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Preliminary Plan 4-05094

Variance to a Preliminary Plan VP-4-05094

Application	General Data
Project Name: ARDMORE VILLAGE Lots 1-4 Location: East of Brightseat Road, south of Amador Drive, at the terminus of 1 st , 2 nd , 3 rd and 4 th Streets. Applicant/Address: Aberdeen Creek Construction, LLC. 2 Kent Road Annapolis, Maryland 21401	Date Accepted: 11/03/05
	Planning Board Action Limit: 04/07/06
	Plan Acreage: 2.99
	Zone: R-55
	Lots: 4
	Parcels: 0
	Planning Area: 72
	Tier: Developed
	Council District: 05
	Municipality: N/A
200-Scale Base Map: 204NE08	

Purpose of Application	Notice Dates
RESIDENTIAL SUBDIVISION	Adjoining Property Owners Previous Parties of Record Registered Associations: 09/26/05 (CB-58-2003)
	Sign(s) Posted on Site and Notice of Hearing Mailed: 01/03/06

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 4-05094
Variance to a Preliminary Plan VP-4-05094
Ardmore Village, Lots 1-4

OVERVIEW

The subject property is located on Tax Map 52, Grid C-4, and is shown as Outlot B, Block H of Ardmore Village (Plat Book WWW 48, Plat 44). The property is approximately 2.99 acres in area and is zoned R-55. The applicant is proposing to subdivide the property into four single-family detached lots. One lot would gain access from the end of 1st Street, two lots would gain access from 2nd Street, with the remaining lot gaining access to 3rd Street. The applicant is also requesting a variance from the lot width requirements of Section 27-442(d) to reduce the 45-foot street frontage requirement to 40 feet for Lots 1 and 4 and to 10 feet for Lot 2 and 30 feet for Lot 3.

SETTING

The subject property is located east of Brightseat Road, south of Amador Drive, at the terminus of 1st, 2nd, 3rd and 4th Streets. The site is undeveloped and predominantly wooded. A channelized stream runs along the northern boundary of the site. Surrounding properties are developed with single-family residences in the R-55 Zone. The municipal boundary of the City of Glenarden abuts the property to the south.

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)	Vacant	Single-family Residences
Acreage	2.99	2.99
Lots	0	4
Outlots	1	0
Parcels	0	0
Dwelling Units:	0	4

2. **Environmental**—A review of the available information indicates that the site is substantially wooded, and is characterized with terrain sloping north toward what appears to be an existing concrete drainage swale, which traverses the property. The site contains a channelized stream, nontidal wetlands, and highly erodible soils. It is possible that the site contains 100-year floodplain. The site is located approximately 900 feet west of the Capital Beltway (I-495), a freeway and major noise source. The soils found to occur according to the Prince George's

County Soil Survey include Bibb and Christiana-Urban Complex. Bibb soils are hydric and contain the areas of wetlands on the site. The Christiana soils are highly erodible and have problems associated with poor drainage. According to available information, Marlboro clay is not found to occur on 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, rare, threatened, or endangered species are not found to occur in the vicinity of this property. No designated scenic or historic road is located in the vicinity of this property. This property is located in the Lower Beaverdam Creek watershed of the Anacostia River Basin, and is in the Developed Tier as reflected in the approved General Plan.

Natural Resources Inventory

The preliminary plan application has a signed natural resources inventory (NRI) that was included with the application package. The TCPI and the preliminary plan show all the required information correctly.

Wetlands, Streams and Floodplain

The site contains natural features that are required by Section 24-130 of the Subdivision Regulations to be preserved. There are three areas of nontidal wetlands that have been delineated on the site. The tree conservation plan shows no encroachment into regulated environmental areas. The expanded buffer is correctly shown on the Preliminary Plan and the Type I TCP.

Woodland Conservation

This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the entire site is more than 40,000 square feet in area and contains more than 10,000 square feet of woodlands. A Type I Tree Conservation Plan (TCPI/83/04) has been submitted and was found to require minor revisions to conform to the requirements of the Woodland Conservation Ordinance and the Subdivision Regulations.

The minimum woodland conservation requirement for the site is 0.60 acres of the net tract. As currently designed, an additional 0.25 acres are required due to the proposed removal of woodlands, for a total woodland conservation requirement of 0.85 acres. The plan currently shows the requirement being met with 0.85 acres of on-site preservation. The plan has been redesigned to preserve the sensitive environmental features that exist on the site. In addition, this site contains high quality woodlands and six specimen trees of which #2 and #4 are to be removed.

The plan shows both a proposed limit of disturbance and a proposed tree line, which are not coterminous. The plans should be revised to only show a limit of disturbance and this limit must allow for a cleared area at least 40 feet from the rear of proposed houses and 20 feet on each side to allow room for construction and a useable rear yard area for the lot. The house pads are also considerably undersized measuring approximately 1,350 square feet. The current trend of house footprints is 2,000–3,000 square feet.

Noise

The Capital Beltway (I-495) is an 8–10 lane freeway and a major noise generator, which is located approximately 900 feet east of the subject property. The noise impact zone of the 65 dBA

Ldn noise contour extends 953 feet from the centerline of the roadway as determined by the Environmental Planning Section Noise Model. Because the noise model does not account for noise reductions that may be achieved by changes in topography and intervening structures, it appears that the 65 dBA Ldn noise contour does not extend onto portions of the property that will contain outdoor activity areas. As such, the state noise standards are met on this site.

Soil

The soils on the site include Bibb soils that are hydric and Christiana-Urban Complex soils that are problematic. These soil series, in and of themselves, do not hinder the lot layout on this site; however, the Department of Environmental Resources may require additional soils information and may require special building techniques on the site to mitigate the problem soils. This information is provided for the applicant's benefit. No additional information is required with this plan review process.

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. Therefore, the property will be served by public systems.

3. **Community Planning**—The property is located in Planning Area 72/Kent Community. The 1992 Approved Landover and Vicinity Master Plan recommended a suburban residential use for the property. The 2002 General Plan places this property 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 plan is consistent with the recommendations of the master plan and the 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 the mandatory dedication of parkland requirements for Lots 1-3 because the land available for dedication is unsuitable due to its size and location. Lot 4 is exempt from these requirements because it is more than one acre in area.
5. **Trails**—There are no trail issues identified in the adopted and approved Landover and Vicinity Master Plan.
6. **Transportation**—The applicant has not prepared a traffic impact study. It was not required by the transportation staff based on the proposed use of the site. Based on the four single-family lots that would be created, the proposed development would generate 3 AM peak-hour trips and 4 PM peak-hour trips as determined using the “Guidelines for the Analysis of the Traffic Impact of Development Proposals” (revised September 2002). The guidelines further state that the Planning Board may find that the traffic impact of a very small development is a *de minimus*, or insignificant, impact. A *de minimus* impact is defined as one that generates five or fewer peak-hour trips.

Transportation Staff Comments

Trips generated by this development would impact the intersections of 1st, 2nd, and 3rd Streets with Glenarden Parkway, to the south. Due to the limited trip generation of the site, the Prince George's County Planning Board could deem the site's impact at this location to be *de minimus*.

Staff would therefore recommend that the Planning Board find that 3 AM peak-hour trips and 4 PM peak-hour trips will have a *de minimus* impact upon delay in the critical movements at these intersections.

Access

The proposed layout shows lots gaining access from 1st, 2nd, and 3rd Streets. These roads are maintained by the City of Glenarden. Driveway access to these lots will have to be approved by the city. The preliminary plan shows portions of the driveways for Lots 2 and 3 to be shared. This is not permitted. The plan should be revised so that each lot has a driveway wholly within its boundaries. If a single curb cut from the cul-de-sac can be accommodated, that is acceptable as long as it is within the street right-of-way and not on the proposed lots.

Transportation Conclusion

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

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

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 7	Middle School Cluster 4	High School Cluster 4
Dwelling Units	4 sfd	4 sfd	4 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	0.96	0.24	0.48
Actual Enrollment	36,283	10,786	16,960
Completion Enrollment	268.56	67.5	135.6
Cumulative Enrollment	141.36	35.34	70.68
Total Enrollment	36,693.88	10,889.08	17,166.76
State Rated Capacity	39,607	10,375	14,191
Percent Capacity	92.64%	104.95%	120.97%

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

These figures are correct on the day this referral memo was written. They are subject to change under the provisions of CB-30-2003 and CR-23-2003. Other projects that are approved prior to the public hearing on this project will cause changes to these figures. The numbers shown in the resolution will be the ones that apply to this project.

County Council bill CB-31-2003 establishes a school facilities surcharge in the amount of: \$7,000 per dwelling if a building is located between I-495 and the District of Columbia, \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority, or \$12,000 per dwelling for all other buildings. Council bill CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts are \$7,412 and \$12,706 to be paid at the time of issuance of each building permit.

The school surcharge may be used for the construction of additional or expanded school facilities and renovations to existing school buildings or other systemic changes.

The Historic Preservation and Public Facilities Planning Section staff finds that this project is consistent with the review for school facilities as contained in Section 24-122.02, CB-30-2003, CB-31-2003 and CR-23-2003.

- 8. **Fire and Rescue**—The Prince George’s County Planning Department has determined that this preliminary plan is within the required seven-minute response time for the first due fire station Kentland, Company 33, using the Seven- Minute Travel Times and Fire Station Locations Map provided by the Prince George’s County Fire Department.

The Fire Chief has reported that the current staff complement of the Fire Department is 704 (101.73 percent), which is above the staff standard of 657 or 95 percent of authorized strength of 692 as stated in CB-56-2005.

The Fire Chief has reported by letter, dated August 1, 2005, that the department has adequate equipment to meet the standards stated in CB-56-2005.

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

The subject application was accepted on November 3, 2005.

Reporting Cycle	Date	Emergency Calls	Nonemergency
Acceptance Date	01/05/05-10/05/05	10.00	20.00
Cycle 1			
Cycle 2			
Cycle 3			

The Police Chief has reported that the current staff complement of the Police Department is 1,302 sworn officers, which is within the standard of 1,278 officers or 90 percent of the authorized strength of 1,420 as stated in CB-56-2005.

The response time standard of 10 minutes for emergency calls and 25 minutes for nonemergency calls were met on October 5, 2005. In accordance with Section 23-122.01 of the Subdivision Regulations, all applicable tests for adequacy of police facilities have been met.

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

11. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management will be required to ensure that development of this site does not result in on-site or downstream flooding. The site has an approved stormwater management concept plan (CSD-5998-2004-00) dated March 9, 2004. Development of the site must be in conformance with this plan or any approved revision thereto.

12. **Historic Sites/Cemeteries**—Phase I archeological survey is recommended by the Planning Department on the above-referenced property. This land is close to and may be part of the antebellum Cook property. Cattail Branch runs east-west through the property. Prehistoric archeological sites are known to exist in settings similar to this one, along minor streams.

Phase I archeological investigations should be conducted according to Maryland Historical Trust (MHT) guidelines, *Standards and Guidelines for Archeological Investigations in Maryland* (Shaffer and Cole 1994) and report preparation should follow MHT guidelines and the *American Antiquity* or *Society of Historical Archaeology* style guide. Archeological excavations should be spaced along a regular 15-meter or 50-foot grid and excavations should be clearly identified on a map to be submitted as part of the report.

13. **Public Utility Easement**—The preliminary plan includes the required ten-foot-wide public utility easement. This easement will be shown on the final plat.

14. **Variances to Section 27-442(d)**—Variances are required to reduce the 45-foot street frontage requirement to 40 feet for Lots 1 and 4 and to 20 feet for Lots 2 and 3. This is necessary since the only frontage these lots would have is the 40-foot-wide ends of 1st, 2nd and 3rd Streets.

Section 27-230 of the Zoning Ordinance contains the criteria for granting variances:

- (a) **A variance may only be granted when the Planning Board finds that:**
 - (1) **A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic conditions, or other extraordinary situations or conditions;**

As noted above, the subject site has extremely limited frontage on public streets, being a long, relatively narrow parcel of land at the end of four different streets. In order to meet the lot frontage requirements, public streets would have to be extended into the site. There are topographic and environmental constraints (wetlands and their resulting buffers) that make this impractical. All of these conditions result in an extraordinary situation that permits the granting of this variance.

 - (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 requirement for 45 feet of lot frontage at the street line is impractical in this case. This requirement is imposed as a means toward providing adequate lot widths and separation of building envelopes. Environmental constraints severely limit the applicant's ability to develop this almost three-acre site. In fact, none of the proposed lots have the required 45 feet of frontage, being at the end of 40-foot wide rights-of-way. Given these facts, staff concludes that the strict application of this Subtitle will result in an undue hardship upon the owner of the property and render the site undevelopable.

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

As previously discussed, the development of this property is consistent with the recommendations of the master plan and General Plan and compatible with the development pattern that has occurred on adjacent properties. The requested variances will, therefore, not impair the intent of these plans.

Staff recommends variance request for the reasons stated above.

15. **City of Glenarden**—The applicant has been in discussions with the adjoining City of Glenarden, who continue to have concerns about access, compatibility and stormwater issues. The applicant and the city are scheduled for another meeting later this week. The city’s recommendation will be presented at the public hearing.

RECOMMENDATION

Preliminary Plan 4-05094: APPROVAL, subject to the following conditions:

1. Development shall be in conformance with the approved stormwater management concept plan (#5998-2004-00) and any subsequent approved revisions thereto.
2. Prior to the issuance of permits, a Type II tree conservation plan shall be approved.
3. Prior to approval of the final plat, the applicant, his heirs, successors and or assignees shall pay a fee-in-lieu of parkland dedication for Lots 1-3.
4. Prior to approval of the final plat the applicant shall submit a Phase I archeological investigation. A Phase II and Phase III investigation shall also be submitted if determined appropriate by Planning Department staff. If necessary, the final plat shall provide for the avoidance and preservation of the resources in place or shall include plat notes to provide for mitigating the adverse effect upon these resources. All investigations must be conducted by a qualified archaeologist and must follow *The Standards and Guidelines for Archeological Investigations in Maryland* (Schaffer and Cole: 1994) and must be presented in a report following the same guidelines.
5. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the expanded stream buffer, and be reviewed by the Environmental Planning Section prior to certification. The following note shall be placed on the plat:

“Conservation easements described on this plat are areas where the installation of structures 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 allowed.”
6. Prior to signature approval of the Preliminary Plan, TCPI/83/04 shall be revised as follows:
 - a. Delete the proposed tree line from the plan and legend.

- b. Revise the TCPI standard notes to refer to Preliminary Plan 4-05094 in note #1.
 - c. Revise the plan to reflect conceptual grading.
 - d. Revise the Woodland Conservation Worksheet to reflect all required changes.
 - e. Have the revised plan signed and dated by the by the qualified professional who prepared the plan.
7. Prior to signature approval of the preliminary plan, a copy of a stormwater management concept approval letter and associated plans shall be submitted. The limit of disturbance shall not exceed those on the TCPI.
8. Prior to signature approval, the preliminary plan shall be revised so that each lot has a driveway wholly within its boundaries.

Variance to a Preliminary Plan VP-4-05094: APPROVAL

STAFF RECOMMENDS APPROVAL OF TREE CONSERVATION PLAN TCPI/83/04