

R E S O L U T I O N

WHEREAS, a 28.05-acre parcel of land known as Gallahan Property, said property being in the 5th Election District of Prince George's County, Maryland, and being zoned R-E; and

WHEREAS, on October 14, 2005, William A. Gallahan filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 18 lots and 2 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-04185 for Gallahan 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 January 5, 2006, 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 January 5, 2006, 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 Preliminary Plan of Subdivision 4-04185, Gallahan Property for Lots 1-18 and Parcels A and B with the following conditions:

1. Development shall be in conformance with an approved stormwater management concept plan and any subsequent approved revisions thereto. Prior to signature approval of the preliminary plan, the concept plan number and approval date shall be noted on the plan.
2. Prior to the issuance of a grading permit for the development, a public safety mitigation fee shall be paid in the amount of \$68,040 (\$3,780 x 18 dwelling units). Notwithstanding the number of dwelling units and the total fee payments noted in this condition, the final number of dwelling units shall be as approved by the Planning Board, and the total fee payment shall be determined by multiplying the total dwelling unit number by the per unit factor noted above. The per unit factor of \$3,780 is subject to adjustment on an annual basis in accordance with the percentage change in the Consumer Price Index for all urban consumers. The actual fee to be paid will depend upon the year the grading permit is issued.
3. At the time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain all regulated areas, except for areas where variation requests have been approved, and shall be reviewed by the Environmental Planning Section prior to certification. The following note shall be placed on the plat:

“Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.”

4. Prior to signature of the Preliminary Plan, the plan shall be revised to show the approval number and a copy of the approval letter and associated plans shall be submitted.
5. A minimum 40 foot-wide easement adjacent to the 10-foot public utility easements parallel to the land to be dedicated for Gallahan Road shall be shown on the final plats as a scenic easement and the following note shall be placed on the plats:

“Scenic easements described on this plat are areas where the installation of structures 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.”

6. Prior to approval of the final plat the applicant shall submit a Phase I archeological investigation and a Phase II and Phase III investigation, as determined appropriate by Planning Department staff. If necessary, the final plat shall provide for the avoidance and preservation of the resources in place or shall include plat notes to provide for mitigating the adverse effect upon these resources. All investigations must be conducted by a qualified archaeologist and must follow *The Standards and Guidelines for Archeological Investigations in Maryland* (Schaffer and Cole: 1994) and must be presented in a report following the same guidelines.
7. The applicant shall provide seven to ten-foot wide asphalt shoulders along the subject site’s frontages of Gallahan Road to safely accommodate on-road bicyclists, unless modified by DPW&T.
8. At the time of final plat, the applicant, his heirs, successors and/or assignees shall convey to M-NCPPC 3.9± acres of land (Parcels A and B). Land to be conveyed shall be subject the following:
 - a. At the time of final plat, 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, 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, sidewalls, 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. All wells shall be filled and underground structures shall be removed. DPR shall inspect the site and verify that land is in acceptable condition for conveyance prior to conveyance.
 - g. All existing structures shall be removed from the property to be conveyed unless the applicant obtains the written consent of DPR.
 - h. The applicant shall terminate any leasehold interests on property to be conveyed to M-NCPPC.
 - i. No stormwater management facilities or tree conservation or utility easements shall be proposed on land 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.
9. Prior to signature approval of the preliminary plan, the applicant shall formalize an agreement to relocate the PEPCO right-of-way as shown on the plan. If the applicant is unable to reach an agreement with PEPCO, Lots 10-14 shall either be removed or reconfigured such that each of those lots will be large enough to accommodate a single-family detached house, with all the required setbacks and bufferyards as required by the Zoning Ordinance and the Landscape Manual.
10. The applicant will be responsible for the dedication of 40 feet of right of way measured generally from the master plan centerline of Gallahan Road, as approved by the Prince George's County Department of Public Works and Transportation, at the time of final plat.
11. All driveways shall be constructed with turnaround capabilities and shall show single access points (curb cut) within the right-of-way for Gallahan Road to serve adjoining lots wherever

practicable. A note shall be placed on the final plat that reflects this shall be verified at the time of building permit.

12. The label for an “ingress/egress easement” along the flag stems shall be removed and replaced with “public utility easement” for each stem.

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 subject property is located on the east and west sides of Gallahan Road, 4000 feet south of its intersection with Old Fort Road.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

Zone Use(s)	EXISTING	PROPOSED
	R-E Single-family Residences Farming	R-E Single-family Residences
Acreage	28.05	28.05
Lots	0	18
Outparcels	0	0
Parcels	4	2
Dwelling Units:	4	18 (14 new)

4. **Environmental**—According to the Prince George’s County Soils Survey, the principal soils on this site are in the Aura, Bibb Ochlockonee and Sassafras series. Marlboro Clay occurs on the site. Streams, 100-year floodplain, wetlands and expanded stream buffers associated with Piscataway Creek occur on the property. There are no nearby traffic-generated noise sources. The proposal is not expected to be a noise generator. Gallahan Road is a designated scenic road. The site is in the Developing Tier according to the approved General Plan.

Natural Resources Inventory

An approved Natural Resources Inventory, NRI-037-05, was submitted with the application. The streams, wetlands, 100-year floodplain and expanded stream buffers are correctly shown on the preliminary plan. The Forest Stand Delineation indicates that less than 10,000 square feet of woodland exists on the property.

According to the Green Infrastructure Plan, some of the property contains Regulated Areas and the eastern section is within an Evaluation Area. Much of the eastern section is proposed to be

conveyed to the Department of Parks and Recreation as an addition to the stream valley park. The general layout is consistent with the recommendations of the Green Infrastructure Plan.

Environmental Impacts and Variance Request to Section 24-130

Impacts to significant environmental features, which are required to be protected by Section 24-130 of the Subdivision Regulations are proposed. The design of any subdivision should avoid impacts to streams, wetlands or their associated buffers unless the impacts are essential for the development as a whole. Staff generally will not support impacts to sensitive environmental features that are not associated with essential development activities. Essential development includes such features as public utility lines (including sewer and stormwater outfalls), road crossings, and so forth, which are mandated for public health and safety; nonessential activities are those, such as grading for lots, stormwater management ponds, parking areas, and so forth, which do not relate directly to public health, safety or welfare.

Two variations have been submitted. Proposed impact #1 is for a stormdrain outfall. The outfall is required not only for the proposed development but to provide drainage for Gallahan Road. Proposed impact # 2 is for the reconstruction of the existing driveway on Lot 8.

Section 24-113 of the Subdivision Regulations contains four required findings (text in bold) to be made before a variation can be granted.

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 evidence presented to it in each specific case that:

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

The installation of the stormdrain outfall and reconstruction of an existing driveway are required by other regulations to provide for public safety, health and welfare. All designs of these types of facilities are reviewed by the appropriate agency to ensure compliance with the regulations. These regulations require that the designs are not injurious to other property.

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

Stormwater must be conveyed off of this property because the soils are unsuitable for the amount of infiltration that would be otherwise required. The existing driveway entrance for Lot 8 is

wholly within the expanded stream buffer.

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

The installation of the stormwater outfall and access to a public street are required by other regulations. Because the applicant will have to obtain permits from other local, state and federal agencies as required by their regulations, the approval of this variation request would not constitute a violation of other applicable laws.

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

Design of stormwater management outfalls require that they be placed where they will provide the proper drainage; the specific topography of the site dictates the location. The existing driveway entrance is wholly within the expanded stream buffer. Denial of impact #1 would result in no improvement to the existing drainage along a segment of Gallahan Road and may lead to unsafe conditions for the general community. Denial of impact #2 may result in the need to raze the existing structure on Lot 8.

The Environmental Planning Section supports the variation request for the reasons stated above.

Woodland Conservation

Although the gross tract area of the property is greater than 40,000 square feet, this property is not subject to the provisions of the Prince George's County Woodland Conservation Ordinance because there is less than 10,000 square feet of existing woodland. A Tree Conservation Plan is not required. An Exemption Letter was issued on July 5, 2005, and remains valid until July 5, 2007.

Marlboro Clay

Marlboro clay occurs on this property. A geotechnical report that contains this land was reviewed and approved with Preliminary Plan 4-04143. A new report, dated December 5, 2005, based upon additional boreholes and the proposed grading for the subject property and the adjacent property was submitted. The report clearly indicates that no slope failure is expected when the proposed grading is completed.

Scenic/Historic Roads

Gallahan Road is a designated scenic road. The “Design Guidelines and Standards for Scenic and Historic Roads” provides guidance for the review of applications that could result in the need for roadway improvements. The manual currently states that when a scenic or historic road is adjacent to a proposed subdivision “A. . . team (to include M-NCPPC staff) will complete a study of the scenic or historic roads around or within the subject site which will include an inventory of scenic and historic features and an evaluation of features most worthy of preservation.” Visual inventories have been prepared along this segment of Gallahan Road for recent subdivisions.

Based on the information contained in the site features inventories, revisions to the proposed subdivision are necessary. The plan should provide 40-foot-wide landscape buffers adjacent to the 10-foot public utility easement parallel to the land to be dedicated for Gallahan Road.

Soils

According to the Prince George’s County Soils Survey, the principal soils on this site are in the Aura series. Aura soils are highly erodible and are in the C-hydric group. Bibb soils are associated with floodplains. Ochlockonee and Sassafras soils pose no special problems for development.

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 and will therefore be served by public systems.

5. **Community Planning**—The property is within the limits of the 1981 master plan for Subregion VII, Planning Area 80 in the Friendly Community. The master plan recommended land use is for estate residential. The 2002 General Plan locates the property in the Developing Tier. One of the visions for the Developing Tier is to maintain a pattern of low-to moderate-density residential communities. The proposed preliminary plan, with an average lot size of 1.3 acres, is consistent with the recommendations of the master plan and the 2002 General Plan.
6. **Parks and Recreation**—In accordance with Section 24-134 of the Subdivision Regulations, the Park Planning and Development Review Division recommends that the applicant dedicate 3.9 acres of land shown as Parcels A and B to M-NCPPC as part of the Tinkers Creek Stream Valley Park. In addition, the Department of Parks and Recreation is in agreement with the applicant’s proposal to relocate one-half of the PEPCO right-of-way on M-NCPPC property.
7. **Trails**—There are no master plan trails issues identified in either the Adopted and Approved Subregion VII Master Plan or the Adopted and Approved Subregion V Master Plan that impact the subject site. A trail is proposed along Tinkers Creek, which is located to the south and east of the subject application. M-NCPPC parkland for this stream valley is adjacent to the subject site. Gallahan Road, while not currently designated as a bikeway in the master plan, is used by on-road cyclists in the area and is part of the Potomac Heritage Trail On-Road Bicycle Route. The

National Park Service has accepted this on-road bicycle route as a segment of the Potomac Heritage National Scenic Trail. Wide, asphalt shoulders are recommended along the site's road frontages (both along the east and west sides) unless modified by DPW&T.

Sidewalk Connectivity

Gallahan Road is currently an open-section roadway with no sidewalks.

8. **Transportation**—The transportation staff determined that a traffic study was not warranted by the size of the proposed development. Staff did request a traffic count from the applicant, and the needed count at the intersection of Old Fort Road South/Gallahan Road was provided. The count was taken in December 2005 and was used to determine adequacy. Therefore, 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 site is within the Developed 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 transportation staff is basing its findings on the traffic impacts at one critical intersection, which is unsignalized. The traffic generated by the proposed preliminary plan would impact the intersection of Old Fort Road South/Gallahan Road. The critical intersection is not programmed for improvement with 100 percent construction funding within the next six years in the current Maryland Department of Transportation Consolidated Transportation Program or the Prince George's County Capital Improvement Program.

Existing Conditions		
	Critical Lane Volume (CLV, AM & PM)	Level of Service (LOS, AM & PM)
Intersection		

Old Fort Road South/Gallahan Road	14.3	11.3	-	-
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The guidelines identify vehicular delay exceeding 50 seconds on any approach to an intersection as an unacceptable operating condition. Therefore, the critical intersection, during both the AM and PM peak hours, is operating under acceptable operating conditions.

The transportation staff has reviewed approved development and assumed a three percent annual growth rate for through traffic along Old Fort Road South and Gallahan Road. Background conditions are summarized below:

Background Conditions				
Intersection	Critical Lane Volume (CLV, AM & PM)		Level of Service (LOS, AM & PM)	
Old Fort Road South/Gallahan Road	15.1	11.6	-	-

Under background conditions both the AM and PM peak-hour levels of service are operating at acceptable standards for the Developed Tier as defined in the guidelines.

The site is proposed for development as a residential subdivision of 18 lots (single-family units). The proposed development would generate 14 AM (3 in, 11 out) and 16 PM (10 in, 6 out) peak-hour vehicle trips as determined using the *Guidelines for the Analysis of the Traffic Impact of Development Proposals (Revised September 2002)*. Staff assumes these trips are distributed as follows:

- 70 percent - North along Old Fort Road South
- 20 percent - South along Gallahan Road
- 10 percent - South along Old Fort Road South

Given these assumptions, we obtain the following results under total traffic:

Total Conditions				
Intersection	Critical Lane Volume (CLV, AM & PM)		Level of Service (LOS, AM & PM)	
Old Fort Road South/Gallahan Road	15.3	11.7	-	-

Based on the staff's review of transportation adequacy issues in the area, the intersection of Old Fort Road South/Gallahan Road Road will operate acceptably during the AM and PM peak hours.

Site Plan Comments

Access to most of the individual proposed lots is planned directly from Gallahan Road. In consideration of the current operating speeds and volumes along Gallahan Road, driveways with direct access to Gallahan Road should utilize a turnaround capability. This will minimize the need for vehicles to back onto Gallahan Road. In addition, the proposed layout shows separate driveways accessing Gallahan Road for each lot. Since Gallahan Road is a planned collector facility and must accommodate more vehicular trips than residential streets, efforts should be made to minimize curb cuts along this roadway. Staff recommends the applicant have adjacent lots with separate driveways using a single point of access within the Gallahan Road right-of-way, wherever practicable. This would limit the number of new curb cuts required along Gallahan Road. Lots 5 and 6 are proposed as flag lots. Gallahan Road will eventually be relocated to the east near Lots 8 to 10.

Gallahan Road is planned as a four-lane collector roadway with an 80-foot-wide right-of-way in the Subregion V master plan (1993). Dedication of 40 feet from the master plan centerline of Gallahan Road will be required. This appears to be shown correctly on the site plan. A slight (5-10 feet) shifting of the ROW may be necessary to avoid having to relocate one of the utility poles along Gallahan Road.

Findings and Recommendations

Based on the preceding findings, the Transportation Planning Section finds that adequate transportation facilities exist to service the proposed subdivision as required under Section 24-124 of the Prince George’s County Code if the application is approved with conditions consistent with this analysis.

9. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for 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	Elementary School	Middle School	High School
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Clusters #	Cluster 6	Cluster 3	Cluster 3
Dwelling Units	17 sfd	17 sfd	17 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	4.08	1.02	2.04
Actual Enrollment	4183	4688	8866
Completion Enrollment	158.40	69.06	136.68
Cumulative Enrollment	61.44	41.40	82.80
Total Enrollment	4406.92	4799.48	9087.52
State Rated Capacity	4512	5114	7752
Percent Capacity	97.67%	93.85%	117.23%

Source: Prince George's County Planning Department, M-NCPPC, December 2004

County Council bill CB-31-2003 establishes a school facilities surcharge in the amounts 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. Council bill CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts are \$7,412 and 12,706 to be a paid at the time of issuance of each building permit.

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 is consistent with the review for school facilities as contained in Section 24-122.02, CB-30-2003, CB-31-2003 and CR-23-2003.

10. **Fire and Rescue**—The Prince George's County Planning Department has determined that this preliminary plan is within the required 7-minute response time for the first due fire station Allentown Road, Company 32, using the 7 Minute Travel Times and Fire Station Locations Map provided by the Prince George's County Fire Department.

The Fire Chief has reported that the current staff complement of the Fire Department is 685 (98.99%), which is above the staff standard of 657 or 95% of authorized strength of 692 as stated in CB-56-2005.

The Fire Chief has reported by letter, dated 11-01-2005, that the department has adequate equipment to meet the standards stated in CB-56-2005.

11. **Police Facilities**—The Prince George’s County Planning Department has determined that this preliminary plan is located in Police District IV. The standard for emergency calls response is 10 minutes and 25 minutes for non-emergency calls. The times are based on a rolling average for the preceding 12 months, beginning with January 2005. The subject application was accepted on October 14, 2005.

Reporting Cycle	Date	Emergency Calls	Non-emergency
Acceptance Date	01/05/05-09/05/05	11.00	23.00
Cycle 1	01/05/05- 10/05/05	11.00	24.00
Cycle 2	01/05/05- 11/05/05	11.00	24.00

This application does not meet the emergency response time standard for police. CB-56-2005 provides for mitigation of police inadequacies through approval of a mitigation plan. These mitigation plans are to be created in accordance with guidelines that have been enumerated by the District Council in CR-78-2005, which establishes a police facilities mitigation charge (as adjusted by the percentage change in the Consumer Price Index for all urban consumers) in the amount of \$3,780 per dwelling unit. Any approval of this application would be subject to the payment of this charge.

12. **Health Department**—The Health Department reviewed the application and reminds the applicant that raze permits are required prior to demolition of any structure on the site and that any existing wells, above ground tanks or septic fields must be abandoned in accordance with county and COMAR regulations.
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 (#38905-2005-00) has been submitted but not yet approved. Prior to signature approval of the preliminary plan, the applicant should submit a copy of the concept approval letter and indicate the approval date on the preliminary plan. Development must be in accordance with that approved plan to ensure that development of this site does not result in on-site or downstream flooding.
14. **Historic Preservation** —A Phase I archeological survey is recommended by the Planning Department on the above-referenced property. This land is close to and may be part of the antebellum Hatton and Schaaf properties, which became part of the Chapel Hill community settled by freed slaves after the Civil War. The J. Schaaf residence and the P. Hatton residence (neither are standing) are to the west of the subject property on the 1861 Martenet map. Also, numerous prehistoric sites are located in the vicinity. Tinker’s Creek runs north-south at the edge of the property. Four archeological sites are located within one mile to the north of the property (18PR457, 18PR458, 18PR459, and 18PR461, and two archeological sites (18PR597, and the 18PR622, the Parker Berry 1 site, a Contact Period site), are located to the south of the property.

Phase I archeological investigations should be conducted according to Maryland Historical Trust (MHT) guidelines, *Standards and Guidelines for Archeological Investigations in Maryland* (Shaffer and Cole 1994) and report preparation should follow MHT guidelines and the *American Antiquity* or *Society of Historical Archaeology* style guide. Archeological excavations shall be spaced along a regular 15-meter or 50-foot grid and excavations should be clearly identified on a map to be submitted as part of the report.

15. **Public Utility Easement**—The preliminary plan includes the required ten-foot-wide public utility easement. This easement will be shown on the final plat.
16. **Flag Lots**—The applicant proposes two flag lots in the subdivision. The flag lots are shown as Lots 5 and 6.

Flag lots are permitted pursuant to Section 24-138.01 of the Subdivision Regulations. Staff supports these flag lot based on the following findings and reasons.

- a. A maximum of two tiers is permitted. Each of the flag lots is a single tier. The houses would be sited such that each would have a private rear yard area.
- b. Each flag stem is a minimum width of 25 feet for the entire length of the stem.
- c. The net lot area for each proposed lot (exclusive of the flag stem) meets or exceeds the minimum lot size of 40,000 square feet in the R-E Zone.
- d. The proposal includes no shared driveways. The two flag stems are incorrectly labeled as an “ingress/egress easement.” This label must be removed.
- e. Where rear yards are oriented toward driveways, an “A” bufferyard is required. This relationship occurs on both flag lots. The required bufferyard is shown on the plan.
- f. Where front yards are oriented toward rear yards, a “C” bufferyard is required. This relationship occurs on both flag lots. Given the size of the flag lots (49,706 and 54,123 square feet for Lots 5 and 6, respectively), ample room exists for these bufferyards to be established.

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.**

Comment: The use of flag lots in this case allows the applicant to take advantage of the environmental features on site without extending a public road into the site off of Gallahan Road. The buildable area of the flag lots is set up on a tier overlooking the rest

of the development, more than 400 feet from the front street line. Reducing the amount of paving on this site and taking advantage of the entire site in this case creates a better environment than that which could be achieved with the exclusive use of conventional lots.

B. The transportation system will function safely and efficiently.

Comment: The Transportation Planning Section and the Department of Public Works and Transportation have evaluated the applicant's proposed layout and find that the location of the driveways for the flag lots does not adversely impact the safety or efficiency of the street layout. Conditions requiring turnaround capabilities and shared curb cuts will further ensure a safe transportation system.

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.

Comment: Lots 5 and 6 will blend harmoniously with the rest of the development. The homes on the flag lots are laid out so that they continue a cul-de-sac arrangement, without having to further constrain the lots or impact the substantial slopes on the site by placing them on an unnecessary public road.

D. The privacy of property owners has been assured in accordance with the evaluation criteria.

Comment: Given the size of the net lot areas, both of which far exceed 40,000 square feet, the flag-style development of the lot will not impair the privacy of either the homeowner of this lot or the homeowners of other lots. The applicant's proposal does not result in stacking of dwelling units. As shown on the sketch plan, the front of the proposed house on Lot 5 is set back 270 feet from the rear of the existing house on Lot 4, while the existing house on Lot 6 is set back 370 feet from the rear of the house on Lot 7. There is sufficient horizontal and vertical separation to ensure privacy.

Given these findings, staff recommends approval of the flag lots.

17. **PEPCO Right-of-Way**—The applicant is proposing the relocation of a 100-foot-wide perpetual power line easement that crosses the site from southwest to northeast, impacting parts of Lots 8–16, particularly Lots 10–15. The preliminary plan shows the easement relocated to run along the rear of the proposed lots, half on the subject property and half on existing M-NCPPC land and land proposed for conveyance to M-NCPPC as part of the Tinkers Creek Stream Valley Park. The Department of Parks and Recreation is recommending this arrangement, but no formal agreement has been reached with PEPCO despite many months of negotiation. This relocation must be formalized prior to signature approval of the preliminary plan, or Lots 10–14 and possibly Lot 15 will need to be reconfigured.

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 Eley, seconded by Commissioner Vaughns, with Commissioners Eley, Vaughns, and Hewlett voting in favor of the motion, and Commissioner Squire absent at its regular meeting held on Thursday, January 5, 2006, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 9th day of February 2006.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:TL:rmk