

R E S O L U T I O N

WHEREAS, Ray Herbert is the owner of a 3.91-acre parcel of land known as Lots 1-7, Block A; Lots 1, 2, 6-8, Block B, located on Tax Map 116, Grid B-2, said property being in the 9th Election District of Prince George's County, Maryland, and being zoned R-T; and

WHEREAS, on March 9, 2004, Michael Dzaman filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 19 lots and 1 parcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-04042 for Clintondale Townhomes 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 13, 2004, 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 May 13, 2004, 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/18/04), and further APPROVED Preliminary Plan of Subdivision 4-04042, with a Variation to Section 24-130 for Lots 1-18 and Parcel A with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the plan shall be revised as follows:
  - a. To delete Lot 4 and incorporate that area into Parcel "A."
  - b. To provide the Stormwater Management Concept Plan number and approval date.
  - c. To add the following note:

At the Planning Board hearing Lot 4 was deleted. However, the Planning Board in their decision has preserved the ability of the applicant to recover the loss of Lot 4, if at the time of DSP the applicant can demonstrate to the Urban Design Section that adequate recreational facilities can be accommodated on site and that the addition of Lot 4 will not adversely impact the layout. The review shall include but not be limited to ensuring usable yard areas on Lot 4, an attractive appearance, and securing privacy. The Planning Board advised the applicant that the matter to be determined at the time of review of the DSP relating to Lot 4 was not whether to delete Lot 4, but whether to recover Lot 4.

The Planning Board's decision on the preliminary plan included an evaluation of the adequacy of public facilities for a 19-lot subdivision. Therefore, the recovery of Lot 4 at the time of DSP will not constitute an increase in the number of lots approved by the Planning Board at the time of preliminary plan of subdivision.

2. Prior to building permits, the applicant, his heirs, successors and/or assignees shall demonstrate that a homeowners association has been established and that the common areas have been conveyed to the homeowners association.
3. At the time of final plat, the applicant, his heirs, successors and/or assignees shall convey to the homeowners association (HOA) 2.87 ± acres (or as amended by Condition 1.a.) of open space land (Parcel A). Land to be conveyed shall be subject to the following:
  - a. Conveyance shall take place prior to the issuance of building permits.
  - b. A copy of unrecorded, special warranty deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division (DRD), Upper Marlboro, along with the final plat.
  - c. All waste matter of any kind shall be removed from the property, prior to conveyance, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section or the entire project.
  - d. The conveyed land shall not suffer the disposition of construction materials, soil filling, discarded plant materials, refuse or similar waste matter.
  - e. Any disturbance of land to be conveyed to a homeowners association shall be in accordance with an approved detailed site plan or shall require the written consent of DRD. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement, and stormdrain outfalls. If such proposals are approved, a written agreement and financial guarantee shall be required to warrant restoration, repair or improvements, required by the approval process.
  - f. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to a homeowners association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by DRD prior to the issuance of grading or building permits.
  - g. Temporary or permanent use of land to be conveyed to a homeowners association for stormwater management shall be approved by DRD.
  - h. The Planning Board or its designee shall be satisfied that there are adequate provisions to assure retention and future maintenance of the property to be conveyed.

4. The applicant, his heirs, successors, and/or assignees shall provide adequate, private recreational facilities in accordance with the standards outlined in the *Park and Recreation Facilities Guidelines* and subject to the following:
  - a. The applicant, his heirs, successors, and/or assignees shall allocate appropriate and developable areas for the private recreational facilities on homeowners association (HOA) open space land. The private recreational facilities shall be reviewed by the Urban Design Review Section of DRD for adequacy and property siting prior to approval of the preliminary plan by the Planning Board.
  - b. A site plan shall be submitted to the Development Review Division (DRD) of the Prince George's County Planning Department that complies with the standards outlined in the *Park and Recreation Facilities Guidelines*.
  - c. Submission of three original, executed Recreational Facilities Agreements (RFA) to DRD for their approval three weeks prior to a submission of a final plat. Upon approval by DRD, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.
  - d. Submission to DRD of a performance bond, letter of credit, or other suitable financial guarantee in an amount to be determined by DRD within at least two weeks prior to applying for building permits.
  - e. The developer, his successor and/or assignees shall satisfy the Planning Board that there are adequate provisions to assure retention and a future maintenance of the proposed recreational facilities.
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/18/04), 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.”
6. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the expanded stream buffer, excluding those areas where variation requests have been approved, and shall 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."

7. A Type II Tree Conservation Plan shall be approved concurrent with the Detailed Site Plan.
8. The recreational facilities shall be provided at a location to be determined at the time of detailed site plan.

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 at the western end of Bost Lane, northwest of Piscataway Road and Hardesty Lane in Clinton.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone	R-T	R-T
Uses	Vacant	Townhouses
Acreage	3.9	3.9
Lots	12	18
Parcels	0	1
Dwelling Units:		
Townhouses	0	18

4. **Environmental**—According to the plans, there are streams and 100-floodplain on the property. The site eventually drains into Pea Hill Branch in the Potomac River watershed. According to *The Prince George's County Soils Survey*, the principal soils on this site are in the Beltsville, Croom and Sassafras series. Marlboro clay does not occur in the area. 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 do not occur in the vicinity of this property. There are no designated scenic and historic roads in the vicinity of this property. There are no nearby sources of traffic-generated noise. The proposal is not expected to be a noise generator. This property is located in the Developing Tier as reflected in the adopted General Plan.

**Streams, Wetlands and Buffers**

This site contains natural features that are required to be protected under Section 24-130 of the Subdivision Regulations. The Subregion V master plan indicates that there are substantial areas designated as natural reserve on the site. As noted on page 136 of the Subregion V master plan:

“The Natural Reserve Area is composed of areas having physical features which exhibit severe constraints to development or which are important to sensitive ecological systems. Natural Reserve Areas must be preserved in their natural state.”

For the purposes of this review, these areas include all of the expanded stream buffer and any isolated sensitive environmental features. Proposed impacts to these features are discussed below. At the time of final plat, a conservation easement should be established for all areas without approved impacts.

The plan proposes impacts to stream buffers. Impacts to these buffers are prohibited by Section 24-130 of the Subdivision Regulations unless the Planning Board grants a variation to the Subdivision Regulations in accordance with Section 24-113. Staff notes that the existing sanitary sewer main is partially within the expanded stream buffer. Two variation requests, dated March 22, 2004, in conformance with Section 24-113 of the Subdivision Regulations, have been submitted.

One set of impacts to the expanded stream buffer is required for the construction of sanitary sewer connections to serve the proposed development. These will disturb a total of 686 square feet of the expanded stream buffer. The required connection is to the existing sewer main that is partially within the expanded stream buffer. The details of construction will be reevaluated by the Washington Suburban Sanitary Commission during the review of the construction permits to further reduce impacts. No federal or state wetland permits will be required for the proposed impacts.

The second impact is for the construction of the cul-de-sac of Bost Lane. This will disturb a total of 95 square feet of the expanded stream buffer. The end of existing Bost Lane is partially within the expanded stream buffer. No federal or state wetland permits will be required for the proposed impact.

Staff supports the variations requested based on the following findings. Section 24-113(a) of the Subdivision Regulations sets forth the required findings for approval of variation requests. Section 24-113(a) reads:

**Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon the evidence presented to it in each specific case that:**

- (1) The granting of the variation request would not be detrimental to public safety, health or welfare and does not injure other property;**

Comment: The installation of sanitary sewer connections is required by other regulations to provide for public safety, health and welfare. All designs of these types of facilities are reviewed by the appropriate agency to ensure compliance with the regulations. These regulations require that the designs are not injurious to other property.

The cul-de-sac for Bost Lane is required by the Department of Public Works and Transportation to provide adequate access to the site for fire, police and emergency vehicles.

- (2) The conditions on which the variations are based are unique to the property for which the variation is sought and are not applicable generally to other properties;**

Comment: The only available sanitary sewer main to serve development of this property is partially located within an expanded stream buffer. Many other properties can connect to existing sanitary sewer without requiring a variance; however, that option is not available for this particular site. The number and placement of sanitary sewer connections is determined by the Washington Suburban Sanitary Commission.

The end of existing Bost Lane is partially within the expanded stream buffer.

- (3) The variation does not constitute a violation of any other applicable law, ordinance or regulation; and**

Comment: The installation of sanitary sewer connections and road construction are required by other regulations. Because the applicant will have to obtain permits from state and federal agencies as required by their regulations, the approval of this variation request would not constitute a violation of other applicable laws.

- (4) Because of the peculiar physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulation is carried out.**

Comment: The location of the existing sewer main provides no alternative for the connection of the sanitary sewer lines that are required to serve the development. Without the sewer connection, the property could not be developed with any single-family residential structures.

The end of existing Bost Lane is partially within the expanded stream buffer.

### **Woodland Conservation**

The forest stand delineation (FSD) submitted with this application uses five sample points to

identify two forest stands totaling 3.41 acres. No specimen trees were found on the site. The FSD identifies streams, the 100-year floodplain, all areas with severe slopes, and all areas with steep slopes that contain highly erodible soils and has a soils chart with the correct information. The FSD meets the requirements of the Woodland Conservation Ordinance.

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

A Type I Tree Conservation Plan, TCPI/18/04, was submitted for review with this application. The plan proposes clearing 1.17 acres of the existing 2.76 acres of upland woodland and no clearing of any woodland within the 100-year floodplain. The woodland conservation requirement has been correctly calculated as 0.94 acre. The plan proposes to meet the requirement by providing 0.94 acre of on-site preservation.

The proposed woodland conservation areas will create a single wooded area that adds protection to a stream valley. The design fulfills the intent of the Woodland Conservation Ordinance.

### **Soils**

According to the Prince George's County Soils Survey, the principal soils on this site are in the Galestown, Mattapex and Sassafras series. Beltsville and Croom soils are highly erodible. Sassafras soils are not highly erodible and are in the B-hydric group. A soils report may be required by the Prince George's County Department of Environmental Resources during the permit process review.

### **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. As noted, all water and sewer facilities will be connected to public systems.

5. **Community Planning**—The property is in Planning Area 81A/Clinton. It is found in the Developing Tier as identified by the 2002 General Plan. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial Centers, and employment areas that are increasingly transit serviceable. This application is not inconsistent with the 2002 General Plan Development Pattern policies for the Developing Tier.

The 1993 Subregion V master plan recommends residential land use at the High-Suburban density of up to 7.9 dwelling units per acre. The Natural Features and Environmental Facilities Map indicates that the site was wooded in 1990. A natural reserve area is shown on the plan map along the northeast side of the property, roughly corresponding to the proposed homeowners association Parcel 1. The 1993 Subregion V SMA reclassified this property from the R-80 to the

R-T Zone (SMA Change Number C-6). This application conforms to the recommendations of the master plan for High-Suburban residential land use.

This property is located adjacent to the commercial area identified as the Clinton Village Activity Center by both the 1993 master plan and the previous 1974 master plan (Plan, p.71). Plan living area concepts state “Medium- and High-Suburban...densities...are planned only within or adjacent to activity centers or as transitions to employment. Building styles include very small lot single-family detached, zero-lot line, plex, or attached units.” (Plan, p. 74) SMA Change C-6 reclassified the subject property to “the R-T Zone in accordance with Plan recommendations for Medium-Suburban residential development within the vicinity of the Village Activity Center” in Clinton. (Plan/SMA, p. 204)

Guidelines for residential development that may apply to review of this application include (Plan, pp. 54-56):

- “2. Whenever possible, living areas should be linked to community facilities, transportation facilities, employment areas and other living areas by a continuous system of pedestrian walkways and trails utilizing the open space and conservation network.
- “3. A living area design proposal should include an analysis of internal traffic circulation, as well as an examination of the development’s potential impact on the local transportation system.
- “4. Visual attractiveness and recreations amenities for residential areas should be increased through the provision of open space, public and private maintenance programs, and other actions to ensure an interesting varied and harmonious appearance.
- “10. Buffering in the form of landscaping, open space, attractive fencing and/or other creative site planning techniques should be utilized to protect residential areas from commercial, industrial and other incompatible uses.
- “12. The special nature of scenic areas, historic sites, farmland, and woodlands should be enhanced through distinctive landscaping and site design.
- “14. Developers shall be encouraged to preserve natural amenities such as streams, floodplain and wooded areas, and to incorporate these natural features into the environmental pattern of residential areas to serve as open space and to define and link together the living areas.
- “15. Housing shall be prohibited in unsafe areas such as wetlands, floodplains, and unstable soils, and should be designed and constructed to minimize stormwater runoff, erosion and sedimentation.
- “18. Residential structures should be designed in harmonious relationships to one another, to the terrain, to adjacent roadways, and should be situated to create interesting, useable



spaces.”

6. **Parks and Recreation**—The proposed subdivision is subject to the mandatory dedication requirements of Section 24-134 of the Subdivision Regulations. The applicant will provide on-site private recreational facilities in-lieu-of dedication of parkland.
7. **Trails**—Due to the nature of the internal roadway (a private road), and the small amount of traffic anticipated on this dead-end street, the applicant’s proposal to include a sidewalk on one side of the internal road, as submitted on the subject application, is acceptable. There are no master plan trails issues identified in the adopted and approved Subregion V master plan.
8. **Transportation**—Because of the size of the proposed development, a traffic study was not required of the applicant. The findings and recommendations outlined below are based upon a review of all relevant 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,” and in consideration of findings made in connection with past applications.

#### **Growth Policy—Service Level Standards**

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 (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better.

**Unsignalized intersections:** The *Highway Capacity Manual* procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

#### **Staff Analysis of Traffic Impacts**

The subject application involves the area of 12 recorded lots. These lots include Lot 1 through 7, Block A, and Lots 1, 2, 6, 7, and 8, Block B, of Clintondale. These platted and recorded lots have the right to be developed. Therefore, it would be assumed that this site, by right, could have a trip generation equivalent to 12 single-family detached residences, or 9 AM and 11 PM peak-hour vehicle trips.

This applicant proposes 19 townhouses. Based upon rates in the guidelines, 19 townhouses

would generate 13 AM and 15 PM peak-hour vehicle trips, for a net trip generation (exclusive of existing recorded lots) of 4 AM and 4 PM peak-hour vehicle trips. The traffic generated by the proposed plan would primarily impact the intersection of MD 223 and Old Branch Avenue/Brandywine Road. Staff has no counts that have been done within the past year at the critical intersection, but analyses were presented to the Planning Board in early 2003. Those analyses indicated that the critical intersection would operate at LOS F, with a CLV of 1,833 during the AM peak hour when considering all approved development in the area (i.e., background development). Similarly, this intersection would operate at LOS F with a CLV of 1,688 during the PM peak hour under background development. There are no funded improvements to this intersection in either the county's Capital Improvement Program (CIP) or the state's Consolidated Transportation Program (CTP). It should also be noted that although there are lots to the north (owned by WSSC), the transportation impact from these lots will never be realized if Absher Court is vacated as proposed.

Due to the limited net trip generation of the site, the Prince George's County Planning Board deems the site's impact at this location to be de minimus. In accordance with past recommendations the Planning Board finds that 4 AM and 4 PM net peak-hour trips will have a de minimus impact upon operations in the critical movements at the MD 223/Old Branch Avenue/Brandywine Road intersection. This is based upon the definition of de minimus in the guidelines, which is "a development which generates five or fewer peak hour trips."

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 adequacy of 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 5	Middle School Cluster 3	High School Cluster 3
Dwelling Units	19 sfd	19 sfd	19 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	4.56	1.14	2.28
Actual Enrollment	4096	4689	8654
Completion Enrollment	180.46	86.22	158.07
Cumulative Enrollment	150.00	42.78	85.56
Total Enrollment	4426.46	4819.14	8899.91
State Rated Capacity	4214	5114	7752
Percent Capacity	105.04%	94.23%	114.81%

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.

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. 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.

10. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of public fire and rescue facilities.
  - a. The existing fire engine service at Clinton Fire Station, Company 25, located at 9025 Woodyard Road, has a service travel time of 1.85 minutes, which is within the 5.25-minute travel time guideline.
  - b. The existing ambulance service at Clinton Fire Station, Company 25, has a service travel time of 1.85 minutes, which is within the 6.25-minute travel time guideline.
  - c. The existing paramedic service at Clinton Fire Station, Company 25, has a service travel time of 1.85 minutes, which is within the 7.25-minute travel time guideline.

These 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.” The proposed subdivision will be within the adequate coverage area of the nearest existing fire/rescue facilities for fire engine, ambulance and paramedic service.

11. **Police Facilities**—The proposed development is within the service area for Police District V-Clinton. The Planning Board’s current test for police adequacy 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 capacity for additional 57 sworn personnel. This police facility will adequately serve the population generated by the proposed subdivision.
12. **Health Department**—The Health Department reviewed the application and offered no comments.
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. To ensure that development of this site does not result in on-site or downstream flooding, this concept plan must be approved prior to signature approval of the preliminary plan. DER has indicated that the approval is forthcoming. Development must be in accordance with this approved plan.
14. **Public Utility Easement**—The Preliminary Plan includes the required ten-foot-wide public utility easement. This easement will be recorded on the final plat.
15. **Cemeteries**—There are no known cemeteries on or adjoining the subject property. However, the applicant should be aware that if burials are found during any phase of the development process, development activity must cease in accordance with state law.
16. **Design Issues**—The proposed subject plan complies with Section 4.7 of the *Landscape Manual* along its southwesterly boundary with the RT-zoned land provided the land is in fact vacant as indicated on the site plan. Additional information, however, would have to be provided regarding the adequacy of tree cover along the common property line with the “From the Heart Church Ministries, Inc.” A Type C buffer is required between townhouses and a medium impact use (the church). Existing tree cover may substitute for the required buffer, but information on tree cover is absent on the provided plan.

The preliminary plan proposes a small recreational facility site at the southwesterly side of the property. According to the recreational guidelines, the recreation area must be set back at least 25 feet from streets and adjacent dwellings. The proposed recreation area does not meet this requirement. The proposed recreation area is described too amorphously to judge whether or not it is adequate. Details would be provided and adequacy judged at the time of detailed site plan review. Note that the recreational facilities must be accessible by a paved path.

For the proposed 19 lots in Planning Area 81A, a total value of approximately \$21,489 of recreational facilities is suggested for the proposed townhouse development. Since prior phases of the subject development either did not provide or provided only passive recreational facilities, staff would recommend an active recreational facility, specifically a tot lot with an adjacent sitting area in order to fulfill this requirement.

Although building setbacks are not applicable in the R-T Zone, Lot 4 has no usable rear yard and no ability to provide a deck at the back of the unit. The configuration of the lot is not suitable to the siting of a townhouse on it and, therefore, should be eliminated.

The Planning Board deleted Lot 4, which was proposed on the north side of the internal private street at the entrance to the subdivision. However, the Planning Board in their decision has preserved the ability of the applicant to recover the loss of Lot 4, if at the time of DSP the applicant can demonstrate to the Urban Design Section that adequate recreational facilities can be accommodated on site and that the addition of Lot 4 will not adversely impact the layout. The review shall include, but not be limited to, ensuring usable yard areas on Lot 4, an attractive appearance, and securing privacy. The Planning Board advised the applicant that the matter to be determined at the time of review of the DSP relating to Lot 4 was not whether to delete Lot 4, but whether to recover Lot 4.

The Planning Board's decision on the preliminary plan included an evaluation of the adequacy of public facilities for a 19-lot subdivision. Therefore, the recovery of Lot 4 at the time of DSP will not constitute an increase in the number of lots approved by the Planning Board at the time of preliminary plan of subdivision.

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 Harley, seconded by Commissioner Vaughns, with Commissioners Harley, Vaughns, Squire, Eley and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, May 13, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 3rd day of June 2004.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

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