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## Preliminary Plan 4-03145

Application	General Data
<b>Project Name:</b> <b>MYERS PROPERTY</b>  <b>Location:</b> West side of Lanham-Severn Road, approximately 300 feet south of Cowam Avenue.  <b>Applicant/Address:</b> Blackstone Builders, Inc. 9560 Pennsylvania Avenue, Suite #102 Upper Marlboro, MD. 20772	Date Accepted: 12/31/03
	Planning Board Action Limit: 03/14/04
	Plan Acreage: 4.5
	Zone: R-R
	Lots: 3
	Election District: 14
	Planning Area: 71A
	Tier: Developing
	Council District: 04
	Municipality: N/A
200-Scale Base Map: 211NE11	

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: 02/25/04

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 4-03145  
Myers Property, Lots 1, 2 and 3

OVERVIEW

The subject property consists of approximately 4.50 acres of land in the R-R Zone. It is currently undeveloped and wooded. The applicant proposes to subdivide the property into three lots for development with three homes.

The property is oddly shaped. It is long and narrow, with minimal road frontage. Initially all of the lots proposed were flag lots, stemming from Lahnam-Severn Road. Staff had concerns that three flag lots on this property would create privacy issues for not only the proposed residents, but also for the existing residences on adjoining property. Staff was also concerned about the proposal for three driveway entrances onto Lahnam-Severn Road, an arterial highway in the vicinity of the property.

The applicant amended the application to provide only two flag lots and create a third lot with access via an access easement in accordance with Section 24-128(b)(1) of the Subdivision Regulations. Although this removed one of the three curb cuts (thereby creating a safer transportation environment), it still leaves two curb cuts and provides for a shared driveway easement on a flag lot. Shared driveways are not permitted on flag lots per Section 24-138.01(d)(5). Therefore, staff will recommend approval of the application, but for two lots rather than three.

SETTING

The property is located north of Lanham-Severn Road and west of Sprull Drive. To the northwest and northeast are open space parcels in the Springfield Manor Subdivision in the R-R Zone. To the southeast and southwest are single-family homes on large parcels in the R-R Zone.

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-R	R-R
Uses	Vacant	Single-family dwellings
Acreage	4.5	4.5
Lots	0	3
Parcels	1	0
Detached Dwelling Units	0	3

2. **Environmental**—Based on the review of available information, the site is fully wooded. Streams, 100-year floodplain, and wetlands are not present; however, a stream and 100-year floodplain are located north of the site on an abutting property. According to the Soils Survey for Prince George’s County, six soil types are found at the site. These include: Butlertown Silt Loam (BtB2), Iuka Sandy Loam (ImA), Rumford Loamy Sand (RdC2), Sassafras Gravelly Sandy Loam (SgC2), Sassafras Sandy Loam (ShC2) and Silty and Clayey Land (SpB). None of the soils has hydric characteristics; however, all except the Iuka Sandy Loam are considered to be erodible. The site is in the Newstop Branch watershed of the Patuxent River basin. Amtrak Railroad, a commercial passenger line, is approximately 500 feet south of the property. Railroads are sources of noise and vibration. According to the Maryland Department of Natural Resources publication entitled, “Ecologically Significant Areas in Anne Arundel and Prince George’s Counties,” December 1997, the site does not have rare, threatened or endangered species associated with it. There are no scenic or historic roads in vicinity of the subject property. The site is in the Bowie-Collington-Mitchellville Planning Area and the Developing Tier of the 2002 adopted General Plan.

### **Woodland Conservation**

A detailed Forest Stand Delineation (FSD) was initially prepared and submitted. The FSD text was found to meet the requirements of the Prince George’s County Woodland Conservation Ordinance. A revised FSD map was submitted on February 20, 2004. The finding has been made that three required revisions to the FSD map have been made. The revised FSD map meets the requirements of the ordinance.

The site is subject to the Woodland Conservation Ordinance based on the gross tract area being greater than 40,000 square feet and there is more than 10,000 square feet of woodland. A Type I Tree Conservation Plan, TCPI/09/04, was initially submitted. Of the 4.50 gross tract acres, 4.39 acres of woodland exists. Woodland conservation requirements for 1.59 acres will be met on site through preservation of existing woodlands. A total of 2.77 acres will be cleared and 1.62 acres of woodland conservation will be provided on site. The revised plan has been reviewed and the finding has been made that all of the required revisions have been made. The revised TCPI meets the requirements of the ordinance.

### **Noise**

Regulations are in place to minimize the potential impacts of sources of noise and vibration. The existing railroad tracks are nearly 900 feet from the closest proposed dwelling unit; therefore, noise and vibration are not expected to be problematic.

There are no other environmental concerns at this time.

### **Water and Sewer Categories**

The property is in water category W-3 and sewer category S-3; it will be served by public systems.

3. **Community Planning**—The property is in Planning Area 74B/Community V. It is located in the Developing Tier as defined 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 Bowie-Collington-Mitchellville and vicinity master plan (1991) recommends Residential land use at the suburban density of up to 3.5 dwelling units per acre. The proposal to create three lots on 4.5 acres conforms to the master plan recommendation for Suburban Residential development. The Bowie-Collington-Mitchellville and vicinity master plan (1991) retained the R-R Zone.

4. **Parks and Recreation**—The proposal is exempt from the mandatory park dedication requirements of Section 24-134 of the Subdivision Regulations because all lots are greater than one acre in size.
5. **Trails**—There are no master plan issues identified for this property.
6. **Transportation**—A traffic study was not required in this case given the limited amount of development being proposed. 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 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 application is a plan for a residential subdivision consisting of three single-family detached residences. The proposed development would generate 2 AM (0 in, 2 out) and 3 PM (2 in, 1 out) peak-hour vehicle trips as determined using the “Guidelines for the Analysis of the Traffic Impact of Development Proposals.” The traffic generated by the proposed plan would primarily impact the intersection of MD 564 and Springfield Road, which is not signalized. Staff has no recent counts at the critical intersection. Due to the limited trip generation of the site, the Prince George’s County Planning Board could deem the site’s impact at this location to be de minimus. Staff would, therefore, recommend that the Planning Board find that 2 AM and 3 PM peak-hour trips will have a de minimus impact upon delay in the critical movements at the MD 564/Springfield Road intersection. There will be even less impact on the intersection with the staff-recommended reduction of one lot.

MD 564 is a master plan arterial facility, and sufficient dedication of 60 feet from centerline is reflected on the submitted plan. The original plan proposed three new driveways onto MD 564.

In response, the applicant has filed a variation request regarding Section 24-121(a)(3), which limits individual lot access onto arterial facilities. Section 24-113 of the Subdivision Regulations sets forth the required findings for approval of variation requests. Staff supports the variation to allow one access point to US 301 in this case.

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.**

In light of these required findings, staff can support only two lots for this property. Since the entire property only has access onto MD 564 and there are no other apparent locations for the subject property to obtain access, a variation is necessary to allow the property to be developed at all.

However, the current plan consolidates the three driveways into a single easement for access to the three lots. While this concept appears reasonable, the law does not provide for it. Approval of the variation for three lots would be a violation of Section 24-138.01(d)(5) because it would locate an access easement on a flag lot, which is impermissible. For safety reasons, it is important to limit access to one location. This can be done by providing abutting driveways for two lots, but a third driveway would necessarily be located some distance away.

Staff notes that with a 4.5-acre property, the applicant could have proposed a public street access into the property and proposed as many as eight lots on this property. The applicant chose not to pursue that route, opting instead to propose three lots using alternative design and access approaches. A public street with more lots may actually have worked in this case because a street would still present only one access point onto the arterial highway, Lanham-Severn Road. But, the applicant's proposal to have two access points may create a safety issue; therefore, staff must recommend that access be limited to one point.

The State Highway Administration (SHA) must approve any access onto MD 564, which is a state facility.

For these reasons, staff supports the variation from 24-121(a)(3) for two lots, but not for three. It must be noted that approval of such a variation by the Planning Board only constitutes conceptual agreement that circumstances exist which necessitate direct access onto an arterial facility by a driveway. The responsible agency that owns and maintains the roadway—which is SHA in this case—must still review any driveway access point, and that agency has the right to impose conditions upon its construction or even deny it.

Based on these findings, 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 a condition requiring appropriate dedication along Lanham-Severn Road. The plan should be modified as well to show only two lots and abutting driveways.

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 3	Middle School Cluster 2	High School Cluster 2
Dwelling Units	3 sfd	3 sfd	3 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	0.72	0.18	0.36
Actual Enrollment	6141	5131	10098
Completion Enrollment	198.24	217.62	398.97
Cumulative Enrollment	0	0	0
Total Enrollment	6339.96	5348.80	10497.33
State Rated Capacity	5858	4688	8770
Percent Capacity	108.23	114.10	119.70

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

These figures are 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. The numbers that will be 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 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 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 public fire and rescue facilities.
  - a. The existing fire engine service at Bowie Fire Station, Company 19, located at 13008 9<sup>th</sup> Street, has a service travel time of 1.70 minutes, which is within the 5.25-minute travel time guideline.
  - b. The existing ambulance service at Bowie Fire Station, Company 19, has a service travel time of 1.70 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 5.96 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 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 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 Myers Property development.
10. **Health Department**—The Health Department reviewed the application and noted that there was trash, an empty above-ground storage tank, and other debris associated with a collapsed building on proposed Lot 1. Prior to issuance of building permits, these must all be removed and properly disposed.
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, # 651-2004-00, 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 January 14, 2007. Development must be in accordance with this approved plan, or any revisions thereto.
12. **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.
13. **Public Utility Easement**—The preliminary plan shows the required ten-foot-wide public utility easement. This easement will be included on the final plat.

14. **Flag Lots**—The applicant proposes two flag lots in the subdivision and one lot to be served by an easement over one of the flag lots. Flag lots are permitted pursuant to Section 24-138.01 of the Subdivision Regulations. Staff supports the use of two flag lots in this case, but not the third lot. The flag lots meet the requirements of Section 24-138.01 as follows:
- A. A maximum of two tiers is permitted. The proposed flag lot represents 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 37,000 square feet, the net lot area for proposed Lots 1 and 2 (exclusive of the flag stem) exceeds the minimum lot size in the of 20,000 square feet in the R-R Zone.
  - D. A building envelope must be established at the time of preliminary plan. The applicant has not included a building envelop 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 a shared driveway easement to serve the third lot in the subdivision. This is impermissible; therefore, the third lot must be eliminated.
  - 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 the amount of public street paving, which in turn reduces runoff. The applicant proposes the use of bio-retention for stormwater management, under DER’s low impact development program. The reduction in impervious surface enhances the viability of the bio-retention feature.
- B. **The transportation system will function safely and efficiently.** The flag lots will front an arterial highway, causing significant impact on the transportation system. With two lots, access may be limited to one point by the use of abutting driveways. A third lot creates the need for a second access point on an arterial highway, which should be avoided.
- 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 surrounding 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 be fairly secluded and buffered from adjoining residential uses by open space parcels and floodplain.

- 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 37,000 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 only two lots are permitted in the subdivision.

## RECOMMENDATION

APPROVAL, subject to the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the plan shall be to eliminate one lot and the remaining two lots shall be flag lots with abutting driveways.
2. Development of this subdivision shall be in compliance with the approved Type I Tree Conservation Plan (TCP TCPI/09/04). 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 (TCP TCPI/09/04), 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.”
3. A Type II Tree Conservation Plan shall be approved prior to issuance of permits.
4. At the time of final plat approval, the applicant shall dedicate right-of-way along MD 564 (Lanham-Severn Road) of 60 feet from the centerline of the existing pavement, as shown on the submitted plan.
5. Development shall be in conformance with the approved stormwater management concept plan, Concept #651-2004-00, or any approved revisions thereto.
6. Prior to the issuance of building permits on the property, the Health Department shall be satisfied that all trash and other debris, including the empty storage tank on the property, have been removed and properly disposed.

STAFF RECOMMENDS APPROVAL OF THE TYPE I TREE CONSERVATION PLAN, TCPI/09/04.