



*Note: Staff reports can be accessed at [www.mncppc.org/pgco/planning/plan.htm](http://www.mncppc.org/pgco/planning/plan.htm).*

## Preliminary Plan 4-03108

Application	General Data
<b>Project Name:</b> <b>BRANCH HILL</b>  <b>Location:</b> North of Steed Road, approximately 5,000 feet west of Piscataway Road.  <b>Applicant/Address:</b> Dunhill Development, LLC. 2315 Drexel Street Vienna, VA. 22180	Date Accepted: 10/29/03
	Planning Board Action Limit: 01/21/04
	Plan Acreage: 53.0
	Zone: R-E
	Lots: 45
	Parcel: 1
	Planning Area: 81B
	Tier: Developing
	Council District: 09
	Municipality: N/A
200-Scale Base Map: 213SE04	

Purpose of Application	Notice Dates		
RESIDENTIAL SUBDIVISION	Adjoining Property Owners: (CB-15-1998) N/A		
	Previous Parties of Record: (CB-13-1997) N/A		
	Sign(s) Posted on Site: 12/30/03		
Staff Recommendation	Staff Reviewer: Del Balzo		
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 4-03108  
Branch Hill Subdivision, Lots 1?45

OVERVIEW

The subject property consists of approximately 53.0 acres of land in the R-E Zone. It is currently developed with one single-family home, partially farmed and mostly wooded. The applicant proposes to subdivide the property into 45 lots for single-family, detached residential development and one 5.96-acre parcel for open space using the lot size averaging technique. The 5.96-acre parcel, to be dedicated to M-NCPPC, will include a trail and trail connection to the Tinkers Creek Stream Valley Park.

Access to the property will be from one public street connecting to Steed Road. All new lots will have access to this internal road and direct access to Steed Road will be denied. The existing home on the property will be on new Lot 45 and will retain access to Steed Road.

The plan has gone through several changes since it was originally submitted. Originally, smaller lots fronted Steed Road and two flag lots were proposed to back to Steed Road. Land available for park dedication was also limited and did not include land suitable for the trail. Upon staff's suggestion, the plan has been revised. The current plan includes a larger parcel for dedication to the Commission; it includes larger lots along Steed Road ensuring that the views from that road remain rural; and it has eliminated the awkward flag lots and replaced them with flag lots that will meet the design criteria set forth in the Subdivision Regulations. Finally, the applicant has been in negotiations with staff to provide on-site private recreational facilities. These issues are discussed at length in this report.

SETTING

The property is located on the north side of Steed Road, west of Piscataway Road. To the north and west are undeveloped, wooded lands in the R-E Zone. To the east is land that has been farmed. To the south is the Potomac Airfield and to the southeast is Washington Executive Airport (Hyde Field). Portions of the property are in Accident Potential Area 6. This is discussed in more detail in the Community Planning finding of this report.

FINDINGS AND REASONS FOR STAFF RECOMMENDATION

1. **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-E	R-E
Uses	One single-family home and farming	45 Single-family homes
Acreage	53	53
Lots	0	45
Parcels	1	1
Detached Dwelling Units	1	45 (44 new and 1 existing)

2. **Environmental**—There are streams, wetlands and 100-year floodplain, on the property. The site drains into Piscataway Creek in the Potomac River watershed. According to the *Prince George’s County Soils Survey*, the principal soils on this site are in the Aura, Beltsville, Bibb, Croom, Iuka, Howell and Rumford series. Marlboro clay occurs 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. 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 same areas compose the Natural Reserve shown on the Subregion V master plan. For the purposes of this review, these areas include all of the expanded stream buffer.

Each individual feature used to determine the expanded stream buffer is shown on the Type I Tree Conservation Plan and the Preliminary Plan of Subdivision. The expanded stream buffer is correctly shown. One impact to the expanded stream buffer is proposed.

A variation request dated December 5, 2003, for a single impact to the expanded stream buffer for the construction of a sanitary sewer to serve the community has been reviewed. 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:**

- A. That the granting of the variation will not be detrimental to the public safety, health or welfare, or injurious to other property.**
- B. The conditions of which the variation is based are unique to the property for which the variation is sought and are not applicable generally to other properties.**
- C. The variation does not constitute a violation of any other applicable law, ordinance, or regulation.**
- D. Because of the particular 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 regulations is carried out.**

The proposed impacts satisfy these requirements. The sanitary sewer is required infrastructure for the property. Without it, the property would not be developable, creating a particular hardship to the owner. The alignment of the proposed sanitary sewer has been reviewed by the Washington Suburban Sanitary Commission. It was determined that this design results in the least impact necessary to connect the proposed subdivision to an existing sewer main. The alignment is dictated by the topography of the development site and the location of the existing sewer main. Impacts to woodlands have been accounted for in the Tree Conservation Plan. Even if approved by the Planning Board, the applicant will need to obtain federal and state permits prior to the issuance of any grading permit. The additional permit review will assure that the impacts are minimized and that there will be no detrimental effects to public safety, health, or welfare, or be injurious to other property. Therefore, staff recommends approval of the variation request.

### **Woodland Conservation**

A detailed Forest Stand Delineation (FSD) was submitted with this application. The FSD describes five forest stands totaling 41.08 acres based upon 39 randomly selected plots. Additionally the plan shows the locations of 23 specimen trees and has a table listing the species, size and general condition for each. The plan shows streams, wetlands, the 100-year floodplain, soils boundaries, severe slopes, and all steep slopes containing highly erodible soils. 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, it contains more than 10,000 square feet of existing woodland, and has a previously approved Tree Conservation Plan. A Type II Tree Conservation Plan, TCPII/31/92, was previously approved as part of a logging permit for the subject property. A Type I Tree Conservation Plan is required for the current application.

The Type I Tree Conservation Plan, TCPI/68/03, has been reviewed. The plan proposes clearing 19.37 acres of the existing 33.96 acres of upland woodland and the clearing of 0.17 acres of floodplain woodland to create the required sanitary sewer connection discussed above. The woodland conservation requirement has been correctly calculated as 16.51 acres. The plan proposes to meet the requirement by providing 14.49 acres of on-site preservation and 1.92 acres of on-site reforestation/afforestation for a total of 16.51 acres.

The woodland conservation areas will preserve all of the significant environmental features on the site, create wooded lots with adequate useable yard areas, and provide buffering of the subdivision from traffic on Steed Road. The overall design meets the requirements of the Woodland Conservation Ordinance.

### **Soils**

According to the *Prince George's County Soils Survey*, the principal soils on this site are in the Aura, Beltsville, Bibb, Croom, Iuka, Howell and Rumford series. Aura, Beltsville and Croom soils are highly erodible. Aura, Howell and Rumford soils are in the B-hydric group; Beltsville and Croom soils are in the C-hydric group; and Bibb soils are in the D-hydric group. A soils report may be required by the Prince George's County Department of Environmental Resources during the permit process review.

### **Marlboro Clay**

Marlboro clay occurs in the area. Because Marlboro clay occurs at the surface within the 100-year floodplain and there are no associated steep slopes, no significant impact to the proposed development is anticipated.

### **Water and Sewer Categories**

The water and sewer service categories are W-4 and S-4 according to water and sewer maps obtained from the Department of Environmental Resources dated June 2003. The property will be served by public systems.

3. **Community Planning**—The 2002 General Plan places this property in the Developing Tier. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial Centers, and employment areas that are increasingly transit serviceable. This application is not inconsistent with the 2002 General Plan Development Pattern policies for the Developing Tier.

The property is in Planning Area 81A / Clinton. The 1993 Subregion V master plan recommends Suburban Estate/Low Density Planned Neighborhood at up to 1.5 dwelling units per acre. A Natural Reserve Area is on the northern part of this property. The 1993 Subregion V sectional map amendment classified this property in the R-E Zone. The residential land use proposed by this application conforms to the recommendations of the master plan for estate residential land use in this area, but consideration should be given to significant buffering for proposed lots 20 to 27, pursuant to master plan Living Area Guideline 10.

The master plan recommends Suburban Estate/Low Density Planned Neighborhood at up to 1.5 dwelling units per acre for the subject property. Master plan land use recommendations for property surrounding this application are:

- To the north and west, the application adjoins property owned by M-NCPPC as part of the Tinkers Creek Stream Valley Park. A 50-acre community park is recommended as an addition to the stream valley park and its proposed trail system.
- To the southeast, across Steed Road, the plan recommends employment land use and an intersection for a new industrial road (I-501); the property is classified in the E-I-A Zone for development as part of the Washington Executive Airport industrial park. This

property is currently developed with a general aviation airport and the remainder has been surface mined for sand and gravel.

- To the southwest, across Steed Road, the plan recommends residential land use similar to that proposed by this application; that property is also classified in the R-E Zone and is currently used as a small farm.

### **Living Area Guidelines**

The master plan text contains guidelines for development in the recommended living areas on pages 52-54 of the plan text (copy attached). Some of these may be applicable to review of this proposed preliminary subdivision. In particular, Living Area Guideline 10 (Plan text, p. 54) states:

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, or other incompatible uses.”

The 45 residential lots proposed in this application vary from 30,122 to 75,981 square feet and includes three flag lots. A number of the smaller lots are located along Steed Road, across from the proposed Washington Executive Airport industrial park, e.g., Lots 21 to 27. Lot 20 is much larger, but has relatively shallow depth from the Steed Road because of its flag lot orientation. Although these lots are oriented to an interior street, the rear of the houses and the back yards may be exposed to Steed Road and the proposed industrial park across the street. Consideration should be given to significant buffering or screening of this area in accordance with Guideline 10.

### **Aviation Policy Areas**

This application is located under the traffic pattern for two small general aviation airports:

?? Washington Executive Airport (Hyde Field)? The property is between 1,600 and 4,300 feet northwest of the north end of the runway.

?? Potomac Airfield? The property it is approximately 3,600 feet northeast of the north end of the runway.

This area is subject to Aviation Policy Area regulations adopted by CB-51-2002 (DR-2) as Sections 27-548.32 through 27-548.48 of the zoning ordinance. Specifically, the subject property is located in Aviation Policy Areas APA-4 for Potomac Airfield and APA-6 for both Potomac Airfield and Washington Executive Airport (see attached GIS map).

Residential land uses are allowed in these aviation policy areas in accordance with standard zoning regulations. The APA regulations contain additional height requirements in Section 27-548.38, open area guidelines for APA-4 in Section 27-548.41, and purchaser notification requirements for residential property sales in Sections 27-548.43 that are relevant to evaluation of this application.

4. **Parks and Recreation**—The staff of the Department of Parks and Recreation (DPR) has reviewed the proposed Preliminary Plan and evaluated it for conformance with the Subregion V master plan, the Prince George’s County Subdivision Ordinance, and the *Park and Recreation*

*Guidelines* as they pertain to public parks and recreation for the citizens and residents of Prince George's County.

The master plan shows a floating 50+-acre community park symbol and proposed stream valley park covering the western 25± acres of the subject site. This is part of the Tinker's Creek Stream Valley Park, with portions of both Tinker's Creek and Pea Hill Branch located on site. This proposed community park was visualized as active park area incorporated into the stream valley park. Upon detailed examination of this site, only the easternmost 15 acres or less of the site would be viable as active recreational space. This is because of the stream location, 100-year floodplain and steep slopes covering almost two-thirds of the site. Therefore, DPR staff finds that the proposed master plan 50+-acre floating community park symbol should be relocated to the west where more amenable conditions exist and not be fulfilled on this site. Staff recommends that the 100-year floodplain plus 50-foot floodplain buffer be dedicated for the stream valley park.

The master plan also shows a hiker/biker/equestrian trail through the northwestern portion of the site along the stream valley. The master plan trail has not yet been located, so DPR staff recommends that a minimum 30-foot-wide access strip be dedicated for future trail connection from this community's internal street.

In accordance with Section 24-137 of the Prince George's County Subdivision Regulations, the Park Planning and Development Division of DPR recommends that the applicant convey approximately 8+ acres shown on DPR exhibit "A."

In accordance with 24-134 of the Subdivision Regulations, staff recommends that, in-lieu-of mandatory park dedication, the applicant provide private recreational facilities on the site at a location to be determined prior to signature approval of the preliminary plan.

5. **Trails**—Two master plan trail facilities are identified in the *Approved Master Plan and Sectional Map Amendment for Subregion V* in the vicinity of the subject site. Stream valley trails are recommended along Pea Hill Branch and Tinkers Creek. The Department of Parks and Recreation has acquired a significant amount of land along Tinkers Creek. The land along Pea Hill Branch that is currently in public ownership is much more limited and fragmented. Parcel A (identified on the submitted plan as "open space") may ultimately be a portion of both of these corridors. Staff supports the dedication of this land to M-NCPPC as part of the stream valley network, as well as the provision of an open space window to access this land from the subject site. No trail construction is recommended at this time due to the small amount of stream frontage on the subject site and the lack of existing trails to connect into.
6. **Transportation**—Due to the size of the subdivision, staff has not required that a traffic study be done. The staff requested traffic counts and turning movement counts at the critical intersection. Counts dated December 2003 were provided. Therefore, the findings and recommendations outlined below are based upon a review of these 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 in 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 is required in the developing tier.

**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 intersection of Allentown Road and Steed Road is determined to be the critical intersection for the subject property. This intersection is the nearest signalized intersection to the site, and would serve virtually all of the site-generated traffic. The transportation staff has available counts taken by the applicant in 2003. These counts indicate that the critical intersection operates at LOS C, with a CLV of 1,294, during the AM peak hour. During the PM peak hour, the intersection operates at LOS A with a CLV of 925.

There are no funded capital projects at this intersection in either the county's Capital Improvement Program or the state's Consolidated Transportation Program that would affect the critical intersection. There are several approved but unbuilt developments that would affect the intersection. With background growth added, the critical intersection would operate as follows: AM peak hour—LOS D with a CLV of 1,428; PM peak hour—LOS C with a CLV of 1,018.

With the development of 45 residences (the 45<sup>th</sup> lot would contain the existing residence, which is proposed to remain), the site would generate 33 AM (7 in and 26 out) and 40 PM (26 in and 14 out) peak-hour vehicle trips. The site was analyzed with the following trip distribution: 15 percent? southeast along Steed Road, 25 percent? northeast along Allentown Road, and 60 percent? west along Allentown Road. Given this trip generation and distribution, staff has analyzed the impact of the proposal. With the site added, the critical intersection would operate as follows: AM peak hour? LOS D, with a CLV of 1,445; PM peak hour? LOS C with a CLV of 1,026.

The site is adjacent to Steed Road, which is a master plan collector facility. The plan correctly shows dedication of 40 feet from centerline along Steed Road.

A number of the proposed lots have access on both Steed Road and an internal street. In each of these cases, driveway access should occur via the internal street. Proposed Lot 45 contains an existing residence with an existing driveway onto Steed Road. This can remain, as the existing driveway appears to function adequately in relation to Steed Road.

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 with the two transportation-related conditions included in this report.

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.

**Impact on Affected Public School Clusters**

Affected School Clusters #	Elementary School Cluster 5	Middle School Cluster 3	High School Cluster 3
Dwelling Units	44 sfd	44 sfd	44 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	10.32	2.56	5.16
Actual Enrollment	4452	4598	8393
Completion Enrollment	180	66	132
Wait Enrollment	20	15	29
Cumulative Enrollment	276.24	164.34	328.68
Total Enrollment	4938.56	4845.90	8887.84
State Rated Capacity	4175	5114	7752
Percent Capacity	118.29	94.76	114.65
Funded School	N/A	N/A	N/A

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

These figures are correct on the day the referral memo was written. Other projects that are approved prior to the public hearing on this project will cause changes to these figures. The numbers shown in the resolution will be the ones that 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 Interstate Highway 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 on 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 the subdivision plans for adequacy of fire and rescue facilities.
  - a. The existing fire engine service at Allentown Road Fire Station, Company 32, located at 8709 Allentown Road, has a service travel time of 3.86 minutes, which is within the 5.25-minute travel time guideline.
  - b. The existing ambulance service at Allentown Road Fire Station, Company 32, has a service travel time of 3.86 minutes, which is within the 6.25-minute travel time guideline.
  - c. The existing paramedic service Clinton Fire Station, Company 25, located at 9025 Woodyard Road, has a service travel time of 5.48 minutes, which is within the 7.25-minute travel time guideline.

These findings are in conformance with the standards and guidelines contained in the *Adopted and 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 June 30, 2002, the county had 874 sworn staff and a total of 101,303 square feet of station space. Based on available space, there is capacity for additional 69 sworn personnel. Therefore, in accordance with Section 24-122.01(c) of the Subdivision Regulations, existing county police facilities will be adequate to serve the proposed Branch Hill development.
10. **Health Department**—The Health Department reviewed the application and noted that there are an existing septic system and well on the property. Once the existing home is connected to water and sewer, the existing systems need to be pumped, backfilled and sealed in accordance with COMAR 26.04.04. In addition, a significant amount of trash and other debris has been illegally dumped on the property, including domestic trash, discarded motors and tires. This must be removed prior to final plat approval. The tires must be removed by a licensed scrap tire hauler to a licensed scrap tire disposal/recycling facility. A receipt must be submitted to the Health Department.
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, # 40200-2003-00, has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. The approval is valid through December 9, 2006. Development must be in accordance with this approved plan, or any revisions thereto.
12. **Cemeteries?** This developing property includes some of the acreage of a larger tract known as Stony Harbour. It was on this tract that Edward Edelen was buried in 1815. The exact location of the grave is not known. It may be on this part of Stony Harbour or on another part to the south of Steed Road. If burials are found during grading or any time during the development process, work must be stopped immediately, in accordance with state law.
13. **Public Utility Easement**—The required ten-foot-wide public utility easement is shown on the plan. This easement will be included on the final plat.
14. **Lot Size Averaging?** 24-121(a)(12) requires that the Planning Board make the following findings in permitting the use of Lot Size Averaging:
  - A. **The subdivision design provides for better access, protects or enhances historic resource or natural features and amenities, or otherwise provides for a better environment than that which could be achieved by the exclusive use of standard lots.** The design of this subdivision respects the natural features on this property. The large wetland area with associated buffers is well protected by this proposal. Superior access is achieved by eliminating the need for direct access to Steed Road except for the existing home.
  - B. **The subdivision design provides for an adequate transition between the proposed lot**

**sizes and locations of lots and the lots, or lot size standards, of any adjacent residentially zoned parcels.** Larger lots are proposed along Steed Road, giving an estate feel to the landscape. Smaller lots are in the interior of the subdivision and along the stream. With the stream protected, these smaller lots will have wonderful views and have a more estate-like feel.

- C. **The subdivision design, where applicable, provides for an adequate transition between the proposed natural features of the site and any natural features of adjacent parcels.** A large wetland and stream area encroaches the northern and western portion of the property and the adjoining properties to the north and west. This area will remain densely wooded and provide an adequate transition and buffer to the adjoining properties and streams and wetlands.

In addition, Section 27-423 of the Prince George's County Zoning Ordinance sets the zoning requirements for lot size averaging. Specifically, in the R-R Zone

- A. **The maximum number of lots permitted is equal to the gross acreage divided by the largest minimum lot size in the zone (40,000 square feet).** In this case, with 53 acres and a minimum lot size of 40,000 square feet, the maximum number of lots allowed is 57. The applicant proposes 45 lots.
- B. **At least 50 percent of the lots created shall equal or exceed the largest minimum lot size in the zone (40,000 square feet).** As proposed, 23 of the proposed 45 lots (or 51+ percent) exceed 40,000 square feet. Therefore, the proposed subdivision meets the minimum zoning ordinance standards for lot size averaging.

15. **Flag Lots**—The applicant proposes two flag lots in the subdivision. Flag lots are permitted pursuant to Section 24-138.01 of the Subdivision Regulations. Staff supports the use of flag lots based on the following:

- A. A maximum of two tiers is permitted. The proposed flag lots represent the second tier.
- B. Each flag stem is a minimum width of 25 feet for the entire length of the stem.
- C. At more than 43,000 square feet, the net lot area for proposed Lots 19 (exclusive of the flag stem) exceeds the minimum lot size of 40,000 square feet in the R-E Zone. Proposed Lot 19 is more problematic. The preliminary plan identifies it as 32,000 square feet and the flag stem is approximately 6,500 square feet. Prior to signature approval, the preliminary plan must be revised to identify the net lot area (exclusive of the flag stems) for all flag lots. Any lot with a net lot area of less than 30,000 square feet cannot be included on the final plat.
- D. A building envelope must be established at the time of preliminary plan. The applicant has not included a building envelope on the preliminary plan. This envelope must be included on the preliminary plan prior to signature approval.
- E. Shared driveways are only permitted under certain circumstances. The proposal includes no shared driveways.
- F. Where rear yards are oriented toward driveways, an "A" bufferyard is required. This does not occur on the plan.

- G. Where front yards are oriented toward rear yards, a “C” bufferyard is required. In this case, two front yards are oriented toward rear yards; a “C” bufferyard can be accommodated on these lots.

Prior to approval of a flag lot, the Planning Board must make the following findings of Section 24-138.01(f):

- A. The design is clearly superior to what would have been achieved under conventional subdivision techniques.** The proposed flag lots yields a superior design to that which would be allowed conventionally. The property’s odd shape makes development difficult. The use of two flag lots reduces need to front lots directly on Steed Road. This increases safety and provides a more livable community.
- B. The transportation system will function safely and efficiently.** The flag lots enable the development of the property without additional direct access to Steed Road, creating a more safe environment for both residents of the new subdivision and motorists using Steed Road.
- C. The use of flag lots will result in the creative design of a development that blends harmoniously with the site and the adjacent development.** The flag lots will blend harmoniously with the rest of the development. The Subdivision Regulations call for flag lots to be created in a “court-like” setting. These types of arrangements can be both functional and aesthetically pleasing. Staff notes that while the Subdivision Regulations do not *mandate* such a setting for flag lots, this type of setting begins to address the “superior” design requirement. The proposed flag lots will create a court-like setting and are superior.
- D. The privacy of property owners has been assured in accordance with the evaluation criteria.** Given the size of the net lot area, more than 30,000 square feet and the required bufferyards, the flag-style development of the lots will not impair the privacy of either the homeowner of this lot or the homeowners of other lots.

Given these findings, staff recommends approval of the use of flag lots provided all can include minimum net lot areas of more than 30,000 square feet.

## RECOMMENDATION

APPROVAL, subject to the following conditions:

1. Prior to signature approval of the preliminary plan, the plan shall be revised:
  - a. To include the correct water and sewer categories.
  - b. To include the stormwater concept plan approval number and date.
  - c. To include the net lot areas for lots 19 and 20. If the net lot area is less than 30,000 square feet, exclusive of the flag stem, Lot 20 must be eliminated.
2. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the stream and its expanded stream buffer, except for the

area of the approved variation request. The conservation easement 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.”

3. A Type II Tree Conservation Plan shall be approved prior to the issuance of any permits.

4. 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/68/03), 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.”

5. At the time of final plat approval, the applicant shall dedicate right-of-way along Steed Road of 40 feet from centerline, as shown on the submitted plan.

6. Proposed Lots 22 through 29, 32 through 34, and 1 shall direct driveway access to the internal streets of the subdivision and shall not have driveway access onto Steed Road. The final plat shall carry a note that reflects this denial of access.

7. Development shall be in conformance with the approved stormwater concept plan, Concept # 40200-2003-00.

8. Prior to final plat approval, the applicant, his heirs, successors and/or assignees shall have the trash and debris removed from the site and the tires removed by a licensed scrap tire hauler to a licensed scrap tire disposal/recycling facility. A receipt must be submitted to the Health Department.

9. The final plat shall include the following note:

“This property is in an area subject to overflight by aircraft using public use general aviation airports, Potomac Airfield, located on Glen Way between one-half and one mile to the south, and Washington Executive Airport immediately to the southeast. Residents of property near a public use airport should, therefore, be prepared to accept any risk and inconvenience from normal aircraft operations.”

10. At the time of final plat, the applicant, his heirs, successors and/or assignees shall convey to M-NCPPC at least 8± acres, including all of the 100-year floodplain and 50-foot floodplain buffer as shown on DPR Exhibit “A.” This acreage is for the master plan stream valley park, for the protection of the stream and passive recreational use.

11. At the time of final plat, the applicant, his heirs, successors and/or assignees shall convey to M-NCPPC an access strip from the internal street to the proposed stream valley park parcel, a minimum of 30 feet wide at the street, for future pedestrian and maintenance traffic to the

parkland. Location of this access shall be determined prior to signature approval of the preliminary plan.

12. Land to be conveyed to M-NCPPC shall be subject to the following:
  - a. An original, special warranty deed for the property to be conveyed, (signed by the WSSC Assessment Supervisor) shall be submitted to the Subdivision Section of the Development Review Division, The Maryland-National Capital Park and Planning Commission (M-NCPPC), along with the final plat.
  - b. M-NCPPC shall be held harmless for the cost of public improvements associated with land to be conveyed, including but not limited to, sewer extensions, adjacent road improvements, drains, sidewalks, curbs and gutters, and front-foot benefit charges prior to and subsequent to final plat.
  - c. The boundaries and acreage of land to be conveyed to M-NCPPC shall be indicated on all development plans and permits that include such property.
  - d. The land to be conveyed shall not be disturbed or filled in any way without the prior written consent of the Department of Parks and Recreation (DPR). If the land is to be disturbed, DPR shall require that a performance bond be posted to warrant restoration, repair or improvements made necessary or required by the M-NCPPC development approval process. The bond or other suitable financial guarantee (suitability to be judged by the General Counsel's Office, M-NCPPC) shall be submitted to DPR within two weeks prior to applying for grading permits.
  - e. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to or owned by M-NCPPC. If the outfalls require drainage improvements on adjacent land to be conveyed to or owned by M-NCPPC, DPR shall review and approve the location and design of these facilities. DPR may require a performance bond and easement agreement prior to issuance of grading permits.
  - f. All waste matter of any kind shall be removed from the property to be conveyed. DPR shall inspect the site and verify that it is in acceptable condition for conveyance, prior to final plat approval.
  - g. No stormwater management facilities or tree conservation or utility easements shall be proposed on lands owned by or to be conveyed to M-NCPPC without the prior written consent of DPR. DPR shall review and approve the location and/or design of these features. If such proposals are approved by DPR, a performance bond and an easement agreement may be required prior to the issuance of grading permits.
13. The subdivider, his successors and/or assigns shall submit a letter to the Subdivision Section indicating that the Department of Parks and Recreation has conducted a site inspection and found the land to be dedicated to M-NCPPC in acceptable condition for conveyance. The letter shall be submitted with the final plat of subdivision.
14. The applicant shall allocate appropriate and developable areas for private recreational facilities on homeowners association (HOA) open space land.

15. Land to be conveyed to the HOA 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. Stormdrain outfalls shall be designed to avoid adverse impacts on adjacent land, owned by or to be conveyed to The Maryland-National Capital Park and Planning Commission (M-NCPPC). If the outfalls require drainage improvements on land to be conveyed to or owned by M-NCPPC, the Department of Parks and Recreation (DPR) shall review and approve the location and design of these facilities. DPR may require a performance bond and easement agreement prior to issuance of grading permits.
  - i. There shall be no disturbance of any adjacent land that is owned by, or to be conveyed to, M-NCPPC, without the review and approval of DPR.
  - j. 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.
16. The recreational facilities shall be constructed in accordance with the applicable standards in the *Parks and Recreational Facilities Guidelines*.

STAFF RECOMMENDS APPROVAL OF THE TYPE I TREE CONSERVATION PLAN, TCPI/68/03, AND THE VARIATION TO SECTION 24-130 OF THE SUBDIVISION REGULATIONS.