting Church Road shall be filed prior to or concurrently with the final plat for those lots fronting on Heatherstone Drive. The final plat for that portion of Lot 1 fronting Church Road shall include a 40-foot-wide scenic/historic road easement outside the 10-foot PUE, not conflicting with any other existing public utility easements. At time of final plat, a scenic easement shall be established adjacent to Church Road and a note shall be placed on the final plat as follows:

"Church Road is a county-designated scenic/historic road. The scenic easement described on this plat is an area where the installation of structures and roads and/or the removal of

vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches or trunks is

allowed."

BE IT FURTHER RESOLVED, that the findings and reasons for the decision of the Prince George's County Planning Board are as follows:

1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.

2. The property is located on the west side of Heatherstone Drive approximately 550 feet south of its intersection with Old Stage Road.

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

	EXISTING	**PROPOSED**
Zone	R-E	R-E
Use(s)	Residential	Residential
Acreage	19.47	19.47
Lots	1	8
Parcels	3	0 Parcels
Dwelling Units:		
Detached	1 (to remain)	8 (total)

4. **Environmental**—The Environmental Planning Section has reviewed the revised plans for Preliminary Plan of Subdivision 4-04160 and the Type I Tree Conservation Plan, stamped as received on March 1, 2005. The Environmental Planning Section has no records of previous applications for review of the subject property. Since the initial submittal of Preliminary Plan 4-04160, the total acreage has increased due to adding the Baldwin property, proposed Lot 1. Therefore, the site now contains 19.47 acres instead of 8.41 acres. Proposed Lot 1 is being included in the subject plan to correct a deed transfer that was in conflict with the county's subdivision regulations; however, no development activity is proposed on Lot 1 beyond that which currently exists.

   The Baldwin property portion of the site totals 11.06 acres and has frontage along the east side of Church Road. The property is zoned R-E and contains 19.47 acres. Based on year 2000 air photos, the original 8.41 acres are partially wooded and the remainder of it is developed with a single-family detached home. There are no regulated environmental features associated with the original 8.41-acre portion; however, proposed Lot 1 has a stream and areas of 100-year floodplain. Four soil series are present at the site including Adelphia fine sandy loam, Collington fine sandy loam (three types within this series), Mixed alluvial land, and Monmouth clay loam (two types in this series). One of the four soils, the Monmouth clay loams, have a K-factor greater than 0.35 at 0.43, making it highly erodible. Two of the four soils have development constraints associated with them as follows: Adelphia soils have impeded drainage, and Mixed alluvial land soils have high water tables and flood hazards in relation to house foundations. Based on

available information, Marlboro clays are not found at this location.

There are no sources of significant traffic-noise generators in vicinity of the property. Church Road is a designated scenic and historic road, and only the Baldwin Property (existing Lot 1) has frontage on it. According to the Maryland Department of Natural Resources Natural Heritage Program publication entitled "Ecologically Significant Areas in Anne Arundel and Prince George's Counties," December 1997, rare, threatened and endangered species are not found in the vicinity of this site. The property is in the Collington Branch Watershed of the Patuxent River basin.

A revised detailed forest stand delineation (FSD) to include the additional 11.06 acres associated with the preliminary plan showing existing Lot 1 in its entirety has not been submitted. As a result, the current FSD contains insufficient information for a complete review of the total 19.47-acre site, and specific information as to the woodland rating of the forest stands cannot be relayed until the revised FSD narrative and plan have been submitted and reviewed. Lot 1 is approximately 40 percent wooded.

Lot 1 contains 1.38 acres of 100-year floodplain that is connected to a stream. Provide information on the plan as to the source of the floodplain easement referenced on the TCPI and preliminary plan, or include verification from DER as to the accuracy of the floodplain delineation. Nine required revisions to the FSD plan in the original 8.47-acre portion have not been addressed. The revised FSD narrative and plan must include the expanded area and address revisions from the December 8, 2004, memo from the Environmental Planning Section. Required revisions from the initial review include provision of a soils table on the FSD plan with each soil name, erodibility and hydric elements, removal of two "non-forest" labels or revise the existing tree line to reflect only areas that meet the definition of woodland, show the amount of existing woodland to the closest one-hundredth of an acre, label all forest stands to the closest one-hundredth of an acre, removal of the reference to "candidate" specimen trees in the legend, provision of a specimen tree table on the plan, removal of inappropriate information on the plan (i.e., the proposed limits of disturbance and house footprints), locate on the map and in the legend where steep slopes 15–25 percent in grade when highly erodible soils are associated with these features, and have the qualified professional who prepared the plan sign and date it.

The site is subject to the provisions of the Woodland Conservation Ordinance because the gross tract area is in excess of 40,000 square feet, there are more than 10,000 square feet of woodlands on-site, and more than 5,000 square feet of woodland is proposed to be cleared. A revised Type I tree conservation plan (TCPI) has been submitted.

This 19.47-acre site in the R-E Zone has a woodland conservation threshold (WCT) of 25 percent, or 4.52 acres. The site has 8.28 acres of existing woodland, 1.38 acres of which is in the 100-year

floodplain (all of which is located on proposed Lot 1). Based on the proposed clearing of 1.77

acres, the required amount of woodland conservation is 4.97 acres. This requirement is to be met with 6.51 acres of on-site woodland preservation.

Revisions are necessary in order for the TCPI to meet the requirements of the Woodland Conservation Ordinance. These include showing several existing natural and man-made site features on existing Lot 1 such as the existing driveway to the house. It appears the driveway location is partially located in a proposed woodland conservation treatment area on the lot. The worksheet must be revised to subtract that portion of the existing driveway from the credit for woodland preservation because the driveway is a cleared area. The plan must show the driveway as not being a part of this woodland conservation treatment area. Remove the word "Candidate" from the specimen tree table title. Remove the soils boundary from the plan as this is inappropriate information on a TCPI. Relabel each proposed woodland conservation treatment area with an arrow pointing to it and refer to each area with a specific number (for example: Woodland Conservation Treatment Area #1). Remove the M-NCPPC signature approval box and replace it with the standard M-NCPPC signature approval box for a TCPI from the Environmental Planning Section. Since revisions were made to the current TCPI, the revision box was not updated to reflect the revisions.

The Subdivision Ordinance provides for the protection of streams, 50-foot stream buffers, wetlands, 25-foot wetland buffers, 100-year floodplain, and adjacent areas of steep slopes between 15–25 percent in grade when associated with highly erodible soils. When a property is located within the Patuxent River watershed, these features and any special habitat areas compose the Patuxent River Primary Management Areas (PMA), which is to be protected to the "fullest extent possible." In order to evaluate the protection afforded the PMA, these features must be accurately identified on the TCPI and preliminary plan. Based on air photos, it appears the existing house on existing Lot 1 has its driveway located so that it crosses the 100-year floodplain; however, no additional impacts to the PMA appear to be shown on the current TCPI in relation to the proposed development activity at the remainder of the site. The TCPI and the preliminary plan do not identify the stream and 100-year floodplain as being within the PMA.

Water and Sewer Categories

The water and sewer service categories are W-4 and S-4 according to water and sewer maps obtained from the Department of Environmental Resources dated June 2003 and will, therefore, be served by public systems.

5. **Community Planning**—The property is located within the limits of the Bowie-Collington-Mitchellville and Vicinity Master Plan (1991), Planning Area 71A in Community VI. The master plan land use recommendation is for Suburban-Estate residential land use densities. The Bowie-Collington-Mitchellville and Vicinity Sectional Map Amendment rezoned the property from the R-R Zone to the R-E Zone.

The 2002 General Plan locates the property within the Developing Tier. One of the visions for the

Developing Tier is to maintain a pattern of low to moderate density suburban residential communities. The proposed preliminary plan is consistent with the recommendation of the master plan and the General Plan.

6. **Parks and Recreation**—In accordance with Section 24-134(a) of the Subdivision Regulations, staff is recommending that the applicant pay a fee-in-lieu of the requirements of the mandatory dedication of parkland for Lots 4-7. Pursuant to Section 24-134(3)(B), the remaining four lots are exempt from the requirement of the mandatory dedication of parkland because each has a net lot area of one acre or more.

7. **Trails**—There are no master plan trails issues identified in the adopted and approved Bowie-Collington-Mitchellville and Vicinity Master Plan which impact the subject property. A sidewalk exists along Heatherstone Drive immediately to the south of the subject site. The applicant should provide a standard sidewalk along the subject site's entire frontage of the west side of Heatherstone Drive, unless modified by DPW&T.

8. **Transportation**—Staff did not require the submittal of a traffic study due to the size of the subdivision. The staff did have other available traffic counts in the area. Therefore, the findings and recommendations outlined below are based upon a review of these materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the *Guidelines for the Analysis of the Traffic Impact of Development Proposals.*

Growth Policy—Service Level Standards

The subject property is in 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 is required in the Developing Tier.

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.

Analysis of Traffic Impacts

The intersection of Old Stage Road and Church Road is determined to be the critical intersection for the subject property. This intersection is the nearest major intersection to the site, is unsignalized, and would serve all of the site-generated traffic. Under existing traffic, the critical intersection operates with a maximum delay during the AM peak hour of 21.5 seconds. The

maximum delay during the PM peak hour is 17.4 seconds.

There are no funded capital projects at this intersection in either the county's Capital Improvement Program or the state's Consolidated Transportation Program that would affect the critical intersection. The Fairwood development has a significant impact upon this intersection, and it is affected by two other approved developments. With background growth added, the critical intersection would operate with a maximum delay of 44.3 seconds during the AM peak hour and a maximum delay of 31.6 seconds during the PM peak hour.

With the development of eight residences, the site would generate 6 AM (1 in and 5 out) and 7 PM (5 in and 2 out) peak-hour vehicle trips. The site was analyzed with the following trip distribution: 40 percent—westbound/southbound along Church Road and 60 percent—northbound along Church Road. Given this trip generation and distribution, staff has analyzed the impact of the proposal. With the site added, the critical intersection would operate with a maximum delay of 47.0 seconds during the AM peak hour and a maximum delay of 32.7 seconds during the PM peak hour. Therefore, the critical intersection operates acceptably under existing, background, and total traffic.

The master plan includes A-44, a master plan arterial facility that is proposed to cross the western end of the subject property from south to north. The roadway affects two proposed lots in the subdivision. The Transportation Planning Section has referred this plan for potential reservation of the right-of-way, as A-44 is on an approved master plan. Neither the State Highway Administration or the county's Department of Public Works and Transportation expressed a willingness to pursue purchase of the proposed right-of-way. It is noted that this position is identical to the positions taken regarding reservation for A-44 on other properties in the immediate area. Section 24-139(b) requires that any affirmative recommendation include "an estimate of the time required to complete the acquisition." With no such estimate, there is no justification for further pursuit of reservation strategies for A-44 within this site.

Based on the preceding findings, adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code.

9. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for the impact of this development 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 3	Middle School Cluster 2	High School Cluster 2
Dwelling Units	7 sfd	7 sfd	7 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	1.68	0.42	0.84
Actual Enrollment	5960	5307	10580
Completion Enrollment	180.24	189.24	378.24
Cumulative Enrollment	25.68	11.28	22.56
Total Enrollment	6167.60	5507.94	10981.64
State Rated Capacity	5858	4688	8770
Percent Capacity	105.29%	117.49%	125.22%

Source: Prince George's County Planning Department, M-NCPPC, December 2004

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.

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.

This project meets the public facilities policies for school facilities contained in Section 24-122.02, CB-30-2003 and CB-31-2003 and CR-23-2003.

10. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of fire and rescue facilities applicable to the subject application and concluded the following:

    a. The existing fire engine service at Bowie Fire Station, Company 39, located at 15454 Annapolis Road has a service travel time of 5.74 minutes, which is beyond the 5.25-minute travel time guideline.

    b. The existing ambulance service at Bowie Fire Station, Company 39, located at 15454

Annapolis Road has a service travel time of 5.74 minutes, which is within the 6.25-minute travel time guideline.

c. The existing paramedic service at Glenn Dale Fire Station, Company 18, located at 11900 Glenn Dale Boulevard has a service travel time of 7.98 minutes, which is beyond the 7.25-minute travel time guideline.

The existing paramedic service located at Glenn Dale Fire Station, Company 18, is beyond the recommended travel time guideline. The nearest fire station, Bowie Company 39, is located at 15454 Annapolis Road, which is 5.74 minutes from the development. This facility would be within the recommended travel time for paramedic service if an operational decision to locate this service at that facility were made by the county.

In order to alleviate the negative impact on fire and rescue services due to the inadequate service discussed, an automatic fire suppression system should be provided in all new buildings proposed in this subdivision, unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate. Because this is a matter of law no condition is necessary.

The above 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.

11. **Police Facilities**—The proposed development is within the service area for Police District II-Bowie. The Planning Board's current test for police adequacy applicable to the subject application 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 the capacity for an additional 57 sworn personnel. This police facility will adequately serve the population generated by the proposed subdivision.

12. **Health Department**—The Health Department had the following comments to offer:

a. The existing deep well located on proposed Lot 6 must be properly backfilled and sealed by a licensed well driller or witnessed by a representative of the Health Department. The preliminary plan should be revised to reflect the location of the well.

b. The two septic systems serving the existing dwelling and stable on proposed Lot 5 and 6 must be pumped out by a licensed scavenger or backfilled in place. The preliminary plan should be revised to reflect the location of the two systems.

c. Several unlabeled drums, buckets, and storage tanks were found on the property and must be removed and the contents properly discarded. A representative from the Health Department should evaluate the soils beneath these tanks for possible contamination and

the soils properly discarded if contamination has occurred.

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13. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. A stormwater management concept plan has been submitted but not yet approved. The applicant has also submitted a conceptual stormwater management plan to the City of Bowie in anticipation of this property's annexation into the city.

    Prior to signature approval of the preliminary plan, the applicant should submit a copy of the concept approval letter from the proper authority. The City of Bowie will issue the approval if at that time the property has been annexed or from the Department of Environmental Resources if it has not. Development must be in accordance with the approved plan to ensure that development of this site does not result in on-site or downstream flooding.

14. **Lot Size Averaging**—The applicant has proposed to utilize the Lot Size Averaging (LSA) provision provided for in Section 24-121(a)(12) of the Subdivision Regulations for the portion of this property in the R-E Zone.

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

    a. The maximum number of lots permitted is equal to the gross acreage divided by the largest minimum lot size in the zone (40,000 square feet).

    b. At least 50 percent of the lots created shall equal or exceed the largest minimum lot size in the zone (or four lots).

        For the 19.47 acres located in the R-E Zone, 21 lots would be allowed. The applicant proposes eight lots. Seven of the proposed lots meet or exceed 40,000 square feet. Therefore, the proposed subdivision meets the minimum zoning ordinance standards for lot size averaging.

        Further, Section 24-121(a)(12) requires that the Planning Board make the following findings in permitting the use of lot size averaging:

        A. The subdivision design provides for better access, protects or enhances historic resource or natural features and amenities, or otherwise provides for a better environment than that which could be achieved by the exclusive use of standard lots.

        Comment: The subdivision provides a safe circulations pattern for both neighborhood traffic and on site circulation. The property has a T-shaped configuration that lends itself to the placement of two lots in the rear with driveways of over 300 feet leading out onto Heatherstone Drive. The proposed plan is designed to avoid disturbance to the stream

valley and providing for the retention of priority woodland on-site.

B. The subdivision design provides for an adequate transition between the proposed lot sizes and locations of lots and the lots, or lot size standards, of any adjacent residentially zoned parcels.

Comment: The applicant has proposed one lot below the minimum 40,000 square-foot lot size for conventional R-E zoning. Lot 7 is 30,535 square feet and is abutting the Old Stage Knolls Cluster subdivision to the south. The Old Stage Knolls subdivision is located in the R-R Zone and was developed utilizing the standards for cluster developments (24-137). Lot 49, Block E, in the Old Stage Knolls subdivision abutting proposed Lot 7 is 10,000 square feet in size and is fronting on Heatherstone Drive. Although proposed Lot 7 is three times larger than the abutting lot in the Old Stage Knolls subdivision, the dwellings on these lots will generally be located 25 feet back from Heatherstone Drive.

C. The subdivision design, where applicable, provides for an adequate transition between the proposed natural features of the site and any natural features of adjacent parcels.

Comment: To the rear of Lot 49, Block E, in the Old Stage Knolls subdivision is common homeowners open space. The rear of the dwelling on Lot 7 is proposed to be placed in woodland conservation consistent with the area of common homeowners open space. Both the dwelling on proposed Lot 7 and the existing dwelling on Lot 49, Block E, will have a minimum 25-foot setback from the front street line of Heatherstone Drive. The dwelling on Lot 49, Block E, will be set back 20 feet from the rear property line and the existing homeowners open space and the proposed dwelling on Lot 7 will be set back a minimum of 20 feet from the woodland conservation. The building envelopes are almost identical and provide for an appropriate transition.

15. **Flag Lots—**The proposal includes two flag lots, proposed Lots 2 and 3. Flag lots are permitted pursuant to Section 24-138.01 of the Subdivision Regulations. The proposed flag lot satisfies the design standards found in Section 24-138.01(d) as follows:

a. **A maximum of two tiers are permitted**. The applicant is proposing two tiers.

b. **The flag stem has a minimum width of 25 feet for the entire length of the stem**. The applicant is proposing two 25-foot-wide flag stems.

c. **The net lot area, exclusive of the stem, must meet the minimum lot size standard**. Lot 2 has a gross lot area of 72,464 square feet and a net lot area exclusive of the flag stem of 64,923 square feet. Lot 3 has a gross lot area of 79,849 square feet and a net lot area exclusive of the flag stem of 72,436 square feet.

Section 24-138.01(d)(6) of the Subdivision Regulations required that the preliminary plan demonstrate compliance to the *Landscape Manual* where a rear yard is oriented toward a driveway that accessed other lots, or toward a front or side yard of another lot. The applicant has provided a proposed landscape plan to demonstrate conformance, however, the preliminary plan should be revised to label the required bufferyard on Lots 1 and 4 in accordance with the *Landscape Manual*.

Section 24-138.01(f) establishes specific findings for the approval of the use of flag lots. The Planning Board must find the following:

(A) **The design is clearly superior to what would have been achieved under conventional subdivision techniques**;

The use of flag lots in this case allows the applicant to take advantage of the woodlands and environmental features on site without extending a public road into the site off of Heatherstone Drive. The buildable area of the flag lots is set into the woods with building sites over 350 feet from the front street line. Reducing the amount of paving on this site and taking advantage of the entire site in this case creates a better environment than that which could be achieved with the exclusive use of conventional lots.

(B) **The transportation system will function safely and efficiently; and**

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 lot does not adversely impact the safety of efficiency of the street layout**.**

(C) **The use of flag lots will result in the creative design of a development that blends harmoniously with the site and with adjacent development; and**

The applicant has proposed to create a "lane effect" along the flag stems of Lots 2 and 3. The planting will be a combination of ornamental, shade, and evergreen trees along the flag stems of Lots 2 and 3 and staggered plantings on Lots 1 and 4 along the common property lines with Lots 2 and 3. The dwellings on Lots 2 and 3 are proposed to be set back over 350 feet from the front street line.

Pursuant to Section 24-138.01(d)(2) the driveways serving Lots 2 and 3 will abut the common property line and are not required to be setback 5-feet from the common boundary line to address the desire to create a "Lane Effect".

Prior to signature approval of the preliminary plan of subdivision the applicant should submit a conceptual landscape plan for Lots 1-4, in accordance with applicant's Exhibit A. The landscape plan should propose a mix of shade, ornamental and evergreen trees to ensure that the "lane" effect proposed by the applicant is created. The landscape plan

should be revised and approved by the Urban Design Section. Building permits for Lots 1-4 should demonstrate conformance to the revised applicant's Exhibit A—Landscape Plan.

(D) **The privacy of adjoining property owners has been assured in accordance with the evaluation criteria established above**.

The dwellings on the flag lots (Lots 2 and 3) will be set back an estimated 350 feet from the front street line. The distance between the dwelling units on the flag lots and the dwelling units in the first tier is generally 300 feet from the dwellings on Lots 1 and 4. With the combination of the required bufferyards (*Landscape Manual*) along the rears of Lots 1 and 4 where the dwellings on Lots 2 and 3 are oriented toward the rears of the dwellings on Lots 1 and 4, and the additional plantings required with the approval of the applicant's Exhibit A, the privacy of the adjoining property owners should be preserved.

16. **Historic**—The Historic Preservation Section has reviewed this preliminary plan and does not recommend the review of a Phase I archeological survey for this property.

17. **City of Bowie**—On February 22, 2005, the Bowie City Council conducted a public hearing on the above referenced preliminary subdivision application. During the public hearing, the Council focused its attention on the creation of flag lots, the type of stormwater management technique proposed, and, the city's wildlife guidelines. At the conclusion of the public hearing, the City Council voted unanimously to recommend APPROVAL of Preliminary Subdivision Plan 4-04160 with the following conditions:

1. As part of this project, the developer shall widen Heatherstone Drive along the entire frontage of the subject property to a 36-foot-wide cartway. These improvements shall include curb, gutter and sidewalk along the entire frontage as well.

2. Stormwater Management Concept Plan

   A. Plantings in the proposed bio-retention ponds shall include native wetland and aquatic materials, as determined by the County Department of Environmental Resources.

   B. The applicant's engineer shall attempt to relocate the stormwater pipe from along the proposed woodland conservation area on Lot 7.

   C. The applicant shall provide written proof that the Old Stage Knolls HOA is willing to grant an easement for the off-site stormwater outfall and stormwater pipe, if necessary, prior to technical approval of the SWM concept plan.

3. Woodland Conservation and Tree Preservation

A. The TCP-I shall be revised to reflect the areas proposed to be cleared for the individual on-site bio-retention ponds and the alignment of the stormwater pipe proposed on Lot 7 and off-site, as well as the system outfall.

B. Native evergreen trees shall be planted along the western (rear) property lines of Lots 1, 4 and part of 5, and along the southern property line of Lot 1 and the northern property line of Lot 4.

4. Wildlife Guidelines

A. The site shall be cleared east to west (front to back), in such a manner as to provide an opportunity for any wildlife that may exist on the property to relocate to the western area of the site and to the off-site stream corridor west of the subject property. Site grading and the clearing of trees shall not occur during the months of March, April and May.

B. Fencing, similar to silt fencing, shall be installed across the entire frontage of the subject property to potentially restrict wildlife from crossing Heatherstone Drive.

The applicant stated his agreement with the city's conditions.

The recommendations of the City of Bowie have been incorporated as appropriate.

18. **Original Lot 1 NLP 125@86**— Lot 1 was the subject of NLP 125@86, recorded in land records in 1985 and fronts Church Road. The existing lot is improved with a single-family dwelling that is to remain. The original preliminary plan submitted with this application included only a portion of Lot 1 that had been divided by deed in 1987. That deed division of Lot 1 was an illegal division of land. Therefore, the applicant revised the preliminary plan to include all of Lot 1. The division of existing Lot 1 is proposed consistent with the deed division (Liber 6743, Folio 744) in 1985. The remainder of Lot 1 generally is the area of proposed Lots 2 and 3.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the adoption of this Resolution.

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This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Squire, seconded by Commissioner Harley, with Commissioners Squire, Harley, Vaughns and Hewlett voting in favor of the motion, and with Commissioner Eley absent at its regular meeting held on Thursday, March 31, 2005, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 21st day of April 2005.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:WC:rmk