

R E S O L U T I O N

WHEREAS, William L. Rigoli is the owner of a 10.87-acre parcel of land known as Strawberry Glenn North, Parcel 146, Tax Map 36, Grid C-4 said property being in the 14th Election District of Prince George's County, Maryland, and being zoned R-E; and

WHEREAS, on June 7, 2001, K&P Builders filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 11 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-01050 for Strawberry Glenn North 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 November 8, 2001, 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 November 8, 2001, 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 4-01050, Strawberry Glenn North for Lots 1-11 with the following conditions:

1. Prior to approval of the Final Plat of subdivision the applicant, his heirs, successors and/or assigns shall pay a fee-in-lieu of parkland dedication for lots which are less than one acre in size.
2. Prior to the issuance of the first building permit, the applicant, his heirs, successors, and/or assigns shall provide a financial contribution of \$420 to the Department of Public Works and Transportation for the placement of Class III bikeway signage along Bell Station Road and Daisy Lane.
3. Development of this subdivision shall be in accordance with the approved Stormwater Management Concept Plan #13911-2001-00 or subsequent revision.
4. Prior to signature approval the preliminary plan shall be revised:
  - a. To provide the net site area, exclusive of land to be dedicated for the public rights-of-way.
  - b. To revise the 10-foot PUE to be adjacent to the right-of-way.

- c. To identify no direct access to Bell Station Road from Lot 5.
  - d. To note that Bell Station Road is designated Scenic/Historic Road.
  - e. To adjust the lot line between Lot 8 and lot 11 to increase the area of Lot 8 to 40,000 square feet and reduce the area of Lot 11 to no less than 30,000 square feet.
5. Prior to signature approval of the preliminary plan, the applicant shall demonstrate the ability to implement SD #8012560-1995 to the satisfaction of the Environmental Planning and Subdivision Sections. If off-site stormwater management is not feasible, a revised stormwater management concept approval for the provision of stormwater management onBsite shall be submitted prior to certification.
6. In the event that the Department of Public Works and Transportation requires improvements to Bell Station Road, a pre-application meeting between the applicant, DPW&T and the M-NCPPC staff shall be required in accordance with ADesign Guidelines and Standards for Scenic and Historic Roads.@ At the pre-application meeting, the applicant will be required to make available adequate base information so that attending agencies can make fundamental design decisions. Roadway design criteria will be determined for the roadway by the DPW&T with consideration for the scenic and historic features of the site. Decisions will represent a compromise agreement based on the design guidelines and standards for scenic and historic rods, minimum DPW&T safety standards, and minimum AASHTO design standards. The design of roadway improvements on Bell Station Road shall take into consideration the preservation of the existing fence row of mature trees located along the frontage of proposed Lot 5.
7. At time of final plat, a scenic easement 20 feet wide shall be delineated by metes and bounds on Lot 5 adjacent to the public utility easement along the right-of-way. The following note shall be placed on the final plat:
- AThe Scenic Easement established by this plat is for the purpose of conserving the viewshed adjacent to Bell Station Road, a designated historic road. The installation of structures and roads and the removal of vegetation is prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.@
8. At time of final plat, a 70-foot main building restriction line and a 50-foot accessory building restriction line shall be established on Lot 5 from the right-of-way of Bell Station Road.
9. Prior to grading permit approval for Lot 11, tree protection devices shall be shown on the permit plans for the preservation of specimen trees where grading is proposed within 50 feet of a tree to be preserved.

10. If DPW&T requires improvements to Bell Station Road which result in the removal of existing vegetation adjacent to the road, a Landscape Plan shall be approved for Lot 5 prior to the issuance of a building permit which includes planting equivalent to a *Landscape Manual* Type B bufferyard within the scenic easement. The planting pattern and species shall be designed to re-create any vegetation lost along Bell Station Road.
- 11 Prior to signature approval, the preliminary plan shall be revised to increase the right-of-way of proposed Darrowberry Lane from 50 feet wide to 60 feet wide to accommodate a rural section in accordance with DPW&T standards.

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 southwest of Glenn Dale Boulevard (MD 193), with frontage on Glenn Dale Road (MD 953), Daisy Lane to the northwest, and on Bell Station Road to the northeast.
3. EnvironmentalCThe Environmental Planning Section has reviewed the above preliminary plan submittal which was accepted for processing on June 7, 2001, and finds that the plan meets all applicable environmental requirements, subject to conditions.

This site has not been previously reviewed by the Environmental Planning Section as part of any development application. The preliminary plan proposes the subdivision of a 10.878-acre parcel in the R-E Zone into 11 lots using the lot size averaging development approach. The property has frontage on and proposes access along the south side of Daisy Lane and Bell Station Road, both of which have proposed 60-foot-wide rights-of-way.

The 10.878-acre parcel is very irregular in shape, and is flat to gently sloping, with a majority of the site in agricultural use at this time. There are no steep or severe slopes, streams, 100-year floodplain, or nontidal wetlands located on the property. This site is located in two subdrainage areas, Folly Branch and Lottsford Branch, both of which are tributaries of Western Branch and the Patuxent River.

There are no historic structures on the property, or evidence of a cemetery on or near the subject property. The property is located in water and sewer service categories W-3 and S-3. The soils on the site are in the Sassafras series and pose no special difficulties to development. No Marlboro clay has been identified on this site. No noise concerns have been identified with residential development of this site. No rare, threatened, or

endangered species have been identified on this site at this time.

Bell Station Road, which runs along the northeastern boundary of proposed Lot 5, is a designated Scenic/Historic Road. The segment from Old Prospect Hill Road to Annapolis Road (MD 450) was designated in the *Historic Sites and Districts Plan* (1992) and in the *Glenn Dale-Seabrook-Lanham Master Plan* (1993).

The site was determined to be exempt from woodland conservation requirements because the subject property contains less than 10,000 square feet of existing woodland and there is no approved Tree Conservation Plan.

Bell Station Road is a designated Scenic/Historic Road. This information should be indicated on plans of development. Further, the functional road classification for Bell Station Road from Old Prospect Hill Road to MD 193 is Alocal.@ Any improvements within the right-of-way of designated scenic/historic roads are subject to review and approval by the Department of Public Works and Transportation (DPW&T) under the *Design Guidelines and Standards for Scenic and Historic Roads*. Staff would recommend that before the submittal of a Paving and Storm Drain Plan to DPW&T, and before engineering design of roadway improvements has begun, a pre-application meeting of the applicant, DPW&T, and the M-NCPPC staff should be required in accordance with *Design Guidelines and Standards for Scenic and Historic Roads*.

At the pre-application meeting, the applicant will be required to make available adequate base information so that attending agencies can make fundamental design decisions. Roadway design criteria will be determined by DPW&T with consideration for the scenic and historic features of the site. Decisions will represent a compromise agreement based on the design guidelines and standards for scenic and historic roads, minimum DPW&T safety standards, and minimum AASHTO design standards.

An Inventory of Significant Visual Features for the right-of-way and site fronting on Bell Station Road was requested to assess the impacts of this development on the viewshed of the scenic/historic road. This information, requested by staff and not submitted by the applicant, is necessary to determine ultimate impact of this development on Bell Station Road. The Preliminary Plan shows a mature fence row of tulip poplars, oaks, and maples along the frontage of proposed Lot 5, which should be taken into consideration in the design of roadway and right-of-way improvements.

The significant visual/landscape features of the subject property, located outside the right-of-way but visible from the historic road, are open agricultural fields, edged by mature woodlands. Access to Lot 5 is proposed to be from within the subdivision. As a result, the rear yard of Lot 5 will be exposed to Bell Station Road. The site is not subject to Sec. 4.6 of the *Landscape Manual*, Buffering Residential Development from Streets, because the road classification is local.

In order to retain the rural character of the viewshed from Bell Station Road on Lot 5, a

scenic easement 20 feet wide should be established adjacent to the public utility easement along the right-of-way on Lot 5.

In order to buffer the rear yard of the dwelling on Lot 5 and maintain the viewshed character of Bell Station Road, re-creation of a planted fence row to match similar local landscape features is recommended. At the time of building permits, planting equivalent to a Type B bufferyard should be provided within a scenic easement. The planting pattern and species shall be designed to recreate fence rows commonly found along Bell Station Road.

The majority of houses along Bell Station Road face the roadway. The house proposed on Lot 5 will back to the road frontage and will be a double frontage lot. The required front and rear yard in the R-E zone is 25 feet deep. To maintain the character of the viewshed along Bell Station Road, it is desirable that the structures maintain a similar yard depth, and that the placement of accessory structures also should be carefully considered. The placement of a scenic easement on the rear yard of Lot 5 will prohibit the placement of an accessory structure closer than 30 feet to the right-of-way (10 foot-wide PUE and 20-foot-wide scenic easement).

A main building restriction line of 70 feet and a 50-foot accessory structure building restriction line is recommended along Bell Station Road in order to provide a similar building placement to other dwellings along the road and to provide a sufficient active rear yard between the rear of the structure and the scenic easement. The final plat should delineate a building restriction line of 70 feet from the right-of-way of Bell Station Road and include a note regarding the accessory structure building restriction line.

Although the site is exempt from the Woodland Conservation Ordinance, the subject property contains specimen trees which complement the historic character of the neighborhood. During the development process, efforts should be made to retain these trees, specifically the 36-inch-diameter white oak and 49-inch-diameter pin oak located on proposed Lot 11.

4. Community Planning The subject property is within the limits of the *Approved Master Plan and Sectional Map Amendment for Glenn Dale-Seabrook-Lanham and Vicinity (1993)*, in the Annapolis Road Community. The master plan land use recommendation for this property is low-suburban residential.

There are no master plan issues associated with this application.

5. Lot Size Averaging The applicant has proposed to utilize the lot size averaging (LSA) provision in Section 24-121(a)(12) of the Subdivision Regulations for the development of this property.

This site is approximately 10.87 acres of land in the R-E Zone. Section 27-423 of the Prince George's County Zoning Ordinance establishes the zoning requirements for lot

size averaging. Specifically, in the R-E Zone:

- a. The maximum number of lots permitted is equal to the gross acreage divided by the largest minimum lot size in the zone (40,000 square feet).
- b. At least 50 percent of the lots created shall equal or exceed the largest minimum lot size in the zone (40,000 square feet).

For the 10.87 acres located in the R-E Zone, 11 lots would be allowed (473,845.68 square feet /40,000). The applicant proposes 11 lots. Six of the proposed lots meet or exceed 40,000 square feet. Therefore, the proposed subdivision meets the minimum Zoning Ordinance standards for lot size averaging.

Section 24-121(a)(12) requires that the Planning Board make the following findings in permitting the use of lot size averaging:

- A. The subdivision design provides for better access, protects or enhances historic resource or natural features and amenities, or otherwise provides for a better environment than that which could be achieved by the exclusive use of standard lots.**

The proposed subdivision design employs a single cul-de-sac street entering the property in the central portion of the site from Daisy Lane, which proceeds in a gentle curve toward the southeast. The location of the street is ideal for either a standard or a lot size averaging subdivision. Therefore, the street design and access location do not provide for a better access than could be provided with a standard subdivision design. The location of the street and access are appropriate and could be accommodated by a standard subdivision.

- B. The subdivision design provides for an adequate transition between the proposed lot sizes and locations of lots and the lots, or lot size standards, of any adjacent residentially zoned parcels.**

The conventional R-E standard lots are proposed along the external street frontages and along the development subdivision to the south, which was also designed using the lot size averaging provision. Staff believes that the proposed subdivision provides for an adequate transition between adjacent properties.

- C. The subdivision design, where applicable, provides for an adequate transition between the proposed natural features of the site and any natural features of adjacent parcels.**

The property is generally an agricultural field with no large areas of woodlands. The use of lot size averaging in the subdivision design provides additional benefit for the preservation of the existing hedgerows and trees that do occur along the

property=s perimeter.

Staff supports the use of lot size averaging in this instance. Staff believes that the applicant has provided adequate justification as required by Section 24-121(a)(12) of the Subdivision Regulations for the use of LSA.

6. Parks and RecreationCIn accordance with Section 24-134, a fee-in-lieu of parkland dedication is recommended for all lots within the subdivision which are less than one acre. A fee-in-lieu is recommended because the land available for parkland dedication is unsuitable due to its size and location.
7. TrailsCThe *Adopted and Approved Glenn Dale Seabrook-Lanham and Vicinity Master Plan* recommends that Daisy Lane and Bell Station Road be designated as Class III bikeways with appropriate signage. Because both are county rights-of-way, the applicant should provide a financial contribution of \$420 to the Department of Public Works and Transportation for the placement of this signage. A note should be placed on the final plat of subdivision requiring the payment of the fee prior to the issuance of the first building permit.
8. TransportationCThe application is a preliminary plan of subdivision for a residential development consisting of 11 single-family dwelling lots. The proposed development would generate 8 AM and 10 PM peak hour vehicle trips as determined using *Guidelines for the Analysis of the Traffic Impact of Development Proposals*. The traffic generated by the proposed preliminary plan would impact the unsignalized intersection of MD 193 and Daisy Lane. This 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 Prince George's County Planning Board, in the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*, has defined level of service D (LOS D) as the lowest acceptable operating condition on the transportation system for signalized intersections, and delays greater than 50 seconds (LOS E) for unsignalized intersections. At least two prior subdivisions in the area have findings which note that the MD 193/Daisy Lane intersection operates with vehicle delay exceeding 50 seconds for minor street left-turn movements.

In response to such a finding, Preliminary Plan of Subdivision 4-95014, Sumner at Daisy Fields, has a condition to perform a traffic signal warrant study at MD 193 and Daisy Lane and bond the signal if deemed warranted. At the time that SP-98006 for Holy Trinity Episcopal Day School was submitted on that property, the applicant did a traffic signal warrant study of MD 193/Daisy Lane. The study assumed build-out of nearby approved developments. The study also assumed the construction of a private high school next to the (at that time) proposed Holy Trinity school. With these assumptions, the signal warrant study determined that the intersection would not meet State Highway

Administration (SHA) warrants for placement of a signal, and in 1998 the SHA concurred with that finding.

In response to previous applications, the transportation staff has spoken with SHA District 3 traffic engineers. Those discussions with SHA staff have indicated that SHA did not feel that conditions along MD 193 had changed to the extent that a new study of the intersection would be necessary. Therefore, the SHA believes that the 1998 signal warrant study is still a valid analysis for the foreseeable future and that the intersection of MD 193/Daisy Lane operates acceptably and safely without placement of a signal. In turn, the transportation staff is inclined to accept the 1998 signal warrant study, as well as the fact that a signal was not previously warranted, as sufficient evidence that the critical intersection operates acceptably under existing, background and total future traffic.

The location of the subject property relative to other intersections indicates that traffic emanating from the site could be dispersed through other streets and intersections. Consequently, no more than five (5) PM and four (4) AM peak-hour trips are likely to pass through the intersection of MD 193 and Daisy Lane. Given the relatively small number of trips that the site will be sending through this intersection, staff finds that this application, if approved, will have a de minimis impact on the transportation system.

The Transportation and Public Facilities Planning Division concludes that adequate access roads will exist as required by Section 24-124 of the Subdivision Regulations if the application is approved.

9. Schools The Growth Policy and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and the *Regulations to Analyze the Development Impact on Public School Facilities* (revised January 2001) (CR-4-1998) and concluded the following:

**Finding:**

Projected Impact on Affected Public Schools

Affected School Name	D.U. by Type	Pupil Yield Factor	Development Pupil Yield	5-Year Projection	Adjusted Enrollment	Total Projected Enrollment	State-Rated Capacity	Projected % Capacity
Glenn Dale Elementary School	11 sfd	0.24	2.64	568	0	570.64	563	101.36%
Thomas	11 sfd	0.06	0.66	693	0	693.66	932	74.43%



Johnson Middle School								
Duval High School	11 sfd	0.12	1.32	1400	1400.36	1401.68	1751	80.05%

Source: Prince George's County Planning Department, M-NCPPC, January 2001

Because the affected schools= projected percentage of capacities are not greater than 105 percent, an Adequate Public Facilities fee is not required. The School Facilities Surcharge Fee will be required at the time of building permit.

10. Fire and Rescue CThe Growth Policy and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of fire and rescue facilities and concluded the following:
  - a. The existing fire engine service at Glenn Dale Fire Station, Company 18, located at 11900 Glenn Dale Boulevard, has a service response time of 1.29 minutes, which is within the 5.25-minute response time guideline.
  - b. The existing ambulance service at Glenn Dale Fire Station, Company 18, located at 11900 Glenn Dale Boulevard, has a service response time of 1.29 minutes, which is within the 6.25-minute response time guideline.
  - c. The existing paramedic service at Glenn Dale Fire Station, Company 18, located at 11900 Glenn Dale Boulevard, has a service response time of 1.29 minutes, which is within the 7.25-minute response time guideline.
  - d. The proposed subdivision will be within the adequate coverage area of the nearest existing fire/rescue facility for fire engine, ambulance and paramedic services.

The above findings are in conformance with the *Adopted and Approved Public Safety Master Plan 1990* and the *Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities*.

11. Police Facilities CThe proposed development is within the service area for District II-Bowie police station. In accordance with Section 24-122.1(c) of the Subdivision Regulations, the existing county's police facilities will be adequate to serve the proposed Strawberry Glenn North development. This police facility will adequately serve the population generated by the proposed subdivision.
12. Health Department CThe Health Department has reviewed the proposed preliminary plan and has no comment.

13. Stormwater ManagementCA Stormwater Management Concept Approval Letter (13911-2001-00) was submitted with this application. The Stormwater Concept Plan proposes to transport the drainage from this site to a stormwater management facility on the Kurtz Property (Strawberry Glenn) subdivision, located directly south of this site, to be built under SD#8012560-1995.

Under Section 24-130(b): AThe Planning Board shall require that proposed subdivisions conform to the following:

AThe stormwater control shall be provided on-site unless the Planning Board, on recommendation from the Department of Environmental Resources, waives this requirement.@

The Department of Environmental Resources (DER) has recommended the approval of off-site stormwater management, as expressed in SD #8012560-1995. The placement of stormwater management off-site is technically feasible, but the concept approval did not take into consideration impediments to implementation related to other development review requirements. The proposed SWM connection to the adjacent subdivision would require the clearing of an approximate 25-foot-wide stormdrain right-of-way to allow the placement and maintenance of a 27-inch RCP pipe. The proposed location of the stormdrain right-of-way has the following effects:

- a. There is a recorded off-site woodland conservation easement (L.13831 F. 652) which encumbers a portion of TCP II/86/99 (Kurtz Property/Strawberry Glen) with a total area of 1.36 acres. Of this total area, 1.07 acres are dedicated on behalf of the required woodland conservation area required for Glenn Dale Greens (TCP II/16/99). The remaining 0.29 acre of the woodland conservation easement has been reserved by John Kurtz and Denice Darrow Kurtz (the declarants) Afor future development project to (be) designated by them.@ A reconfiguration of this easement, retaining the same area, was proposed by Final Plat 5-01100 for Strawberry Glenn, Plat One.

The proposed SWM right-of-way will result in a reconfiguration of the off-site woodland conservation easement, with a permanent reduction of the size of the conservation easement; a revision to off-site woodland conservation easement (L.13831 F. 652) to correct the legal description of the easement area; and the revision of the plat for Strawberry Glenn (Kurtz Property ) to delineate the revised woodland conservation easement.

- b. TCP II/86/99 for Strawberry Glenn will require revision to show the proposed connection to the stormwater management pond. This will require a revision to the plan and revisions to the the Woodland Conservation Summary Sheet to indicate additional clearing in the off-site woodland conservation easement of existing trees, a reduction of reforestation area, a reduction of the off-site

woodland conservation easement, a change in the woodland conservation required for the site, and a change to the total woodland conservation provided.

A Stormwater Management Concept Plan, #13911-2001-00, has been approved. However, staff of the Development Services Division of DER were unaware of the impediments to providing off-site stormwater management as discussed above. DER has indicated that they are not inclined to withdraw the concept approval letter at this time pending the resolution of the issues. However, DER does acknowledge that if approval is not granted to extend the piping for the stormwater by an adjoining property owner, through the recorded tree conservation easement area, alternative methods of management will be necessary. The alternative measures could require a redesign of stormwater management measures. This could result in on-site facilities requiring the redesign of the proposed preliminary plan lotting pattern. If substantial alterations occur to the layout and staff is unable to find substantial conformance to the Planning Board's actions, a new preliminary plan of subdivision could be necessary.

14. State Highway Administration The State Highway Administration has raised concerns regarding the access to proposed Lot 11. Glenn Dale Road (MD 953), a state right-of-way, veers sharply to the northwest in the vicinity of Lot 11. Proposed Lot 11 would have access into the intersection of MD 953 and Daisy Lane. The State Highway Administration has stated that there are sight distance problems due to the vertical curvature and horizontal curvature of Glenn Dale Road at the intersection with Daisy Lane. The access to Lot 11 should be carefully located due to the site distance problems.

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 Brown, seconded by Commissioner Lowe, with Commissioners Brown, Lowe, Eley and Brown voting in favor of the motion, and with Chairman Hewlett absent at its regular meeting held on Thursday, November 8, 2001, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 29th day of November 2001.

Trudye Morgan Johnson  
Executive Director

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By Frances J. Guertin  
Planning Board Administrator

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