

R E S O L U T I O N

WHEREAS, J.W. Barker is the owner of a 4.69-acre parcel of land known as Parcel 176, Tax Map 37, Grid B-3, said property being in the 14th Election District of Prince George's County, Maryland, and being zoned R-R; and

WHEREAS, on May 27, 2004, Jimmy and Miny Barker filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 3 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-04041 for Barker Property was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on November 4, 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 November 4, 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/57/04), and further APPROVED Preliminary Plan of Subdivision 4-04041, Barker Property for Lots 1-3 with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision the plan shall be revised as follows:
 - a. Provide the SWM approval date.
 - b. To identify Mockingbird Lane as M-NCPPC property.
 - c. Label the required 10-foot PUE.
 - d. Provide an existing structures note.
 - e. Provide a note that Lot 2 is a flag lot and subject to *Landscape Manual* bufferyards.
 - f. Provide a pedestrian use easement serving Lot 3 across Lot 2 for access to the WB&A trail park, or at some other location on the property.

2. Prior to the issuance of permits, a Type II tree conservation plan shall be approved.
3. Development of this site shall be in conformance with the approved Stormwater Management Concept Plan #35445-2003-00 and any subsequent revisions.
4. Prior to the issuance of grading permits, the applicant shall submit evidence from the Health Department that the tires found on the property have been hauled away by a licensed scrap tire hauler to a licensed scrap tire disposal/recycling facility.
5. The final plat shall provide a pedestrian use easement serving Lot 3 across Lot 2 for access to the WB&A trail park, or as determined at the time of signature approval of the preliminary plan.
6. At the time of final plat approval, the applicant shall dedicate right-of-way along Pine Road as shown on the submitted plan. The applicant shall make improvements within the right-of-way as directed by the county's Department of Public Works and Transportation (DPW&T) and shall construct the needed off-site extension of the two existing pavement sections within Pine Road as a means of providing access to the site. The extensions of Pine Road to the subject property shall be available prior to issuance of building permits.
7. The final plat of subdivision shall indicate that Lot 1 is denied vehicular access to Mockingbird Lane.
8. The applicant shall provide standard sidewalks along the property's entire street frontage and where the applicant provides off-site improvements to Pine Drive extended unless modified by the Department of Public Works and Transportation at the time of issuance of street construction permits.
9. Prior to signature approval of the Type I TCP, a revised FSD shall be submitted as follows:
 - a. Revise the soils listing to remove reference to the Collington fine sandy loam soil series and add a reference to the Sassafras sandy loam series.
 - b. Show the location of specimen tree #7 on the FSD map.
 - c. Remove general note #17 from the map and locate the wetlands on the site, with a symbol in the legend.
 - d. After all the revisions have been made to the plan, have the qualified professional who prepared it sign and date it.
10. Prior to signature approval of the TCPI the plan shall be revised as follows:
 - a. Show the location of the overhead utilities in vicinity of Mockingbird Lane/WB&A trail.

- b. Show the location of specimen tree #7 on the plan that is identified in the specimen tree table.
 - c. Add a separate column to the specimen tree table regarding the disposition of each tree at post development.
 - d. Show the location of existing water and sewer easements for the dwelling on proposed Lot 2 and the future water and sewer provisions/connections for proposed Lots 1 and 3.
 - e. Include TCPI optional note #6 regarding the stormwater management conceptual stormdrain plan.
 - f. Show the location of the wetlands and put the wetlands symbol in the legend. Include the associated 25-foot-wide wetlands buffer around the wetlands area.
 - g. Revise the limits of disturbance location to clarify where it will be established along the northeast side of the proposed afforestation area. Provide a symbol on the legend for the limits of disturbance.
 - h. Remove the soils layer.
 - i. After all the revisions have been made to the plan, have the qualified professional who prepared the plan sign, date it, and update the revision box.
11. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain all 100-year floodplain, stream buffers, wetlands and wetlands buffers, and shall be reviewed by the Environmental Planning Section prior to certificate approval. The following note shall be placed on the plat:
- “Conservation easements described on this plat are areas where the installation of 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 permitted.”
12. Prior to signature approval of the preliminary plan, the applicant shall submit a copy of the conceptual stormdrain plan and approval letter.
13. Prior to signature approval of the preliminary plan, general notes #5 and #17 regarding 100-year floodplain and wetlands, respectively, shall be removed.

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

1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.
2. The property is located on the north side of Pine Road and the south side of Mickingbird Lane, about 200 feet north of Pine Court.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	R-R	R-R
Use(s)	Single-family dwelling	Single-family dwelling
Acreage	4.69	4.69
Lots	0	3
Parcels	1	0
Dwelling Units:		
Detached	1	3 (1-existing)

4. **Environmental**—Based on year 2000 air photos the site is partially wooded; there are wetlands, an unnamed tributary that drains into the Horsepen Branch, 100-year floodplain, and three soil types. Areas of steep and severe slopes are not associated with the site. The soil types include Adelphia fine sandy loam, Bibb silt loam, and three types with the Sassafras sandy loam series. The Bibb silt loam soil has an erodibility K-factor of 0.32 and has hydric characteristics. Development limitations associated with the soil types are the Adelphia series has a seasonally high water table and Bibb soils have seasonally high water tables and are flood hazards in relation to pipeline construction and roads being located on them. Based on available information, Marlboro clays are not found at this site.

The site is in the Horsepen Branch watershed of the Patuxent River basin. There are no significant noise generators or scenic or historic roads in vicinity of the site. According to the Maryland Department of Natural Resources, Natural Heritage Program publication entitled “Ecologically Significant Areas in Anne Arundel and Prince George’s Counties,” December 1997, rare, threatened and endangered species are not found at this site.

One forest stand (A) was identified in the FSD. Forest Stand A contains approximately 2.83 acres and is located in the central and southern portion of the site. The forest stand is located in an area where natural features including 100-year floodplain, a stream, and wetlands are located. Results in the FSD summary sheet for the one forest stand concludes that this stand has a good rating and is a priority for preservation.

The soils listing includes reference to two types in the Collington fine sandy loam series. Both of these soils are in the vicinity of the site but are not found on the subject property. Revise the soils listing to remove reference to these two soils. The soils listing should be revised to reference the

Sassafras sandy loam series present at the site, as shown on the map (ShB2).

The specimen tree table on the FSD map identified seven specimen trees at the site. However, tree #7 is not located on the plan and the FSD map needs to be revised to include the location of specimen tree #7. All of the existing natural features at the site must be identified on the FSD map. General note #17 on the FSD map states, "No wetlands on subject property per McCarthy and Associates, May 2002." This note needs to be removed from the plan and the wetlands located on the site, with a symbol in the legend, as discussed in the wetlands delineation report prepared by McCarthy and Associates, January 2004. After all the revisions have been made to the plan, the qualified professional who prepared it needs to sign and date it.

The site is subject to the provisions of the Woodland Conservation Ordinance because the gross tract area is in excess of 40,000 square feet and there are more than 10,000 square feet of woodland on site. A Type I Tree Conservation Plan (TCPI/57/04) has been submitted. The site contains a gross tract of 4.69 acres. Existing woodland on the site totals 2.83 acres. The woodland conservation threshold (WCT) is 0.78 acre. The proposed amount of woodland to be cleared totals 1.28 acres. The woodland conservation acreage required is 1.10 acres. All of this requirement will be provided on site in the form of 0.45 acre of woodland preservation and 0.53 acre of on-site afforestation.

Not all of the existing and proposed site features have been shown on the TCPI. There are overhead utilities along Mockingbird Lane/WGB&A Trail that are not shown on the plan. The TCPI needs to be revised to show the location of the overhead utilities in this area.

The locations of the existing and proposed water and sewer extensions are not shown on the preliminary plan or Type I tree conservation plan. This information was requested of the applicant but the plans have not been revised accordingly. The applicant has been advised that the location of the proposed water and sewer lines is of great importance when determining if any impacts are proposed to the environmental features on the property and specifically if there are any impacts proposed to the PMA that is located on this property. The Subdivision Regulations requires that impacts to the PMA are to be approved by the Planning Board. The Planning Board will determine if the impact has been minimized to the greatest extent possible through the preliminary plan process only. The applicant has been advised that because no impacts were shown on the plans and no request for impacts was submitted with this preliminary plan, any proposed impacts would require the submission of a new preliminary plan of subdivision. Staff cautioned the applicant regarding this issue and the requirement for a new preliminary plan of subdivision.

Wetlands have been found on the site as discussed in comment #1 above. However, the wetlands are not located on the TCPI and a symbol for this feature is not in the legend. The plan needs to be revised to show the location of the wetlands, put the wetlands symbol in the legend, and include the associated 25-foot-wide wetlands buffer around the wetlands area.

The location of the proposed limits of disturbance in the area of the proposed afforestation is confusing. Not all of the conceptual limits of disturbance are shown on the plan. The limits of

disturbance location needs to be revised to clarify where it will be established along the northeast side of the proposed afforestation area. A symbol in the legend reflecting the limits of disturbance needs to be added. The soils layer is shown on the TCPI. This is an inappropriate layer to be shown on the TCPI and it should be removed from the plan.

After all the revisions have been made to the plan, the qualified professional who prepared the plan needs to sign, date, and update the revision box.

A wetland delineation report prepared by McCarthy and Associates, Inc., January 2004, has been submitted. One area of wetlands is identified in the report in addition to the existing stream. Because the wetlands are connected to the stream, they are all part of the Patuxent River Primary Management Area. The full extent of the PMA on the subject property includes the stream and the wetlands and their buffers, and the 100-year floodplain. No PMA has been delineated on the plans.

Based on the review of a wetland delineation prepared by McCarthy and Associates, the site may be reasonably developed without impacts to the existing wetlands and their buffers. The plan cannot indicate any impacts to the PMA or wetlands because no requests for impacts have been made.

Section 24-130(b)(5) of the Subdivision Ordinance prescribes:

“(5) Where a property is partially or totally within the Patuxent River watershed, the plat shall demonstrate adequate protection to assure that the Primary Management Area Preservation Area is preserved in a natural state to the fullest extent possible.”

General note #5 on the preliminary plan states: “Subject property is not located within the limits of a designated 100-year floodplain as determined by flood insurance rate map panel number 245208 0035C, dated June 18, 1987.” This note should be removed from the plan as it conflicts with the area of 100-year floodplain discussed in comment 2 above. General note #17 on the plan reads as follows:

“#17. There are no wetlands affecting the subject property per McCarthy and Associates.”

This note should also be removed because there are wetlands on site.

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 and will therefore be served by public systems.

5. **Community Planning**—The property is located within the limits of the 1991 Bowie-Collington-Mitcheville and Vicinity Master Plan, Planning Area 71A, in Community 5. The master plan

recommended land use is for low-suburban density. The preliminary plan is consistent with the recommendations of the master plan. The 2002 General Plan locates the property within the Developing Tier. One of the visions of the General Plan is to maintain a pattern of low to moderate residential densities. The proposed preliminary plan is consistent with the recommendations of the General Plan.

6. **Parks and Recreation**—In accordance with Section 24-134 of the Subdivision Regulations, staff recommend the payment of a fee-in-lieu of the requirement of the mandatory dedication of parkland. Only two of the proposed lots are subject to the requirement.

The existing WB&A trail provides direct trail access to the nearby Glenn Dale Community Center and Splash Park, which is located adjacent to the trail off of MD 193. To the east, the WB&A trail provides access to parkland along the Patuxent River and on-road bicycle facilities in the Bowie area.

7. **Trails**—The existing M-NCPPC/WB&A trail is adjacent to the subject application within the right-of-way for Mockingbird Lane, an abandoned right-of-way. As has been the case with previously submitted subdivisions in the area, staff is concerned with the impact of any lots having direct vehicular access onto Mockingbird Lane where conflicts with trail users may occur. Access to Lots 1 and 3 will be accommodated through the extension and construction of Pine Road. Any impacts to the trail or trail right-of-way should be addressed to the satisfaction of DPR. Existing Pine Road immediately to the south of the subject site has sidewalks along both sides where road improvements have been made. Staff recommends that a standard sidewalk be provided along the subject site's frontage, unless modified by DPW&T.
8. **Transportation**—The subject property is not large enough to warrant a traffic study and would have a minimal impact on area roadways. The findings and recommendations outlined below are based upon a review of 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*.

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 site's primary impact would occur at the High Bridge Road/Old Chapel Road intersection, which is unsignalized. Staff has no recent counts at this location. 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. With two net residences (three lots with one existing residence), the site would generate 2 AM and 2 PM peak-hour trips, and the definition of de minimus in the guidelines indicates that the site is eligible because this application is "a development which generates 5 or fewer peak-hour trips." Staff would, therefore, recommend that the Planning Board find that 2 AM and 2 PM peak-hour trips will have a de minimus impact upon delay in the critical movements at the High Bridge Road/Old Chapel Road intersection.

The primary issue concerning this site involves the site's access. Lot 1 would contain the existing residence with existing access onto Mockingbird Lane; Lots 2 and 3 are proposed with access to Pine Drive. Because Mockingbird Lane is a M-NCPPC Department of Parks and Recreation right-of-way that is currently used for recreational purposes, it is inappropriate for additional lots to have access onto Mockingbird Lane. Therefore, Lots 2 and 3 must receive access via Pine Road, and the applicant must construct the needed off-site extensions of Pine Road to connect the existing pavement sections. This connection is essential for the Planning Board to make a finding of adequate access roads for the site.

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

9. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for 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 3	Middle School Cluster 2	High School Cluster 2
Dwelling Units	2 sfd	2 sfd	2 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	0.48	0.12	0.24
Actual Enrollment	6141	5131	10098
Completion Enrollment	198.24	217.62	398.97
Cumulative Enrollment	491.04	283.68	567.84
Total Enrollment	6831.04	5632.42	11065.05
State Rated Capacity	5858	4688	8770
Percent Capacity	116.61%	120.15%	126.17%

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

County Council bill CB-31-2003 establishes a school facilities surcharge in the amount of: \$7,000 per dwelling if a building is located between I-495 and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$12,000 per dwelling for all other buildings. The school surcharge may be used for the construction of additional or expanded school facilities and renovations to existing school buildings or other systemic changes.

The Historic Preservation and Public Facilities Planning Section staff finds that this project meets the adequate public facilities policies for school facilities contained in Section 24-122.02, CB-30-2003 and CB-31-2003 and CR-23-2003.

10. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of public facilities and concluded the following:

- a. The existing fire engine service at Bowie Fire Station, Company 19, located at 13008 9th Street has a service travel time of 3.60 minutes, which is within the 5.25-minute travel time guideline.
- b. The existing ambulance service at Bowie Fire Station, Company 19, located at 13008 9th Street has service travel time of 3.60 minutes, which is within the 6.25-minute travel time guideline.

- c. The existing paramedic service at Glenn Dale Fire Station, Company 18, located at 11900 Glenn Dale Boulevard has a service travel time of 7.34 minutes, which is beyond the 7.25-minute travel time guideline. The existing paramedic service located at Glenn Dale Fire Station, Company 18, is just (approximately five seconds) beyond the recommended response time guideline. The nearest fire station, Bowie Company 19, is located at 13008 9th Street, which is 3.60 minutes from the development. This facility would be within the recommended travel time for paramedic service.

The above findings are in conformance with the standards and guidelines contained in the *Approved Public Safety Master Plan (1990)* and the *Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities*.

11. **Police Facilities**—The proposed development is within the service area for Police District II-Bowie. The Planning Board's current test for police adequacy 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 property is located within water and sewer service category 3 and will be served by public systems. The Health Department notes that the existing dwelling is currently being served by a private well and septic system. The existing dwelling should be connected to public systems upon availability and septic system properly abandoned.

The Health Department notes that numerous tires were found on the property. The tires must be hauled away by a licensed scrap tire hauler to a licensed scrap tire disposal/recycling facility and a receipt for tire disposal must be submitted to the Health Department.
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, #35445-2003-00, has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. Development must be in accordance with this approved plan.
14. **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.
15. **Flag Lot**—The proposal includes one flag lot, proposed Lot 2, which will contain the existing dwelling unit. The existing dwelling currently has direct access onto Mockingbird Lane, which is now an abandoned right-of-way under the ownership of M-NCPPC. This is the WB&T trail park facility. Flag lots are permitted pursuant to Section 24-138.01 of the Subdivision Regulations. The proposed flag lot satisfies the design standards found in Section 24-138.01(d) as follows:

- a. **A maximum of two tiers are permitted.** The applicant is proposing only one flag lot.
- b. **The flag stem has a minimum width of 25 feet for the entire length of the stem.** The applicant is proposing a 25-foot wide flag stem.
- c. **The net lot area, exclusive of the stem, must meet the minimum lot size standard.** The net lot area of Lot 2 exclusive of the flag stem is 1.2 acres; the gross lot area is 1.3 acres. Lot 2 is proposed exceeding the minimum 20,000 square feet of net lot area for conventional development in the R-R Zone.

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

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

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

Comment: The applicant has achieved a superior design to what could be achieved with a conventional R-R lotting pattern. Using the flag lot in this particular case has allowed the rear yard of the existing dwelling to orient to rear yards of proposed dwellings. This has provided for the buffering of the rear of the existing dwelling, which is oriented toward Mockingbird Lane, from views from Pine Lane because of the location of the proposed dwelling on Lot 3.

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

The Transportation Planning Section and the Department of Public Works and Transportation have evaluated the applicant's proposed layout and finds that the location of the driveway for the flag lot does not adversely impact the safety of efficiency of the street layout.

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

In this unique circumstance the existing dwelling is using park property (Mockingbird Lane) for access. While the use of Mockingbird Lane was at one time permitted, it is now restricted by M-NCPPC to no new development, existing dwellings may continue to access their properties via

the abandoned right-of way. However, through the subdivision of this property each new lot

must meet the minimum zoning requirements including the new lot created that will contain the existing dwelling (Lot2).

Therefore, the applicant has proposed Lot 2 with frontage on and the ability of direct vehicular access to a dedicated public street (Pine Road). However, the existing dwelling will maintain the existing driveway onto Mockingbird Lane as a “secondary” point of access, with the legal access being Pine Lane. By using the flag lot option the dwellings can be located back to back with the flag lot fronting onto Mocking Bird Lane and the rear facing Pine Lane being obscured by the dwelling to front on Pine Lane. This creative design approach helps the new development blend with the existing site situations.

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

Comment: The use of a flag lot design enables that applicant to propose a very standard dwelling unit orientation where the rears of units on abutting lots are oriented toward one another. With this standard orientation bufferyards are not required by the Subdivision Regulations (24-138.01) because the privacy of abutting owners is consistent with a conventional lotting pattern.

16. The property is located on Tax Map 37, Grid B-3, and is known as Parcel 176. The property is zoned R-R and is approximately 4.69 acres. The site has frontage on Pine Road to the south and the abandoned right-of-way of Mockingbird Lane to the north. Mockingbird Lane is the former WB&A Railroad right-of-way, which was conveyed by the State of Maryland to M-NCPPC to utilize as a public trail facility. Prior to the conveyance of the right-of-way to M-NCPPC, a large number of dwelling units were constructed with vehicular access to the now abandoned right-of-way.

The park trail facility is used extensively by pedestrians and is an important recreational amenity to the county. While M-NCPPC has generally not denied the continued use of Mockingbird Lane for those existing dwelling units, no new developed is recommended with sole vehicular access to Mockingbird Lane. The property is improved with an exiting dwelling that is to remain and is currently being served by access via Mockingbird Lane. With the subdivision of this property, the applicant is proposing to provide an alternative access for that existing dwelling unit, to Pine Road. Two additional dwelling units are proposed and are to be served with direct access to Pine Road. The existing dwelling will be located on a flag lot, which proposes the flag stem onto Pine Road while maintaining the current access. Staff supports the applicants’ utilization of the flag lot provisions in this case as discussed further in Finding 13 of this report.

Pine Road is dedicated abutting the site but is not constructed to the site. In order to develop this property the applicant will be responsible for the off-site improvements necessary to extend Pine Road to the site, as well as construct the street improvements along the property’s entire street frontage. The off-site improvement of Pine Road is essential in this area and will encourage and provide opportunity for other properties to develop alternative access instead of utilizing direct

access to Mockingbird Lane, where pedestrian and vehicular conflicts are known to occur.

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

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This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner 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, November 4, 2004, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 2nd day of December 2004.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator