

R E S O L U T I O N

WHEREAS, K & P Glendale, LLC. is the owner of a 19.25-acre parcel of land known as Part of Parcels 37, 38, 39 and Lot 38 (REP 192@76), Tax Map 45 in Grid D-1, said property being in the 14th Election District of Prince George's County, Maryland, and being zoned R-E; and

WHEREAS, on November 30, 2006, K & P Glendale, LLC. filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 9 lots and 2 outlots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-04197 for Strawberry Glenn South 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 May 4, 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 May 4, 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 the Type I Tree Conservation Plan (TCPI/49/05), and further APPROVED Preliminary Plan of Subdivision 4-04197, Strawberry Glenn South for Lots 1-9 and Outlots A & B with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision the plan shall be revised to make the following technical corrections:
 - a. Revise the vicinity map to accurately reflect the site.
 - b. Note that building permits for Lots 8 and 9 shall conform to the Private Right-of-way Courtyard Detail dated April 20, 2006.
 - c. Reflect the applicant's overlap exhibit, and required minimum lot sizes exclusive of the area of overlap, and include a note that prior to final plat an agreement with M-NCPPC shall be reached and the area of the overlap may or may not be included on the record plat.
 - d. Reflect that the site is 19.25 acres as set forth in the deed creating Parcel 1.
2. Prior to the issuance of permits, a Type II Tree Conservation Plan shall be approved.
3. Development of this site shall be in conformance with the Stormwater Management Concept Plan

40232-2005-00 and any subsequent revisions. Prior to signature approval of the preliminary plan of subdivision the applicant shall submit a copy of the approved concept plan and letter.

4. Prior to approval of the final plat the applicant shall submit a recorded deed for the adjustment of Parcel 37, 38, and 39, pursuant to Section 24-107(c)(9) of the Subdivision Regulations, consistent with the Plat of Computation of Part of the Lands of K&P, dated March 30, 2006, and the approved preliminary plan of subdivision.
5. Prior to the approval of building permits, the applicant, his heirs, successors and/or assignees shall convey to the homeowners association (HOA) 27,007 square feet of open space land (Outlots A and B). Land to be conveyed shall be subject to the following:
 - a. Conveyance shall take place prior to the issuance of building permits.
 - b. A copy of unrecorded, special warranty deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division (DRD), Upper Marlboro, along with the final plat.
 - c. All waste matter of any kind shall be removed from the property, prior to conveyance, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section or the entire project.
 - d. The conveyed land shall not suffer the disposition of construction materials, soil filling, discarded plant materials, refuse or similar waste matter.
 - e. Any disturbance of land to be conveyed to a homeowners association shall be in accordance with an approved detailed site plan or shall require the written consent of DRD. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement and storm drain 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. Storm drain outfalls shall be designed to avoid adverse impacts on land to be conveyed to a homeowners association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by DRD prior to the issuance of grading or building permits.
 - g. Temporary or permanent use of land to be conveyed to a homeowners association for stormwater management shall be approved by DRD.
 - h. The Planning Board or its designee shall be satisfied that there are adequate provisions to assure retention and future maintenance of the property to be conveyed.
6. Prior to the approval of building permits the applicant, his heirs, successors and/or assignees shall

demonstrate that a homeowners association has been established and that the common areas have been conveyed to the homeowners association, as part of the existing Strawberry Glenn Homeowners Association.

7. Prior to approval of the final plat of subdivision the applicant, his heirs, successors and or assignees shall pay a fee-in-lieu of parkland dedication for lots that have a net lot area of less than one acre.
8. Prior to approval of the final plat the applicant shall resolve the discrepancy identified in the deeds for Parcel 124 (Liber 10103 Folio 624) and Parcel 37 (Liber 21308 Folio 612), set forth in the applicant engineers memorandum dated April 4, 2006 (Thrower to Chellis), and come to an agreement with M-NCPPC as to the disposition of that land.
9. Prior to signature approval of the preliminary plan of subdivision, the applicants Private Right-of-Way Courtyard Detail shall be dated April 20, 2006. The applicant shall submit an agreement with the Strawberry Glenn Homeowners Association for planting on Parcel A (REP 192@76), in accordance with that approved plan.
10. Building permits for Lots 8 and 9 shall be in conformance to the Private Right-of-Way Courtyard Detail dated April 20, 2006. The planting agreement with the Strawberry Glenn HOA shall be included in the building permit package for Lots 8 and 9. The planting on Parcel A shall occur at the same time as the installation of plant materials on Lots 8 and 9. The plant units required, as part of the Courtyard Detail shall be in addition to the requirements of 4.1 of the *Prince George's County Landscape Manual*.
11. Prior to signature approval of the preliminary plan, the NRI shall be revised to reflect the property boundaries shown on the preliminary plan. All site statistics shall be addressed and all associated documents shall be corrected so that all plan quantities are consistent.
12. At the time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain all of the Patuxent River Primary Management Areas, except for the four areas of approved impacts, and shall be reviewed by the Environmental Planning Section prior to certificate approval. The following note shall be placed on the plat:

“Conservations easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is permitted.”
13. Prior to the issuance of any permits, either the subject property's TCPII shall show a row of American hollies 6–8 feet in height planted 20 feet on center in the gap at the south end of off-site Parcel A (REP 192@76) containing the stormwater management pond, or the off-site TCPII, TCPII/86/99, shall be revised to reflect these trees.
14. Prior to the issuance of any permits which impact jurisdictional wetlands, wetland buffers, or streams

or waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.

15. Prior to signature approval of Preliminary Plan 4-04197, the TCPI shall be revised as follows:
 - a. Provide the correct configuration of the site in the vicinity map.
 - b. Show the location of steep slopes on the plan with a corresponding symbol in the legend.
 - c. In the last sentence of TCPI note 6 replace the word “final” with “conceptual” and replace the phrase “issuance of building permits” with “approval of Preliminary Plan 4-40197.”
 - d. Show the proposed reforestation woodland treatment with a separate symbol in order to distinguish it from the other treatment symbols on the plan.
 - e. Revise the plan and the worksheet to eliminate the area of reforestation proposed in the private driveway circle from counting toward meeting the requirements.
 - f. After these revisions have been made, have the qualified professional who prepared the plan sign and date it.
16. Development of this subdivision shall be in conformance with an approved Type I Tree Conservation Plan (TCPI/49/05). 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/49/05), 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 and Tree Preservation Ordinance. This property is subject to the notification provisions of CB-60-2005.”
17. Prior to the issuance of any building permits within the subject property, the applicant shall conduct a traffic signal warrant study at the intersection of Daisy Lane and 193. The performance of a new study may be waived by SHA in writing if SHA determines that an acceptable recent study has been conducted. If a traffic signal is deemed warranted by SHA, the applicant shall bond a pro-rata share of the cost of the signal, provided that full funding for the signal, through any combination of public funding and funding by other private parties, is available and provided that an equitable arrangement can be coordinated with SHA. Otherwise, the applicant shall bond the full cost of the signal prior to the release of any building permits within the subject property and install it at a time when directed by SHA. The applicant will be responsible for any additional pavement markings and signage at the intersections.

18. In the event that a signal is not warranted under Condition 17, the applicant will be responsible for adding an additional approach lane on the eastbound side of Daisy Lane if required by SHA to reduce excessive amounts of delay during the AM or PM peak hour. This improvement may take the form of additional pavement markings and/or physical construction of an additional turn lane. SHA shall determine the final signage and markings for the operation of these approach lanes.
19. Prior to the issuance of the fourth (4th) building permit the Applicant shall construct a landscape berm at least four (4) feet in height along the common boundary line between the subject property and adjoining Lot 39. In the event the Applicant is unable to erect a four (4) foot berm on the subject property due to geographic constraints, the Applicant shall obtain the appropriate grading and planting easement(s) from the owner of Lot 39 to establish the four (4) foot berm.

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 south side of Strawberry Glenn Lane, approximately 250 feet west of its intersection with Glenn Dale Road.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	R-E	R-E
Use(s)	Vacant	Single-family dwelling units
Acreage	19.25	19.25
Lots	1	9
Outlots	0	2
Parcels	3	0
Dwelling Units:		
Detached	0	9
Public Safety Mitigation Fee		No

4. **Environmental**—The Environmental Planning Section previously reviewed plans for this site as Pre-Preliminary Plan P-03017 in 2003. At that time, the plan contained 25.92 acres. The total acreage included in this plan has been reduced.

This site is zoned R-E and is located on the south side of Strawberry Glenn Lane with future vehicular access from Strawberry Glenn Lane within an existing development abutting the site to the north. Based on a review of available information, the site is approximately 95 percent wooded. There are regulated environmental features on the site, including a stream, 100-year floodplain, wetlands, steep slopes and waters of the U.S.

Four soil series are associated with the site and these include Bibb Silt Loam, Iuka Silt Loam, Sassafras (three types in this series), and Shrewsbury fine sandy loam. Development constraints are associated with these soils. Bibb soils have a high water table, flood hazard, and poor drainage in relation to house foundations; Iuka soils have a seasonally high water table, poor stability, and propensity to frost action in relation to road construction; the Sassafras soils have slope concerns in relation to street construction, and the Shrewsbury soils are prone to a high water table and poor drainage in relation to house foundations and street construction. According to available information, Marlboro clays are not found at this location.

According to staff of the Maryland Department of Natural Resources, Natural Heritage Program, rare, threatened, and endangered species are not found at this site; however, forest interior dwelling species (FIDS) habitat is believed to be associated with it. According to the *Countywide Green Infrastructure Plan*, designated Regulated Areas, Evaluation Areas and Network Gaps are located on the property. The site is approximately 1,200 feet southwest of the intersection with Bell Station Road, a designated scenic road; however, the site does not have frontage on Bell Station Road. There are no nearby sources of traffic-generated noise in relation to the site. The property has an unnamed tributary that drains into the Lottsford Branch watershed of the Patuxent River basin.

A signed Natural Resources Inventory (NRI) (NRI/003/05) was previously submitted and reviewed. The site's features appear to be shown correctly on the revised TCPI and preliminary plan. As a result of the review of the revised submittal, it has been determined the steep slopes found at the site are not associated with highly erodible soils. A condition of the NRI states that: "When a 100-year floodplain study is submitted for this site, this NRI will be revised to show that delineation."

On March 29, 2006, a revised NRI was submitted to address this condition. The current NRI more accurately shows the floodplain delineation based on the best available information, compared to what was previously shown on the NRI. However, the current NRI cannot be signed because the initial submittal of Preliminary Plan 4-04197 was for 25.92 acres, the area in this plan was recently reduced to 19.25 acres, and the current NRI does not reflect the reduced acreage now associated with this site. In addition, the forest stand delineation (FSD) plan and text both refer to the original acreage formerly associated with the site, and the boundaries of the regulated area (the PMA) have been revised with the tree conservation plan to reflect revised topography information recently acquired.

The preliminary plan and Type I Tree Conservation must be revised to reflect only that area of land that is now proposed for this preliminary plan of subdivision and contains 19.25 acres. Any environmentally related documents for this site should reflect 19.25 acres—and not 17.0 or 25.92 acres—because this information serves as a basis for the analysis of future applications. A revised NRI is not necessary prior to Planning Board approval because the Tree Conservation Plan has been reviewed and all the required information has been correctly shown.

A summary of the woodland information associated with the original acreage is as follows: As part of the NRI review requirements, a detailed forest stand delineation (FSD) was prepared in November 2004 for the original area in the plan at that time. A total of two forest stands (Stands A and B) were identified at the site. Stand A totals 11.85 acres and is dominated by red maple, sweet gum, yellow poplar, and umbrella magnolia. It is described as a late intermediate aged, upland hardwood stand with wetlands and floodplain features in it. Dominant trees range in size from 10–17.9-inches in diameter at breast height (dbh), and understory species include multiflora rose, Japanese honeysuckle, spicebush, linden viburnum, and greenbriar. Seven of 16 specimen trees are located in this stand. This stand has a moderate retention priority, with high priority in the wetland and floodplain areas; however, the presence of some invasive species was noted.

Stand B contains 16.16 acres and is dominated by red maple, sweet gum, black cherry, and yellow poplar. The average dbh of dominant trees ranges from 10–17.9-inches. Common understory species include American holly, sweet gum, linden viburnum, ground cedar and Japanese honeysuckle. Nine of the 16 specimen trees are located within Stand B. This stand has a moderate priority retention rating because it contains such features as steep slopes with highly erodible soils and wetland areas. The species diversity and the overall health and vigor of this stand were noted as good. High priority retention should be given to the wetland areas.

Most of the site is within Evaluation Areas of the *Countywide Green Infrastructure Plan*. The current TCPI shows most of the existing woodland to remain extends from the rear yards of proposed Lots 2–9 to include the location of a stream and floodplain area at the southern portion of the site. All nine proposed lots contain woodland conservation areas and as a result the site's woodland conservation requirement will be met entirely with on-site preservation. The Type I Tree Conservation Plan (TCPI/49/05) complements the Green Infrastructure Plan at this location because it is proposed that the site's woodland conservation requirement be met with on-site preservation of high priority woodlands. No further information regarding implementation of the Green Infrastructure Plan is necessary.

The site contains an unnamed stream that drains into the Lottsford Branch. Other regulated features include a 100-year floodplain, wetlands, and steep slopes associated with highly erodible soils. The site is within the Patuxent River basin. The Patuxent River Primary Management Area (PMA) is to be preserved to the fullest extent possible as required in Section 24-130(b)(5) of the Subdivision Ordinance. All disturbance not essential to the development of the site as a whole is prohibited within the PMA. "Essential" development includes such features as public utility lines (including sewer lines and stormwater outfalls), and road crossings, etc., which are mandated for public health and safety. Non-essential activities include grading for lots, stormwater management ponds, and parking areas—which do not relate directly to public health, safety and welfare.

The PMA is required to be shown on the NRI and reviewed for conformance with the Subdivision Regulations prior to submittal of the preliminary plan. The NRI submitted was based on M-NCPPC topography that should not be used for grading analyses such as those required for a site with so many regulated features. Appropriately, the applicant recently acquired aerial topography reflecting topography readings on the ground that differ from the M-NCPPC

topography. This resulted in a slightly different delineation of the PMA than that shown on the NRI. The delineation on the TCPI is considered correct and will be the delineation that is shown on the revised NRI.

Four impacts to the PMA are proposed in the revised plans. A revised letter of justification dated March 21, 2006, has been submitted, describing each proposed impact. The total amount of PMA impact at all four locations is 6,096 square feet (0.14 acres).

Impact 1

Impact 1 is proposed on the northern portion of proposed Lots 7 and 8 (between these two lots) for the installation of a stormwater management outfall and culvert, requiring an off-site storm drain easement that will collect drainage to an existing pond outfall to the north of the site on Parcel A (REP 192@76) of the Strawberry Glenn subdivision. The total impact area is 2,117 square feet.

Impact 2

Impact 2 is for a proposed pressure sewer line and its easement to provide a public sewer to serve this site. This sewer line is proposed along the north side of proposed Lot 8. The total impact area is 1,317 square feet.

Impact 3

Impact 3 is on proposed Lot 3 in its rear yard for the future sewer right-of-way to eventually serve properties to the south. WSSC has requested this easement. The clearing within the PMA is for a total impact of 921 square feet. It should be noted that the revised TCPI does show the proposed limits of this clearing. This is an appropriate impact, necessary for future infrastructure needs.

Impact 4

This impact is located along the northern portions of proposed Lots 7 and 8 for site access to proposed Lots 8 and 9. The total impact area is 1,741 square feet.

Summary of Impact Evaluations

The Green Infrastructure Plan has a measurable objective relating to preservation of the designated network over time. As site specific impacts are proposed, staff is obligated to evaluate the proposed impacts and make a recommendation to the Planning Board regarding whether or not the impacts are in conformance with the master plan and the Subdivision Regulations. Because proposed Impacts 1 through 3 are for necessary, planned infrastructure improvements in the site's overall development, these impacts are supported.

On April 3, 2006, a private right-of-way courtyard detail for proposed Lots 8 and 9 was submitted. This exhibit shows the courtyard effect to be provided at the end of a private driveway for these two lots, including a circular area where vegetation will be planted. Both lots exceed two acres in size and contain significant areas of PMA that will be placed in a conservation easement. In addition, this exhibit shows the proposed planting of a row of nine six- to eight-foot high American hollies at the south end of the existing stormwater management facility located in Parcel A within the Strawberry Glenn subdivision to the north. Either the TCPII for that site should show the proposed hollies or the TCPII for the subject property should show the trees. Because this area has been redesigned to provide tree canopy closure, staff recommends that the Planning Board approve Impact 4 for the access to Lots 8 and 9.

The site contains an isolated wetland on proposed Lots 4 and 5, with most of it on Lot 5. A letter of justification dated November 28, 2005, has been reviewed. This wetland is described as an isolated seep approximately 200 feet from any stream channel. Although there are other regulated features in the area, this wetland is approximately 120 feet from any other feature. As such it is considered isolated for the purpose of analysis.

The wetland is 5,469 square feet in size and includes the required 25-foot wide wetland buffer. The isolated wetland is located on soils that are not hydric nor highly erodible. The letter of justification requests a variance to Section 24-130 of the Subdivision Regulations because it is isolated and does not provide a significant environmental benefit. The Planning Board approved the variation request for disturbance to the isolated wetland.

The site is subject to the provisions of the Woodland Conservation Ordinance because the gross tract area is in excess of 40,000 square feet and there are more than 10,000 square feet of woodlands on-site. A revised Type I Tree Conservation Plan has been submitted and reviewed.

The site, in the R-E Zone, has a woodland conservation threshold (WCT) of 25 percent. The site has 13.66 acres of existing woodland, 2.51 acres of which is in the 100-year floodplain. A total of 0.77 acres of off-site impacts are proposed in relation to existing Lot 38, which was created in the Strawberry Glenn subdivision abutting the subject site to the north (and is part of TCPII/86/99). The subject site has a woodland conservation requirement of 6.75 acres. It is proposed that this requirement be met with 6.40 acres of on-site woodland preservation and 0.60 acres of on-site reforestation. Prior to signature approval, the TCPI must be revised to correct some minor technical errors.

Several aspects relating to existing site features and proposed woodland treatments shown on the plan need to be revised. In the vicinity map, the configuration of the site is not shown correctly. The FSD text refers to steep slopes; however, this feature, with a corresponding symbol in the legend, is not shown on the plan. A reforestation area is shown in the turn-around of the private drive on Lots 8 and 9. While this planted area contributes to canopy coverage it is too small and isolated to be counted toward meeting the requirements.

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 located within the limits of the 1993 *Approved Master Plan and Sectional Map Amendment for Glenn Dale-Seabrook-Lanham and Vicinity (Planning Area 70)* in the Annapolis Road community. The master plan land use recommendation is for suburban estate residential development. Based on the findings contained in this report, the proposed preliminary plan is consistent with the recommendations of the master plan.

The *Prince George's County Approved General Plan* locates this property in the Developing Tier. One of the visions for the Developing Tier is to maintain a pattern of low to moderate density suburban residential communities. The proposed residential subdivision will be an extension of an existing suburban residential neighborhood (Strawberry Glenn REP 192@76) and is comparable in lot size and lotting pattern to that existing development. The preliminary plan is consistent with the recommendations of the General Plan.

6. **Parks and Recreation**—In accordance with Section 24-135 of the Subdivision Regulations, the Park Planning and Development Division recommends that the applicant pay a fee-in-lieu of parkland dedication for lots that have a net lot area of one-acre or more, because the land available for dedication is unsuitable due to its size and location. Lots 4, 5, 8, and 9 have gross lot sizes in excess of one-acre, but the net lot areas are less than one-acre.
7. **Trails**—The Glenn Dale-Seabrook-Lanham and Vicinity Master Plan identifies two master plan trails in the vicinity of the subject site. The existing WB&A Trail (M-NCPPC) runs east to west south of the subject site. The original preliminary plan proposed lots adjacent to the trail with vehicular access across the trail. However, the preliminary plan was revised and does not include any land that is adjacent to the WB&A Trail. The preliminary plan proposes no access to the subject site via the trail or Old Pond Road.

The master plan also recommends a trail running north to south through the Strawberry Glenn developments. A trail was approved through Strawberry Glenn (formerly the Kurtz Property) via Condition 7 of approved Preliminary Plan 4-00025. This trail was located adjacent to a stormwater management area within Parcel A (REP 192@76). The trail was located on the stormwater management access road for that development. That approval encouraged future development in the area to provide pedestrian connections to the WB&A Trail Park where feasible.

This trail would run south through Lot 8 and Lot 9 in the vicinity of the nontidal wetlands and primary management area designated on the plan. The trail would have to be constructed by bridging wetlands, 100-year floodplain, steep slopes and waters of the U.S. The area of nontidal

wetlands and floodplain essentially separates this site from the trail further to the south and extends across much of the southern portion of the subject site.

Staff has carefully considered the feasibility of a trail connection on the subject property and explored several options regarding the possible extension of this trail through the subject site as envisioned on the master plan. However, due to the sensitive environmental features, regulated areas, and the size of the proposed lots, it appears that this connection is not feasible on the subject site. The presence of the wetlands, PMA, and intermittent streams increase the potential environmental impact and costs associated with the trail. In the vicinity of Lots 8 and 9, significant portions of PMA and/or wetland areas would have to be bridged. Depending upon the location of the trail, it appears that 70 to 130 feet of boardwalk would be required to cross or bridge the wetlands, intermittent streams, and floodplain.

Connections to the WB&A Trail will be explored through other nearby properties as development occurs. Staff will continue to evaluate each site for possible future access. There are no master plan trail recommendations.

8. **Transportation**—Transportation staff requested that the applicant provide a traffic count at the intersection of MD 193 (Glenn Dale Boulevard) and Daisy Lane for the purpose of making adequacy findings. A traffic count taken during March 2006 was provided to staff. The findings and recommendations outlined below are based upon a review of these materials and analyses conducted by 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. Mitigation, as defined by Section 24-124(a)(6) of the Subdivision Ordinance, is permitted at signalized intersections within any tier subject to meeting the geographical criteria in the guidelines.

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.

The traffic generated by the proposed preliminary plan would impact the intersection of MD 193 and Daisy Lane. 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.

The site would generate 7 AM (1 in, 6 out) and 8 PM (5 in, 3 out) peak-hour trips; this impact is not sufficient to require a full traffic study, but an adequacy finding must be made and for that reason the traffic count was requested. These trip rates are based on the *Institute of Transportation Engineers Trip Generation Manual, 7th Edition*. Background traffic was increased by three percent to account for regional traffic growth. Site traffic expected from the proposed residential development was then added to background traffic to calculate total traffic conditions.

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.

The table below shows that vehicle delay is in excess of 50.0 seconds; therefore a traffic signal warrant study is required at this intersection.

MD 193/Daisy Lane	Existing	Background	Total
AM Peak Hour	236.0*	298.6*	327.0*
PM Peak Hour	436.8*	501.5*	530.7*

*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the guidelines, an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are outside of the normal range of the procedure, and should be interpreted as a severe inadequacy.

Site Plan Comments

One site access point is proposed along Strawberry Glenn Lane, all proposed nine lots will access Strawberry Glenn Lane from a new cul-de-sac. Prior to signature approval of the preliminary plan, the plan should indicate if Strawberry Glenn Lane is a public or private right-of-way. Staff has no other comments on the subdivision plan.

Master Plan Comments

There are no master plan roadways in the immediate vicinity of the proposed site.

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

9. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this preliminary plan for adequacy of school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and CB-30-2003 and CR-23-2003 and concluded the following:

Impact on Affected Public School Clusters

Affected School Clusters	Elementary School Cluster 2	Middle School Cluster 2	High School Cluster 2
Dwelling Units	9 sfd	9 sfd	9 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	2.16	0.54	1.08
Actual Enrollment	6,327	7,218	10,839
Completion Enrollment	132	112	223
Cumulative Enrollment	9.12	5.76	12.60
Total Enrollment	6,470.28	7,336.30	11,075.68
State-Rated Capacity	6,339	6,569	8,920
Percent Capacity	102.07%	111.68%	124.16

Source: Prince George’s County Planning Department, M-NCPPC, December 2005

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 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 meets the adequate public facilities policies for school facilities contained in Section 24-122.02, CB-30-2003, CB-31-2003, and CR-23-2003.

10. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(B)-(E) of the Subdivision Ordinance.

The Prince George’s County Planning Department has determined that this preliminary plan is within the required seven-minute response time for the first due fire station Glenn Dale, Company 18, using the *Seven- 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 704 (101.73 percent), which is above the staff standard of 657 or 95 percent of authorized strength of 692 as stated in CD-56-2005, for a preliminary plan of subdivision accepted prior to January 1, 2006.

The Fire Chief has reported by letter, dated November 1, 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 II. The response standard is 10 minutes for emergency calls and 25 minutes for non-emergency calls. The times are based on a rolling average for the preceeding 12 months beginning with January of 2005. The preliminary plan was accepted for processing by the Planning Department on November 30, 2005.

Reporting Cycle	Date	Emergency Calls	Non-emergency
Acceptance Date	01/05/05-10/05/05	11.00	24.00
Cycle 1	01/05/05-11/05/05	10.00	24.00
Cycle 2			
Cycle 3			

The Police Chief has reported that the staff complement of the Police Department is 1,302 sworn officers and 43 student officers in the Academy for a total of 1,345 (95 percent) personnel, which is within the standard of 1,278 officers or 90 percent of the authorized strength of 1,420 as stated in CB-56-2005, for a preliminary plan accepted prior to January 1, 2006.

The response time standards of 10 minutes for emergency calls and 25 minutes for non-emergency calls were met on November 5, 2005. In accordance with Section 23-122.01 of the Subdivision Regulations, all applicable tests for adequacy of police and fire facilities have been met

12. **Health Department**—The Health Department has no comment for the area of development proposed on the revised preliminary plan of subdivision for nine lots.
13. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. Stormwater Management Concept Plan 40232-2005-00 has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. Development must be in accordance with this approved plan.
14. **Historic**—Phase I archeological survey was completed on the above-referenced property. Four copies of the final report—“A Phase I Archaeological Investigation of the Strawberry Glenn Property Prince George’s County, Maryland Preliminary Plan Number 4-04197”—were submitted on March 23, 2006. No archeological remains were identified in the Phase I survey and no further archeological investigation is recommended by the Planning Department.

Section 106 review, however, may require archeological survey for state or federal agencies. Section 106 of the National Historic Preservation Act requires federal agencies to take into

- account the effects of their undertakings on historic properties, including archeological sites. This review is required when federal monies, federal properties, or federal permits are required for a project.
15. **Access**—The subject property is located on Tax Map 45, Grid D-1 and is known as Parcels 37, 38, 39 and Lot 38 (REP 192@76). The property is approximately 19.25 acres and zoned R-E. The applicant is proposing to subdivide the property into nine lots and two outlots. Access is proposed via Strawberry Glenn Lane to the north. The applicant is proposing to extend a 60-foot wide dedicated public street south from Strawberry Glenn Lane into the site that terminates in a cul-de-sac. Two of the lots proposed are served by a private ingress and egress easement authorized pursuant to Section 24-128(b)(1) of the Subdivision Regulations. The easement connects to the proposed internal public street. These two lots (8 and 9) meet the minimum standards for the use of an easement, and are two acres in size, exclusive of the easement. It is anticipated that these two lots will be premier lots in the subdivision, well hidden and set into the surrounding woodland. The applicant has proposed to develop these lot lots in conformance with a courtyard detail that proposes house sitings and additional landscaping over that already required by the *Prince George's County Landscape Manual*, and which staff believes will create the best possible relationship between the dwellings and the land. The courtyard detail was proffered by the applicant.
 16. **Parcel Adjustment**—The configuration of the preliminary plan has changed three times since the original submittal. The applicant has proposed a lot line adjustment of the underlying existing three parcels in conformance with Section 24-107(c)(9) of the Subdivision Regulations that provides for the adjustment of common parcel boundary lines between property owners as long as additional parcels are not created. While the applicant has submitted an exhibit and draft deed for the adjustment of the common boundary lines between Parcels 37, 38 and 39, consistent with the configuration of the proposed preliminary plan for nine lots, a deed should be recorded in land records and a copy required prior to final plat.
 17. **Overlap**—The submittal of the revised preliminary plan on March 29, 2006 identifies an apparent overlap in deeds between Parcel 124 (M-NCPPC) to the southwest and Parcel 37, a portion of the land area that is the subject of this application. The applicant has provided an exhibit that demonstrates that the area of overlap that is shown on proposed Lots 3 and 4 is not necessary for those lots to meet the minimum lot size of 40,000 square feet. Prior to approval of the final plat the applicant should resolve the discrepancy identified in the deeds for Parcel 124 (Liber 10103 Folio 624) and Parcel 37 (Liber 21308 Folio 612), and set forth in the applicant's engineers memorandum dated April 4, 2006 (Thrower to Chellis). An agreement with M-NCPPC as to the disposition of that land should occur prior to the approval of the final plat.
 18. **Outlots A & B**—In addition to Parcel 1 (18.11 acres), which will result from the parcel adjustment, this subdivision includes Lot 38 (1.13 acres) (REP192@76) that was created in 2001 as part of the Strawberry Glenn Subdivision to the north. The applicant proposes to incorporate Lot 38 into the subdivision. Lot 38 provides the only frontage on an existing dedicated public street and is necessary for the development of this property. The applicant proposes to extend the proposed 60-foot wide internal public street over what was Lot 38 into the site to serve all of the

proposed nine lots. Lot 38 has 112 feet of frontage on Strawberry Glenn Lane and at its widest is 110 feet wide. The dedication and construction of the 60-foot wide open section roadway results in two residual strips of land on either side of the street abutting existing Lots 37 to the east and 39 (REP 192@76) to the west. These strips of land are not large enough for development as single-family dwelling unit lots. Outlot A (abutting Lot 37 to the east) is approximately 10,893 square feet, 30 feet wide and 360 feet long. Outlot B (abutting Lot 39 to the west) is approximately 16,440 square feet, an average of 40 feet wide and 320 feet long. The applicant had several options to ensure the perpetual maintenance and ownership of these outlots. They could have been incorporated into lots within the subdivision, conveyed if accepted to abutting Lots 37 and 39, or conveyed to the existing Strawberry Glenn Homeowners Association. The applicant has been in close contact with the Strawberry Glenn Homeowners Association, who have expressed a desire to have these parcels landscaped and conveyed to the existing association, into which this subdivision will be incorporated, and made part of the larger community association land holdings. Of note is that the applicant has entered into negotiations with the owner of Lot 37 to the west, and has agreed to construct a berm with landscaping on Outlot B abutting that lot. At the Planning Board Hearing, the agreement proffered an additional Condition 19 to reflect the negotiated agreement with the owner of Lot 37.

19. **Posting Waiver**—The Administrative Practice, Section 2.b., for the Prince George's County Planning Board requires that a sign or signs will be posted on the subject property at least 30 days prior to the Planning Board hearing for the purpose of adequate public notice. This preliminary plan was accepted on November 30, 2005. The posting requirement for the April 20, 2006, Planning Board hearing was March 21, 2006. The Planning Board staff is required to prepare the signs, but the physical posting of the property is the responsibility of the applicant. The Planning Board staff provides the applicant with a location map for the placement of signs based on information submitted by the applicant.

In this case, the original map submitted by the applicant did not reflect the actual configuration of the site. The property fronted on two rights-of-way, the WB&A Trail (M-NCPPC) and Strawberry Glenn Lane. The map submitted by the applicant and used by staff in identifying the location where signs were to be posted on the property did not reflect that this property had frontage on Strawberry Glenn Lane. Both of these rights-of-way were required to be posted (27-125.01).

The property was posted on March 21, 2006, as required along the WB&A Trail, and indicated on the location map provided by staff. However, the one sign that was required on Strawberry Glenn Lane was not posted. Both the staff preparing the sign and the applicant's representative who physically posted the property were unaware of this omission. On March 22, 2006, at 4:00 p.m., a citizen of the Strawberry Glenn Subdivision to the north and an owner of a lot on Strawberry Glenn Lane that abuts this site brought to the attention of staff that a sign had not been posted on Strawberry Glenn Lane. Staff immediately contacted the applicant who posted the property the following morning, on March 23, 2006, or 28 days prior to the hearing.

Staff would further note that the pre-informational mailings, done by the applicant in accordance with Section 24-119.01, included all abutting property owners notwithstanding the original location

map provided by the applicant. The property owners across the street and abutting the property on Strawberry Glenn Lane, including the Strawberry Glenn HOA, were notified.

Based on the above, substantial public notice was given for the Planning Board's public hearing of April 20, 2006. At that hearing, due to issues relating to the ownership of Outlots A and B, the applicant requested and was granted a one-week continuance to May 4, 2006. The posting waiver was granted at the hearing of April 20, 2006 by the Planning Board.

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.

* * * * *

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 Squire, seconded by Commissioner Eley, with Commissioners Squire, Eley, Vaughns, Clark and Parker voting in favor of the motion at its regular meeting held on Thursday, May 4, 2006, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 25th day of May 2006.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:WC:bjs