

A M E N D E D R E S O L U T I O N

WHEREAS, KDC is the owner of a 9.94-acre parcel of land known as P/O Parcel 60, Tax Map 115 in Grid C-1, said property being in the 9th Election District of Prince George's County, Maryland, and being zoned R-E; and

WHEREAS, on January 4, 2006, KDC filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for *~~10~~9 lots; and

* WHEREAS, the preliminary plan application was denied by the Planning Board on May 11, 2006, due to inadequate fire department staffing levels; and on September 28, 2006, the Planning Board approved the applicant's request for a waiver of the rules of procedure that require that a reconsideration request be filed within 14 calendar days of the notice of the final decision; and also approved the applicant's request for reconsideration of the denial.

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-05070 for Green Hills 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 *~~May 11, 2006~~ March 8, 2007, 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 *~~DISAPPROVAL~~ APPROVAL of the application; and

WHEREAS, on *~~May 11, 2006~~ March 8, 2007, 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 *~~DISAPPROVED~~ APPROVED the Type I Tree Conservation Plan (TCPI/04/06), and further *~~DISAPPROVED~~ APPROVED Preliminary Plan of Subdivision 4-05070, Green Hills, for Lots 1-~~10~~9 with the following conditions:

*~~1. Due to inadequate fire and rescue services pursuant to section 24-122.01(e) of the subdivision regulations.]~~

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

*a. Revise the graphics along the northern property line to reflect the five feet of additional dedication area as being inside the limits of the subject property.

- *b. Revise the lotting pattern on the preliminary plan and the Type-I TCP in accordance with Staff Exhibit “A” to demonstrate a nine-lot subdivision. Revise the lot size averaging and general notes on the preliminary plan and the updated the worksheet on the Type-I TCP to reflect the change.
- *c. Delineate the side property lines of the abutting, R-E-zoned lots to the south to further demonstrate the limits of each lot.
- *d. Label the zoning categories for all adjacent properties.
- *e. Upon revising the preliminary plan in accordance with Staff Exhibit “A,” all 100-foot and 120-foot building restriction lines must be delineated parallel with the proposed internal street.
- *f. Upon revising the preliminary plan in accordance with Staff Exhibit “A,” all lots must clearly demonstrate that a minimum of 50 feet is provided at the front street line.
- *g. Revise Lot 8 to only show the required 25-foot building restriction, as it appears the required 100-foot lot width at the front building line is being met at the 25-foot building restriction line. Should the required revision in accordance with Staff Exhibit “A” alter the lot width of Lot 8, it is only necessary to demonstrate the 100-foot lot width at the front building line, if it falls behind the 25-foot building restriction line.
- *h. Number the general notes.
- *i. Revise the water and sewer general notes to reflect “Water and Sewer Category 4.”
- *j. Update the general notes to reflect the approval date of the stormwater management concept plan.
- *k. Revise the general notes to indicate that a fee-in-lieu of mandatory dedication of parkland is required for all lots under one acre in size.
- *l. Provide a general note that references the underlying parcel designation (part of Parcel 60) and the prior recorded record plat (Radford, BB6@76).
- *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 Stormwater Management Concept Plan, #26917-2005-00 and any subsequent revisions.

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- *4. Prior to signature of the Preliminary Plan of Subdivision, the Type I Tree Conservation Plan shall be revised to:
- *a. Eliminate all areas less than 35 feet wide and less than 2,500 contiguous square feet from contributing to designated woodland conservation areas.
 - *b. Correct the woodland conservation requirement in the worksheet.
 - *c. Provide the woodland conservation requirement in the form of on-site preservation.
 - *d. Revise the worksheet as needed.
 - *e. Have the revised plan signed and dated by the qualified professional who prepared the plan.
- *5. 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/04/06), 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. Copies of all approved Tree Conservation Plans for the subject property are available in the offices of the Maryland-National Capital Park and Planning Commission, Prince George's County Planning 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 all lots less than one acre in size.
- *7. The applicant, his heirs, successors and or assignees shall provide standard sidewalks along both sides of the internal public street (Arden Lane) unless modified by the Department of Public Works and Transportation at the time of issuance of street construction permits.
- *8. Prior to the issuance of a grading permit for the development, a public safety mitigation fee shall be paid in the amount of \$34,020 (\$3,780 x 9 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.

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*9. Prior to the approval of a final plat, the applicant, his heirs, successors and or assignees shall have a Detailed Site Plan approved by the Planning Board in accordance with Part 3, Division 9, of the Zoning Ordinance.

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, ~~*[does not meet]~~ meets the legal requirements of Subtitle 24 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.
2. The property is located at the terminus of Arden Lane, southeast of Allentown 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)	Vacant	Single-family dwelling units
Acreage	9.94	9.94
Lots	0	*[10] <u>9</u>
Parcels	1	0
Dwelling Units:		
Detached	0	*[10] <u>9</u>
<u>*Public Safety Mitigation Fee</u>		<u>*Yes</u>

~~*[4. **Fire and Rescue**—The Historic Preservation and 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 subject application was accepted on January 4, 2006.]~~

~~[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 Allentown Road, Company 32, using the Seven Minute Travel Times and Fire Station Locations Map provided by the Prince George's County Fire Department.]~~

~~[The Fire Chief report for adequate equipment is contained in a memorandum dated March 28, 2006. That memorandum states that the "...Department has adequate equipment and has developed an equipment replacement program to meet all the service delivery needs for all areas of the County."]~~

~~[The Fire Chief report for current staffing for the Fire Department is contained in a memorandum~~

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dated March 28, 2006. That memorandum states that the number of “net operational employees” is 672, which equates to 96.97 percent of the authorized strength of 692 fire and rescue personnel.]

[As previously noted, the subject application was accepted on January 4, 2006. Section 24-122.01(e)(2) of the Subdivision Regulations state: “If any of the required statements in this Subsection are not provided that meet the criteria specified in this Section on the date the application is accepted by the Planning Board or within the following three (3) monthly cycles of response time reports, then the Planning Board may not approve the preliminary plan until a mitigation plan between the applicant and the County is entered into and filed with the Planning Board.”]

[One key element to the ordinance language cited above is the creation of a window for the application of the fire and rescue adequacy test that runs from “...the date the application is accepted by the Planning Board or within the following three (3) monthly cycles of response time reports...” This means that an application is afforded the opportunity to pass the test in a time frame that spans approximately 90 days. With regard to data on fire and rescue staffing levels prior to the receipt of the March 28, 2006, letter from the Fire Chief, some clarity needs to be provided.]

[Since January 1, 2006 (the beginning of the time frame when the standard of 100 percent of the authorized strength of 692 fire and rescue personnel must be met), staff has received four memorandums from the Fire Chief (January 1, 2006, February 1, 2006, March 5, 2006 and March 28, 2006). The data presented in these four memorandums varies in the description of the personnel being counted as applicable to the percentage of the authorized strength standard. Although the number of personnel presented varies only slightly (694, 694, 696 and 693 respectively), the description of the status of these personnel has changed or been clarified from memorandum to memorandum.]

[It seems clear to staff that since the beginning of 2006, each reporting of personnel has included certain numbers of trainees and/or recruits that were not intended to be considered applicable to the minimum percentage requirement. This becomes apparent when comparing the January 1 and February 1 memorandums. Both reflect a total authorized strength of 694 personnel, but the February 1 memorandum identifies 46 members of that complement in the training academy. The March 5 memorandum does not provide a breakdown of the 696 personnel total, but the March 28 memorandum identifies 21 recruits as part of the “Actual total strength” of 693.]

[Given the totality of the information identified above, staff concludes that since the acceptance of the subject application, the minimum staffing level for fire and rescue personnel, as required by Section 24-122.01(e)(1)(B)(ii), has not been met. Therefore, pursuant to Section 24-122.01(e)(2), staff is compelled to recommend disapproval of the subject application at this point in time.]

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- *4. **Environmental**—The Environmental Planning Section has reviewed the Preliminary Plan of Subdivision for Green Hills, 4-05070, and the Type I Tree Conservation Plan, TCPI/04/06 stamped as accepted for by the Environmental Planning Section on December 15, 2006. The Environmental Planning Section recommends approval of 4-05070 and TCPI/04/06 subject to conditions.

Site Description

This 9.94 acre property in the R-E Zone is located at the terminus of Arden Lane. According to the “Prince George’s County Soil Survey” the soils on the site are in the Aura, Beltsville Chillum, Howell, Iuka and Sandy Land series. According to available information, Marlboro clay does occur in the vicinity of this property. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program publication entitled Ecologically Significant Areas in Anne Arundel and Prince George’s Counties, December 1997, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. There are no nearby sources of transportation-related noise. The proposed use is not expected to be a noise generator. No scenic or historic roads are affected by the proposed development. This property is located in the Tinkers Creek watershed of the Potomac River basin and in the Developing Tier as reflected in the approved General Plan.

Environmental Review

A signed natural resources inventory (NRI), NRI/112/05, was submitted with the application. The NRI contains a forest stand delineation (FSD). No streams, 100-year floodplain or wetlands occur on the property. No portion of the property contains, or is near any regulated area, but most of the property is an evaluation area as indicated in the Countywide Green Infrastructure Plan.

The FSD is based on six sample areas, identifies two forest stands and no specimen trees. The plan clearly shows soils boundaries that conform to the “Prince George’s County Soils Survey.” The soils chart indicating the erodibility and hydric characteristics of each soil type is correct. All wetlands and wetland buffers are correctly shown.

Forest Stand 1 covers an area of about 3.78 acres in the southern portion of the site. No specimen trees are within this stand and the majority of trees are immature. Because of low species diversity, presence of invasive plants and lack of sensitive environmental features, Stand 1 rates a medium priority area for preservation.

Forest Stand 2 covers an area of about 6.22 acres in the northern portion of the site. No specimen trees are within this stand and the majority of trees are immature. This stand is dominated by

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large Virginia pine. An abundance of larger diameter Virginia pine (Pinus virginiana) is located within the proposed tree preservation areas. This species is relatively short-lived and is subject to windfall. Because of low species diversity, presence of invasive plants and lack of sensitive environmental features, Stand 2 is a very low priority area for preservation. No further action regarding sensitive environmental features is required.

This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because it is greater 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.

The Type I Tree Conservation Plan, TCPI/03/06, has been reviewed and was found to require revisions. The plan proposes clearing 5.42 acres of the existing 9.94 acres of woodland. The woodland conservation threshold is 2.49 acres. Based upon the proposed clearing, the woodland conservation requirement is 3.84 acres. The plan proposes to meet the requirement by providing 3.89 acres of on-site preservation.

As noted previously, there are significant areas dominated by Virginia pine. These areas will require special treatment. The TCPI contains the appropriate note indicating that removal of Virginia pines will be reevaluated during the review of the Type II Tree Conservation Plan. The plan provides clear areas within 20 feet of each side and 40 feet at the rear of each proposed structure for the purpose of creating useable yard areas. The general layout of the woodland conservation areas conforms to the goals of the Green Infrastructure Plan and the Woodland Conservation Ordinance by preserving woodland as a contiguous tract and does not create isolated fragments.

There are some technical errors that need to be addressed. Designated woodland conservation areas must be at least 35 feet-wide and contain a contiguous area of at least 2,500 square feet; however, some of the designated areas on the plans do not meet these standards. The woodland conservation requirement is shown in the worksheet as 3.645 acres. The area of woodland not cleared is 4.52 acres and not 0.24 acres. These changes will have some effect on the worksheet. It may be possible to provide all required woodland conservation on-site in the form of on-site preservation; however, fee-in-lieu may be used if less than 1.00 acre is needed to fulfill the requirement.

According to the "Prince George's County Soil Survey" the soils on the site are in the Aura, Beltsville, Chillum, Howell, Iuka and Sandy Land series. According to available information, Marlboro clay does not occur in the vicinity of this property. This information is provided for the applicant's benefit. A soils report in conformance with CB-94-2004 will be required during the permit process review.

The Prince George's County Department of Environmental Resources approved Stormwater

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Management Concept Plan, CSD #26917-2005-00, on October 26, 2006, and the plan remains valid through October 26, 2009. Due to the suitability of soils for infiltration and the relatively small total area of proposed impervious surfaces, no on-site stormwater management pond is required. The required on-site drywells and infiltration trenches are illustrated on the Type I TCP. No further action regarding stormwater management is required.

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 the site will therefore be served by public systems.

- *5. **Community Planning**—The property is located in Planning Area 76B, and within the limits of the 2006 Approved Henson Creek-South Potomac Master Plan and Sectional Map Amendment. The master plan recommends a low-density residential land use at up to 3.5 dwelling units per acre. This application proposes a low-density residential land use, and is therefore consistent with the land use recommendation within the 2006 Approved Henson Creek-South Potomac Master Plan and Sectional Map Amendment.

The 2002 General Plan locates the subject property within 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 proposes a low- to moderate-density suburban residential community, and is therefore consistent with the 2002 General Plan Development Pattern policies for the Developing Tier.

The 2006 Approved Henson Creek-South Potomac Master Plan and Sectional Map Amendment classifies the subject property within the R-E Zone.

- *6. **Parks and Recreation**—In accordance with Section 24-134(a) of the Prince George's County Subdivision Regulations, Lots 4 and 5 in the subject subdivision are exempt from Mandatory Dedication of Parkland requirements because both lots are over one acre in size. In accordance with Section 24-134(a) of the Subdivision Regulations the Park Planning and Development Division recommends that the applicant pay a fee-in-lieu of parkland dedication for the remaining lots because the land available for dedication is unsuitable due to its size and location.

- *7. **Trails**—There are no master plan trail issues identified in the adopted and approved Subregion VII Master Plan, the 1985 Equestrian Addendum to the adopted and approved Countywide Trails Plan, or the approved Henson Creek-South Potomac Master Plan. The existing portion of Arden Lane includes standard sidewalks along both sides. The Transportation Planning Section recommends the continuation of standard sidewalks along both sides of extended Arden Lane

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unless modified by DPW&T.

- *8. **Transportation**—The following are the Transportation Planning Section’s comments concerning traffic impact of the subject application. The application is a preliminary plan of subdivision that has been tested for a residential development consisting of ten single-family detached dwellings. The proposed development would generate 8 AM and 9 PM peak hour vehicle trips as determined using The Guidelines for the Analysis of the Traffic Impact of Development Proposals. The property is located at the end of Arden Lane, approximately 3,000 feet south and east of the Allentown Road-Lumar Drive intersection.

The traffic generated by the proposed preliminary plan would impact the unsignalized intersections of:

•Allentown Road and Lumar Drive

This intersection is not programmed for improvement with 100 percent construction funding within the next six years in the current Maryland Department of Transportation Consolidated Transportation Program or the Prince George’s County Capital Improvement Program:

The subject property is located 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 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 traffic controls) if deemed warranted by the appropriate operating agency.

The intersection identified above when analyzed with existing traffic data, was shown to operate with Level-Of-Service A during both peak hours. The Transportation Planning Section identified two background developments, which collectively would add additional traffic to the subject intersection. The results of a second analysis including background traffic showed that the intersection would still operate with a LOS A.

Citing the trip generation rates from the Guidelines, the proposed development would generate 8

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AM and 9 PM peak-hour vehicle trips. By combining site-generated trips with background traffic, the results showed that the intersection still operates with a LOS A.

The results of the analyses showed that adequate transportation facilities would continue to exist with the addition of the proposed subdivision. The Transportation Planning Section has no issues with the site layout or the on-site circulation as proposed.

TRANSPORTATION STAFF CONCLUSIONS

The Transportation Planning Section concludes that adequate access roads will exist as required by Section 24-124 of the Prince George's County Code.

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*9. **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

<u>Affected School Clusters #</u>	<u>Elementary School Cluster 6</u>	<u>Middle School Cluster 3</u>	<u>High School Cluster 3</u>
<u>Dwelling Units</u>	<u>9 du</u>	<u>9 du</u>	<u>9 du</u>
<u>Pupil Yield Factor</u>	<u>0.24</u>	<u>0.06</u>	<u>0.12</u>
<u>Subdivision Enrollment</u>	<u>2.16</u>	<u>0.640</u>	<u>1.08</u>
<u>Actual Enrollment</u>	<u>3946</u>	<u>5489</u>	<u>9164</u>
<u>Completion Enrollment</u>	<u>121</u>	<u>64</u>	<u>127</u>
<u>Cumulative Enrollment</u>	<u>18.24</u>	<u>111.84</u>	<u>223.93</u>
<u>Total Enrollment</u>	<u>4087.4</u>	<u>5665.36</u>	<u>9514.22</u>
<u>State Rated Capacity</u>	<u>4033</u>	<u>6114</u>	<u>7792</u>
<u>Percent Capacity</u>	<u>101.31887%</u>	<u>92.6624%</u>	<u>122.0805%</u>

Source: Prince George's County Planning Department, M-NCPPC, March 2007

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 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 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.

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*10. **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 Allentown Road, Company 32, using the 7 Minute Travel Times and Fire Station Locations Map provided by the Prince George’s County Fire/EMS Department.

Pursuant to CR-69-2006, the 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.

*11. **Police Facilities**—The subject property is located in Police District V. The response standard for emergency calls is 10 minutes 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 January 4, 2006.

<u>Reporting Cycle</u>	<u>Date</u>	<u>Emergency Calls</u>	<u>Nonemergency</u>
<u>Acceptance Date</u>	<u>01/05/05–12/05/05</u>	<u>12.00</u>	<u>22.00</u>
<u>Cycle 1</u>	<u>01/05/05–01/05/06</u>	<u>12.00</u>	<u>21.00</u>
<u>Cycle 2</u>	<u>02/05/05–02/05/06</u>	<u>12.00</u>	<u>21.00</u>
<u>Cycle 3</u>	<u>03/05/05–03/05/06</u>	<u>12.00</u>	<u>21.00</u>

The response time standards of 10 minutes for emergency calls were not met on the date of acceptance or the following three monthly cycles.

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, the 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.

Section 24.122(0)(2) states that if any of the required statements in the subsection are not provided that meet the criteria specified in the section on the date the application is accepted by the Planning Board or within the following three monthly cycles, then the Planning Board may

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not approve the preliminary plan. The applicant may enter into a mitigation plan with the county and file such plan with the Planning Board. The applicant has entered into a public safety mitigation agreement.

- *12. **Health Department**—The Environmental Engineering Program has reviewed the preliminary plan of subdivision for Green Hills and has no comments to offer.
- *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, #26917-2005-00 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.
- *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 a portion of this property.

Section 27-423 of the Prince George’s County Zoning Ordinance establishes the zoning requirements for lot size averaging.

- 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 (40,000 square feet).**

Comment: Based on the gross acreage of 9.94 acres within the R-E Zone, ten lots would be allowed. The applicant is proposing ten lots. Five of the proposed lots meet or exceed the largest minimum net lot area (40,000 square feet) required in the R-E Zone. Therefore, at least 50-percent of the lots created will equal or exceed the largest minimum net lot area required in the zone. The proposed subdivision meets the minimum zoning ordinance standards for lot size averaging. However, because the unconventional lot layout proposed for Lot 7 along the street frontage of the proposed cul-de-sac, and due to the need for the proposed dwellings on Lots 4 and 5 to be sited towards the rear of the proposed lots to meet the required 120-foot lot width at the front building line, it is staff’s opinion that this lot size averaging proposal should only be approved for nine lots. The loss of one lot would allow room for a more conventional lotting pattern on Lot 7, and would allow Lots 4 and 5 to be increased in width, and therefore meet the required 120-foot lot width at the front building line much closer to the proposed cul-de-sac which will serve the lots. Increasing the lot widths on Lots 4 and 5, and shifting the proposed dwellings forward toward the cul-de-sac, will also facilitate the applicant’s ability to provide more tree preservation on the rear of the lots.

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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: There are no historic resources associated with the property that require protection or avoidance. The property has a nonconventional shape which does affect the design of the proposed lots. The utilization of lot size averaging will provide more flexibility in the lot layout, and ultimately yield a more conventional lotting pattern. The subdivision as designed protects the natural features to the greatest extent possible and requires no impacts to any sensitive environmental features to develop the property as proposed.

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

Comment: The adjacent properties to the south are R-E zoned acreage parcels that have not been subdivided. The developed portions of the Radford Subdivision primarily consist of older R-R zoned lots that were subdivided when the minimum net lot area in the R-R Zone was only 10,000 square feet. The subdivision design utilizing the lot size averaging provisions provides for an adequate transition, and further prevents having 40,000-square-foot lots directly abutting all 10,000 square foot lots within the adjacent, developed portions of the Radford Subdivision.

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: The tree conservation plan submitted proposes large preservation areas on the eastern portion of the property abutting the Cimarron Woods Subdivision. A 4.6-acre parcel was created within the abutting Cimarron Woods Subdivision to contain the environmentally sensitive features existing on that property, which was dedicated to M-NCPPC at the time of final plat. Large areas of the abutting subdivision were also placed in conservation easements. The acreage parcels abutting to the south also contain large areas of existing woodland. The rear yards of all lots proposed within the subject subdivision will contain tree preservation areas that will create an adequate transition between the proposed natural features of the site and the natural features of the adjacent properties.

Staff supports the applicant's proposal to utilize the LSA provisions for the development of this

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property. However, staff's support of the LSA provisions are based on the development of a nine lot subdivision, and the elimination of one of the proposed ten lots prior to any signature approval of the preliminary plan of subdivision.

- *15. **Historic**—A Phase I archeological survey is not recommended on the subject property. 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. Aerial photographs from 1965 show that the northwestern and central portion of the property has been previously impacted by the construction of a road and a possible borrow pit. However, the applicant should be aware that two Historic Sites, Terrett House/Bird Lawn Manor (76B-012), and Belleview (81B-001), a 1790s plantation house, are located within a two-mile radius of the subject property. Also, Tinker's Creek is just to the east of the subject property.

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 federal monies, federal properties, or federal permits are required for a project.

- *16. **At the public hearing** - At the public hearing for this application on March 8, 2007, staff informed the members of the Planning Board that a letter was received from Mr. Tony Knotts, Council Member for District 8, which requested the Planning Board to give serious consideration to adding a condition of approval which requires this subdivision to obtain Detailed Site Plan approval. The members of the Planning Board agreed that a condition should be established which requires approval of a Detailed Site Plan for the proposed subdivision. This condition has been added accordingly.

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

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.

* * * * *

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 Clark, with Commissioners Squire, Clark, Vaughns, Eley and Parker voting in favor of the motion at its regular meeting held on Thursday, March 8, 2007, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 5th day of April 2007.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator