



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

Preliminary Plan 4-04042

Application		General Data	
Project Name: CLINTONDALE TOWNHOMES Location: Western terminus of Bost Lane, from the intersection of Piscataway Road and Hardesty Drive. Applicant/Address: Dzaman, Michael 516 South Hanover Street Baltimore, MD. 21201		Date Accepted:	03/09/04
		Planning Board Action Limit:	05/17/04
		Plan Acreage:	3.91
		Zone:	R-T
		Lots:	19
		Parcel:	1
		Planning Area:	81A
		Tier:	Developing
		Council District:	09
		Municipality:	N/A
		200-Scale Base Map:	212SE06
Purpose of Application		Notice Dates	
RESIDENTIAL SUBDIVISION		Adjoining Property Owners Previous Parties of Record Registered Associations: (CB-58-2003)	01/29/04
		Signs Posted on Site:	04/28/04
Staff Recommendation		Staff Reviewer: Whitney Chellis	
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 4-04042
Clintondale Townhouses Lots 1-19 and Parcel A

OVERVIEW

The subject property is located on Tax Map 116, Grid B-2, and is known as Lots 1-7, Block A, Lots 1, 2, 6-8, Block B, and part of Ayrshire Lane and Ayrshire Court. The property is zoned R-T and is approximately 3.9 acres. The property was originally subdivided in 1967 in conformance with the R-80 Zone for the construction of single-family dwelling units. The property was rezoned to R-T in 1993 pursuant to the *Approved Master Plan and Sectional Map Amendment for Subregion V, Planning Areas 81A, 81B, 83, 84, 85A and 85B*. The applicant is proposing to vacate a portion of the existing record plat (WWW 65@54) and resubdivide the property for the construction of townhouse dwellings, in conformance with the R-T zoning standards, as discussed further in Finding 12 of this report. The applicant has proposed Parcel A (2.87 acres) to be conveyed to the homeowners association (HOA). Parcel A will include the environmental features on the property, parking and access, recreational facilities, and the required stormwater management to support development.

The property is encumbered by streams, 100-year floodplain, and an expanded stream buffer, as discussed further in Finding 2 of this report. Staff would note that at least seven of the originally platted single-family lots are located within the expanded stream buffer and are likely to be unbuildable because of the significant impacts that would be associated with the construction of the road and the dwellings. Existing Lots 1-7, Block B (WWW 65@54) are within the expanded stream buffer.

Access to the property will be via existing Bost Lane to the west. A cul-de-sac is proposed on site at the entrance to the subdivision to provide for emergency turn around. Bost Lane extends from the cul-de-sac southeast as a 22-foot-wide (paving width) private road to serve the residence of the community. The property also has frontage on Absher Lane to the east. Absher Lane to the east is a dedicated public right-of-way but remains unbuilt. The Department of Public Works and Transportation has indicated that construction of that portion of Absher Lane is unlikely, due to the existing developed properties to the south and east that are zoned C-S-C Zone. DPW&T has determined that sole access for this development to Bost Lane is adequate to serve the development.

A portion of the dedicated public street of Absher Court, which is partially located on the subject property to be vacated, also serves as sole vehicular access to several existing platted lots on the abutting property to the south. The property to the south is owned by the Washington Suburban Sanitary Commission (WSSC). WSSC has provide written documentation of their agreement with the applicant's proposal to vacate Absher Court, which provides sole access to the existing platted lots on WSSC property located along the southern property line of the subject property. The WSSC property to the south is developed with a water tower. The northern property line of the WSSC property (abutting this property) is heavily wooded and provides buffering between the WSSC property and the proposed townhouses. However, the existing vegetation is not located within an easement and is, therefore,

vulnerable to removal. WSSC is required to be a party to the vacation petition for the portion of the existing record plat as an abutting property owner. A vacation petition is required prior to the approval of the final plat for the subject application, in accordance with Section 24-112 of the Subdivision Regulations.

The applicant's original preliminary plan proposed 21 lots. That plan, however, did not take into consideration the floodplain located on the property. Section 27-442(g) Table VI of the Zoning Ordinance establishes the allowable density in the R-T Zone and clearly indicates that density is based on the net tract area. Section 27-107.01(163) of the Zoning Ordinance defines net tract area for development and excludes 100-year floodplain. Section 24-120(13) of the Subdivision Regulations requires that the amount of 100-year floodplain be provided on the preliminary plan of subdivision. At the conceptual phase of development, the applicant submitted a pre-preliminary plan (P-03018). At that time staff evaluated generally the concept for the plan and did not specifically tell the applicant that the net tract area drives allowable density.

The applicant was advised of this in the initial review of the subject preliminary plan on March 26, 2004, when more detailed evaluation of the plan occurred. The applicant subsequently revised the preliminary plan to 19 lots in accordance with the allowable density of the site, based on a net tract area. Prior to the revision of the plan from 21 to 19 lots, staff recommended several changes to the plan to create a better living environment for the residences. The applicant revised the plan in conformance with most of the staff recommendations. The plan was revised to shift the private street to the north to allow for a landscape treatment along the edge of the property line. Lot 19 was shifted from four feet from the property line, along the unconstructed right-of-way of Absher Lane, to 15 feet from the property line. Staff also recommended that the required recreational facility be relocated from the northeast portion of the property, behind and to the east of Lot 19, to a more central location.

The previous recreational facility location isolated the facility and placed it in an area that would be difficult to monitor by the residences. Staff recommended that the recreational facility be located at the entrance to the subdivision. The applicant, however, revised the plan to locate the facility along the entrance drive, southeast of the entrance, abutting Lot 3. Although this location is centralized, it is very irregular in shape; moreover the *Park and Recreation Facilities Guidelines* requires that active recreational facilities be set back 30 feet from a street. The maximum distance from the street to the southern property line in which the recreational facility is located is 54 feet. If an active recreational facility is determined appropriate at the time of detailed site plan (DSP) there would be no appropriate location to provide it on site.

In evaluation of the lotting pattern, staff identified an additional concern regarding proposed Lot 4. Lot 4 is at the entrance to the subdivision. Lot 4 has a 12-foot-deep rear yard, precluding the homeowner from constructing a usable deck. The only feasible private space on the lot is in the side yard, facing the main entrance of the subdivision. If the side yard were fenced, a deck would still be visible from the main entrance of the subdivision. Staff evaluated the possibility of extending the rear yard of the lot to the north to provide a greater yard area; however, the rear lot line of Lot 4 abuts a 20-foot-wide sanitary sewer line easement and precludes the expansion of the rear yard. Due to the proximity to the entrance to the subdivision, the restrictive rear yard and the location of the private yard area for the residence of that lot, staff recommends that Lot 4 be deleted. If Lot 4 is deleted due to design issues, an additional benefit would be to allow the recreational facilities to be located at the entrance to the subdivision. This location would allow for monitoring of the facilities as well as providing a visual amenity to the residence entering the subdivision.

SETTING

The property is located at the western end of Bost Lane, northwest of Piscataway Road and Hardesty Lane in Clinton. It is surrounded by the following land uses:

Northwest:	An existing townhouse community
Northeast:	Stream and 100-year floodplain
Southeast:	Public right-of-way for Absher Lane (unbuilt) and the parking area for a commercial office building fronting on Piscataway Road
Southwest:	An existing WSSC water tower

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-T	R-T
Uses	Vacant	Townhouses
Acreage	3.9	3.9
Lots	12	19
Parcels	0	1
Dwelling Units:		
Townhouses	0	19

2. **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.

3. **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.”
4. **Parks and Recreation**—The proposed subdivision is subject to the mandatory dedication requirements of Section 24-134 of the Subdivision Regulations. The Department of Parks and Recreation recommends that the applicant provide on-site private recreational facilities in-lieu-of dedication of parkland.
 5. **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.
 6. **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 could deem the site’s impact at this location to be de minimus. In accordance with past recommendations to the Planning Board, it is recommended that the Planning Board find 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 recommendation 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, the Transportation Planning Section concludes that adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George’s County Code if the application is approved. No conditions are recommended at this time.

- 7. **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	21 sfd	21 sfd	21 sfd
Pupil Yield Factor	0.24	0.06	0.12

Subdivision Enrollment	5.04	1.26	2.52
Actual Enrollment	4096	4689	8654
Completion Enrollment	180.46	86.22	158.07
Cumulative Enrollment	126.96	32.70	65.40
Total Enrollment	4408.46	4809.18	8879.99
State Rated Capacity	4214	5114	7752
Percent Capacity	104.61	94.04	114.55

Source: Prince George's County Planning Department, M-NCPPC, December 2003

These figures were correct on the day the referral memorandum was written. Other projects that are approved prior to the public hearing on this project will cause changes to these figures. In addition, the number of proposed units has dropped from 21 to 19. The numbers that will be used in the resolution will be the ones that will 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.

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.

8. **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.

9. **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.

10. **Health Department**—The Health Department reviewed the application and offered no comments.
11. **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.
12. **Public Utility Easement**—The Preliminary Plan includes the required ten-foot-wide public utility easement. This easement will be recorded on the final plat.
13. **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.
14. **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.

Within the constraints of the given site, the proposed project generally conforms to the requirements of Section 27-433 of the Zoning Ordinance for the R-T Zone. However, redesign of the subdivision to provide a recreational facility where Lots 1, 2, and 3 are currently located would bring the plan more into conformance with the Zoning Ordinance by providing better views into open space and providing a more accessible recreational area.

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.

RECOMMENDATION

APPROVAL, subject to 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," as provided in Staff Exhibit A.
 - b. To provide the Stormwater Management Concept Plan number and approval date.
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.

STAFF RECOMMENDS APPROVAL OF TREE CONSERVATION PLAN TCPI/18/04 and VARIATIONS FROM SECTION 24-130.