

R E S O L U T I O N

WHEREAS, a 1.74-acre parcel of land known as Parcels 12 and 13, Tax Map 35 in Grid D-2, said property being in the 14th Election District of Prince George's County, Maryland, and being zoned R-80; and

WHEREAS, on November 2, 2006, Greenbelt Builders, Inc. filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 4 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-06125 for Kagle 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 25, 2007, 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 25, 2007, 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 4-06125, Kagle Property, including a Variation from Section 24-121(a)(3) for Lots 1-4 with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the following technical corrections shall be made:
  - a. Delineate the shallow well on proposed Lot 4
  - b. Delineate the abandoned septic tank on Lot 4.
  - c. Relabel the adjacent Greentree Subdivision to the south and to the west as being within Block "A", being within the R-55 Zone, and provide the plat reference (NLP 151 @ 57).
  - d. Revise general note 18 to include the correct exemption letter receipt number (#1726).
  - e. Revise general note 23 to provide the correct approval date of the detailed site plan (12/1/2005).

- f. Relabel the adjacent property to the southeast as Lot 7, Greenbelt Forest, REP 197 @ 65 (shown incorrectly as Parcel 15).
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, #42202-2003-00 and any subsequent revisions.
4. Prior to signature approval of the preliminary plan of subdivision, the plan shall be revised to label the unmitigated 65 dBA Ldn noise contour measured 228 feet from the centerline of MD 193.
5. 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 1 and 3.
6. The applicant, his heirs, successors and or assignees shall provide a standard sidewalk along the property's entire street frontage of Greenbelt Road (MD. 193) unless modified by the State Highway Administration. The sidewalk shall connect to the existing sidewalk along Baywood Drive.
7. At the time of final plat approval, the applicant shall dedicate right-of-way along MD 193 (Greenbelt Road) of 60 feet from the centerline of the existing right-of-way, as shown on the submitted preliminary plan.
8. Prior to the issuance of grading permits the applicant, his heirs, successors, or assignees shall demonstrate that any abandoned wells or septic systems have been pumped, backfilled and/or sealed in accordance with COMAR 26.04.04 by a licensed well driller or scavenger and witnessed by a representative of the Health Department.
9. Prior to the approval of building permits for the proposed residential structures, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building permits stating that building shells of structures within prescribed noise corridors have been designed to reduce interior noise levels to 45dBA (Ldn) or less.

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

1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.
2. The property is located along the south side of Greenbelt Road (MD.193), approximately 40-feet east of its intersection with Baywood Drive.

3. **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-80	R-80
Use(s)	Single-family	Single-family
Acreage	1.74	1.74
Lots	0	4
Parcels	2	0
Dwelling Units:		
Detached	2 (both to remain)	4 (2 new)
Public Safety Mitigation Fee		No

4. **Environmental**—The Environmental Planning Section has reviewed the revised Preliminary Plan of Subdivision, 4-06125, for the Kagle Property, stamped as received by the Environmental Planning Section on December 1, 2006. The Environmental Planning Section recommends approval of Preliminary Plan 4-06125 subject to one condition.

**Background**

The Environmental Planning Section has reviewed previous applications for the subject property including Preliminary Plans of Subdivision 4-02014, 4-03142 and Detailed Site Plan DSP-05058. Preliminary Plan 4-02014 was withdrawn prior to review by the Planning Board. The Planning Board’s conditions of approval for Preliminary Plan 4-03142 and DSP-05058 are found in Resolution Nos. 04-118 and 05-251, respectively.

**Site Description**

Based on available information, the site has no streams, 100-year floodplain, or wetlands. A review of Year 2005 aerial photos shows the site has several large trees but no existing woodland. According to the Soils Survey for Prince George’s County, one soil series is present at the site: Christiana silt loam (two types in this series). Christiana soil is moderately erodible and has a ‘C’ hydric rating. Marlboro clays are not associated with the site. MD 193 is an existing six-lane major arterial road. With this road classification, MD 193 is a traffic-noise generator and impacts are anticipated. There are no designated scenic or historic roads in vicinity of the site. Based on available information from the Maryland Department of Natural Resources Wildlife and Natural Heritage Program, there are no rare, threatened or endangered species in the vicinity of the site. According to the Green Infrastructure Plan, one network feature from the Plan, a network gap is associated with the site. The site is in the Bald Hill Branch watershed of the Patuxent River basin, and the Developing Tier of the approved General Plan.

### **Environmental Review**

A staff signed copy of the natural resources inventory (NRI/109/06) was included in the submittal of the preliminary Plan. The NRI has been reviewed in relation to the preliminary plan and all the required information on NRI/109/06 has been correctly shown on the preliminary plan. A total of four specimen trees were located at the site and these have been identified on the NRI. No further information is required regarding the NRI.

The entire site has a network gap from the Green Infrastructure Plan associated with it. All three adjacent properties surrounding the site also have this feature from the Plan associated with them. Because there are no regulated or evaluation areas associated with the site, and there is less than 10,000 square feet of woodland on-site, there is no opportunity to address the network gap. No further information regarding the Green Infrastructure Plan is required.

This site is exempt from the Woodland Conservation Ordinance because there are less than 10,000 square feet of woodlands on-site and there are no previous approved Tree Conservation Plans associated with it. On August 4, 2005, the Environmental Planning Section issued a standard letter of exemption. This letter is valid for a period of two years from the date of issuance. A copy of this letter should be included in all county permit applications associated with the site. No further information regarding woodland conservation is required.

Traffic noise impacts from MD 193 are anticipated because the road is an existing six-lane major arterial and with this classification, it is a traffic-noise generator. This segment of the road has a posted speed limit of 45 miles per hour. The preliminary plan has been revised to locate the 65 dBA Ldn noise contour 228 feet from the centerline of MD 193; however, it should be labeled as the unmitigated noise contour.

The existing house on proposed Lot 2 is within the unmitigated 65 dBA Ldn noise corridor. The existing house and proposed house on Lots 4 and 3 respectively, are partially inside this noise contour; however, because these houses are oriented to face MD 193, the houses will provide adequate mitigation for the rear yard areas of these lots.

A copy of the approved Stormwater Management Concept Plan and concept plan approval letter has been submitted. DER issued the concept plan approval letter on January 6, 2004. The approval is valid for a time period of three years from the date of issuance. The DER case number assigned to the approved Stormwater Concept Plan is 42202-2003-00. No further information regarding stormwater management is required.

### **Water and Sewer Categories**

The water and sewer service categories are W-3 and S-3 according to water and sewer maps obtained from the Department of Environmental Resources dated June 2003, and will therefore be served by public systems.

5. **Community Planning**—The property is located in Planning Area 70, and is within the limits of the 1993 *Approved Master Plan and Sectional Map Amendment for Glenn Dale-Seabrook-Lanham and Vicinity*. The master plan land use recommendation is for a Low suburban residential use. This application proposes a Low suburban residential land use and is therefore consistent with the 1993 Approved Master Plan for Glenn Dale-Seabrook-Lanham and Vicinity.

The 2002 General Plan locates the subject property within the Developing Tier. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial Centers, and employment areas that are increasingly transit serviceable. This application proposes a low- to moderate-density suburban residential community, and is therefore consistent with the 2002 General Plan Development Pattern policies for the Developing Tier.

The 1993 *Approved Master Plan and Sectional Map Amendment for Glenn Dale-Seabrook-Lanham and Vicinity* retained this property within the R-80 Zone.

6. **Parks and Recreation**—In accordance with Section 24-134(a) of the Prince George’s County Subdivision Regulations, Lots 2 and 4 in the subject subdivision are exempt from mandatory dedication of parkland requirements because there are existing structures on those proposed lots.

In accordance with Section 24-134(a) of the Subdivision Regulations the Park Planning and Development Division recommends that the applicant pay a fee-in-lieu of parkland dedication for Lots 1 and 3 because the land available for dedication is unsuitable due to its size and location.

7. **Trails**—The Adopted and Approved Glenn Dale-Seabrook-Lanham and Vicinity Master Plan designates MD 193 as a master plan bicycle/pedestrian corridor. This may ultimately involve in-road bicycle facilities and/or a side path or wide sidewalk. The provision of these facilities will occur comprehensively through a SHA road improvement project. However, the construction of a standard sidewalk along the subject property’s entire road frontage of MD 193 is recommended, per the concurrence of SHA. This sidewalk should connect to the existing sidewalk along Baywood Drive.

8. **Transportation**—The Transportation Planning Section has reviewed the subdivision application for the Kagle Property. The applicant proposes a residential subdivision consisting of four single-family detached residences.

Given the limited amount of development being requested, a traffic study was not required.

The findings and recommendations outlined below are based upon a review of materials and analyses conducted by 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 four single family detached residences. The site encompasses two existing parcels, both of which are developed with single-family residences, which will remain. Therefore, the net proposed development of two residences would generate 2 AM and 2 PM 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 193 and Soil Conservation Road/Goddard Drive, which is signalized. The Transportation Planning Section has no recent counts at the critical intersection. However, the relocation of Soil Conservation Road will improve operations 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. The Transportation Planning Section would therefore recommend that the Planning Board find that 2 AM and 2 PM peak hour trips will have a de minimus impact upon delay and traffic operations in the critical movements at the MD 193/Soil Conservation Road/Goddard Drive intersection.

MD 193 is a master plan arterial facility and sufficient dedication of 60 feet from centerline is reflected on the submitted plan. The applicant has filed a variation request from Section 24-121(a)(3), which limits individual lot access onto arterial facilities. In reviewing the subdivision plan as well as the justification, the following determinations are made:

1. The entire property only has access onto MD 193. There are no other apparent locations for the subject property to obtain access.

2. The use of a public street to serve the two new lots appears to be impractical, as the construction of a street would appear to necessitate demolition of the two existing residences.
3. Each of the current residences has driveway access onto MD 193.
4. The current plan consolidates each of the two new driveways with existing access points. One driveway would be combined with an existing driveway; the other would be combined with a relocated driveway to the second residence. Consolidating the driveways in this way ensures that the number of curb cuts required along MD 193—which is currently two—would be limited to two. Therefore, the situation being approved by way of the variation request, from a transportation standpoint, is only minimally different than the situation that exists.
5. The State Highway Administration (SHA) must approve any modifications to access points along MD 193, which is a state facility. In their referral, SHA recommended that the four lots be consolidated to two points of access, and this has been done.

For these reasons, the Transportation Planning Section supports the variation from Section 24-121(a)(3) of the Subdivision Regulations. 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, the 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.

#### **Transportation Staff Conclusions**

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

9. **Schools**— The Historic Preservation and Public Facilities Planning Section has reviewed this preliminary plan for impact on 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	4 sfd	4 sfd	4 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	0.96	0.24	0.48
Actual Enrollment	6,327	7,218	10,839
Completion Enrollment	132	112	223
Cumulative Enrollment	65.21	331.80	664.20
Total Enrollment	6521.40	7,661.80	11,726.72
State Rated Capacity	6,339	6,569	8,920
Percent Capacity	102.87%	116.36%	131.46%

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 an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$12,000 per dwelling for all other buildings. Council bill CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts are \$7,671 and \$13,151 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 finds that this project meets the adequate public facilities policies for school facilities contained in Section 24-122.02, CB-30-2003 and CB-31-2003 and CR-23-2003.

- 10. Fire and Rescue**—The Historic Preservation & Public Facilities Planning Section has reviewed this subdivision plan for 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 7-minute response time for the first due fire station West Lanham Hills, Company 48, using the 7 Minute Travel Times and Fire Station Locations Map provided by the Prince George's County Fire/EMS Department.

Pursuant to CR-69-2006, the Prince George's County Council and the County Executive suspended the provisions of Section 24-122.01(e)(1)(A, B) regarding sworn police and fire and rescue personnel staffing levels.

The Fire Chief has reported that the department has adequate equipment to meet the standards stated in CB-56-2005.

11. **Police Facilities**—The subject property is located in Police District II. The response standard is 10 minutes for emergency calls and 25 minutes for nonemergency calls. The times are based on a rolling average for the preceding 12 months. The preliminary plan was accepted for processing by the Planning Department on November 2, 2006.

<b>Reporting Cycle</b>	<b>Date</b>	<b>Emergency Calls</b>	<b>Nonemergency</b>
Acceptance Date	10/05/05-10/05/06	10.00	22.00
Cycle 1			
Cycle 2			
Cycle 3			

The response time standards of 10 minutes for emergency calls and 25 minutes for nonemergency calls were met on October 5, 2006.

The Police Chief has reported that the department has adequate equipment to meet the standards stated in CB-56-2005.

Pursuant to CR-69-2006, the Prince George's County Council and the County Executive suspended the provisions of Section 24-122.01(e)(1)(A, B) regarding sworn police and fire and rescue personnel staffing levels.

12. **Health Department**—The Environmental Engineering Program has reviewed the preliminary plan of subdivision for the Kagle Property and has the following comments to offer.

The two abandoned shallow wells found on proposed Lots 3 and 4 must be backfilled and sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative from the Health Department as part of the grading permit. The location of the shallow well on proposed Lot 4 should be located on the preliminary plan.

The abandoned septic tank (concrete lid) found on proposed Lot 4 must be pumped out by a licensed scavenger and either removed or backfilled in place as part of the grading permit. The location of the septic system should be located on the preliminary plan.

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, #42202-2003-00 has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. Development must be in accordance with this approved plan.

14. **Historic**—A Phase I archeological survey is not recommended on the subject property. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low. There are two existing houses on the subject property that have probably already impacted any cultural resources. The surrounding area is also highly developed. However, the applicant should be aware that there are two archeological sites, one prehistoric and one historic, and one historic resource within a one-mile radius of the property. There are also several archeological sites and historic resources within a two-mile radius of the subject property.

Moreover, Section 106 review 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, to include archeological sites. This review is required when state or federal monies, or federal permits are required for a project.

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 Clark, seconded by Commissioner Eley, with Commissioners Clark, Eley, Vaughns and Parker voting in favor of the motion, with Commissioner Squire abstaining at its regular meeting held on Thursday, January 25, 2007, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 1<sup>st</sup> day of March 2007.

R. Bruce Crawford  
Executive Director

By Frances J. Guertin  
Planning Board Administrator