

R E S O L U T I O N

WHEREAS, Glenn Dale Associates is the owner of a 11.97-acre parcel of land known as Parcel 114, Tax Map 36, Grid C-3, said property being in the 14th Election District of Prince George's County, Maryland, and being zoned R-R; and

WHEREAS, on September 9, 2002, Ricker Brothers filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 14 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-02076 for Glendale Village 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 February 6, 2003, 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 February 6, 2003, 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/44/02), and further APPROVED Preliminary Plan of Subdivision 4-02076, Glendale Village for Lots 1-14 with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the plan shall be revised as follows:
 - a. To provide the conceptual stormwater management plan number and approval date.
 - b. To demonstrate conformance to Section 24-138.01 of the Subdivision Section regarding bufferyards for flag lots.
 - c. Provide reference to Section 4.6 and 4.7 of the *Landscape Manual*, to provide evidence that building setbacks required by the *Landscape Manual* were considered when evaluating this preliminary plan.
 - d. To provide a note that Merkel Press Road is a private driveway as defined by 27-107.01(70) of the Zoning Ordinance, and not a dedicated or deed public-street or easement to the benefit of otherss

- e. To label the net lot area of each of the flag lots.
 - f. To demonstrate the dedication of 30 feet from the centerline of Prospect Hill Road.
2. Prior to the issuance of permits, a Type II tree conservation plan shall be approved.
 3. Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction, and (c) have an agreed-upon timetable for construction with the SHA/DPW&T:
 - A. MD 193 at Prospect Hill Road: Construct an acceleration lane area along northbound MD 193 in order to provide a free-flow right-turn from the westbound Prospect Hill Road approach, in accordance with SHA requirements.
 - B. MD 193 at Prospect Hill Road: Provide a second southbound left-turn lane onto eastbound Prospect Hill Road. These improvements shall include the widening of Prospect Hill Road to accept the double left turns. These improvements shall also include any signal, signage, and pavement marking modifications that are determined to be necessary.
 4. No building permits shall be issued for this subdivision until the capacity, as adjusted pursuant to the school regulations, at all the affected school clusters are less than or equal to 105 percent or six years have elapsed since the time of the approval of the preliminary plan of subdivision; or pursuant to the terms of an executed school facilities agreement, whereby the subdivision applicant, to avoid a waiting period, agrees with the County Executive and County Council to construct or secure funding for construction of all or part of a school to advance capacity.
 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.
 6. Prior to the issuance of building permits, the applicant, his heirs, successors and/or assignees shall provide a financial contribution of \$210.00 to the Department of Public Works and Transportation for the placement of a bikeway sign(s) along Prospect Hill Road, designated as a Class III bikeway. A note shall be placed on the final plat for payment to be received prior to the issuance of the first building permit. If the Department of Public Works and Transportation declines the signage, this condition shall be void.
 7. Prior to signature approval of the preliminary plan, the forest stand delineation plan shall be signed and dated by a qualified professional.
 8. Prior to signature approval of the preliminary plan, the TCPI shall be revised as follows:
 - a. Revise the woodland conservation worksheet to show the correct amount of existing woodlands on the site both in and out of the 100-year floodplain.
 - b. Show all environmental features in the legend as well as the symbol for the limit of

disturbance.

- c. Show a cleared area on the east side of the house on Lot 2.
 - d. Provide a plan that has been signed and dated by a qualified professional.
 - e. Revise the labels pointing to areas of floodplain and note: "Not counted toward meeting any requirement."
 - f. Update the revision boxes to describe what revisions were made, when, and by whom.
8. Development of this property shall be in compliance with an approved Type I Tree Conservation Plan (TCPI/44/02). 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/44/02), or as modified by the Type II tree conservation plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved tree conservation plan and will make the owner subject to mitigation under the woodland conservation/tree preservation policy.
9. Prior to signature approval of the preliminary plan, a signed copy of the wetlands jurisdictional determination, including the letter and plan, shall be submitted to M-NCPPC for review and conformance with the TCPI.
10. Prior to signature approval of the preliminary plan, the preliminary plan and the TCPI shall be revised to show the DER-approved floodplain elevation.
11. Prior to signature approval of the preliminary plan, the TCPI and preliminary plan shall be revised to show the 50-foot stream buffer and the correct location of the Patuxent River Primary Management Area (PMA).
12. The record plat shall provide a conservation easement that shall be described by bearings and distances. The conservation easement shall contain all of the PMA. The following note shall be placed on the plat:
- "Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation 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."
13. At the time of building permit issuance for proposed residential structures, certification shall be placed on the grading permit by a professional engineer with competency in acoustical analysis demonstrating that the design and construction of building shells will attenuate noise to interior noise level of 45 dBA (Ldn) or less.

14. Prior to signature approval of the preliminary plan and TCPI/44/02, the plans shall be revised to reflect the approved stormwater management plan #29334-2002-00. Development of this property shall be in accordance with the approved plan.
15. The applicant shall obtain approval from DPW&T for the construction of double-access aprons, to be constructed for Lots 2 and 4, Lots 6 and 8, and Lots 10 and 11. Any modification to this condition shall require approval by the Planning Director or the designee.

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 on the south side of Glenn Dale Boulevard and is located approximately 180 feet from its intersection with Prospect Hill Road.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	R-R	R-R
Use(s)	Residential	Residential
Acreage	11.9	11.9
Lots	0	14
Parcels	1	0
Dwelling Units:		
Detached	0	14

4. **Environmental**—This property is subject to the provisions of the Prince George's County 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 existing woodland on-site. The revised Type I Tree Conservation Plan, TCPI/44/02, was reviewed and found to generally address the requirements of the Prince George's County Woodland Conservation and Tree Preservation Ordinance. TCPI/44/02 has a 4.06-acre woodland conservation requirement that is proposed to be satisfied with 3.69 acres of on-site preservation and 0.37 acres of off-site mitigation. The Environmental Planning Section recommends approval of TCPI/44/02 subject to conditions.

There are several errors concerning the TCP that need to be corrected prior to signature approval of the preliminary plan of subdivision. The woodland conservation worksheet indicates that 12.36 acres of woodlands exist on the site; however, the gross tract area is listed as 11.90 acres. The TCPI should reflect the correct amount of existing woodlands. The TCPI must be signed and dated by a qualified professional. Lot 2 should be revised to demonstrate that all of the area on the east side of the house has been cleared for construction access. The revision box has not been filled in to indicate changes to previous submissions of the plan. Completing the revision box

enables staff to follow the appropriate sequence of revisions. Also, the TCPI does not show all of the environmental features in the legend or a symbol for the limit of disturbance. Showing these features in the legend makes the plans easier to read and reduces the review time. The plan also does not contain the correct notes for a Type I tree conservation plan.

This site contains significant natural features that are required to be protected under Section 24-130 of the Subdivision Regulations. A revised wetlands study was received September 13, 2002. This study does not confirm or refute the presence of wetlands. The Environmental Planning Section, in the initial memo on this case, requested that the map identifying the location of the wetlands be submitted. A copy of the jurisdictional determination (JD) request was submitted. This document states on page 2 of 3 that “No wetlands were found at the 15-acre project site.” This statement was not included in the wetland study. A revision to the wetlands study will not be required at this time; however, a copy of the signed JD, including the letter and plan, should be submitted.

The 100-year floodplain shown on the preliminary plan is listed as the “preliminary 100-year floodplain.” The 100-year floodplain must be based on a DER-approved floodplain study. A 25-foot floodplain buffer is shown on the preliminary plan. The Subdivision Regulations require a 25-foot residential building setback from the floodplain as a building restriction line. The buffer listed on the preliminary plan will serve as the 25-foot residential building setback. This property is within the Patuxent River watershed and is subject to the Patuxent River Primary Management Area (PMA) regulations. On this site the PMA includes the 50-foot stream buffer and 100-year floodplain. No impacts are proposed to the PMA; however, the PMA is not shown correctly and the plans should be revised.

This site is adjacent to MD 193, a significant noise generator. A noise study containing Phase II analyses and dated November 8, 2002, was submitted. The preliminary plan has been revised to show the 65 dBA noise contour. The noise study estimates that in the year 2025 the 65 dBA will extend 447 feet from the centerline of MD 193 and it recommends orienting the houses so they face MD 193 to reduce noise levels in outdoor recreation areas. The study recommends a building design that includes the use of sound transmission class windows and walls to mitigate indoor noise levels. The preliminary plan has been revised to provide for the orientation of the dwellings to face MD 193. Staff would recommend that the dwellings be constructed as they are oriented on the preliminary plan to reduce noise levels in the backyards of the dwellings, which most often support the outdoor recreation areas for the residents.

3. **Community Planning**—The property is located within the limits of the *Approved Master Plan for Glenn Dale, Seabrook, Lanham and Vicinity* (1993), in Planning Area 70 in the Annapolis Road Community. The 2002 General Plan locates this property in the Developing Tier. The master plan land use recommendations for the property are for low suburban residential. The proposed subdivision is consistent with the master plan and the General Plan.

The master plan has several guidelines in the living areas chapter that address the need to buffer and screen residential development next to arterial highways. Guideline No. 10 states that buffering in the form of landscaping, open space, berming, attractive fencing, and/or other

creative planning techniques should be utilized to protect residential areas from incompatible uses such as highways. Guideline No. 11 states that building setbacks and/or berms or acoustical fencing should be utilized to deflect noise and to screen visual impacts. Guideline No. 20 states that residential development in close proximity to major highways should provide sufficient buffering along the highways through the use of berms and maintenance of vegetation to reduce exterior noise intrusion to a level of 65 dBA. The applicant has proposed woodland preservation along MD 193 to buffer the proposed dwellings from noise and visual impacts associated with MD 193.

The second design concern pertains to the number of proposed driveways on Prospect Hill Road. There is an opportunity to reduce the number of driveways accessing Prospect Hill Road through the use of a joint-use access apron that allows one curb cut for every two lots. Two driveways would come together at the property line as they enter the public right-of-way, where the DPW&T allows for a single curb cut to serve both driveways.

6. **Parks and Recreation**—In accordance with Section 24-134 of the Subdivision Regulations, the Department of Parks and Recreation recommends payment of a fee-in-lieu to satisfy the requirement of the mandatory dedication of parkland because the land available for dedication from this property is unsuitable due to its size and location.
7. **Trails**—The *Adopted and Approved Glenn Dale-Seabrook-Lanham & Vicinity Master Plan* recommends that Prospect Hill Road be designated as a Class III bikeway with appropriate signage. Because Prospect Hill Road is a county right-of-way, the applicant should provide a financial contribution to the Department of Public Works and Transportation (DPW&T) for the placement of this signage. If road frontage improvements are required by DPW&T, shoulders or wide curb lanes are recommended to safely accommodate bicycle traffic.

The adopted and approved master Plan also designates Glenn Dale Boulevard (MD 193) as a Class III bikeway. However, the existing wide asphalt shoulders currently serve as the bikeway and safely accommodate bicycle traffic. No recommendations are made regarding this roadway.

8. **Transportation**—Due to the size of the subdivision, a traffic study was not required. Staff is relying upon a traffic study dated June 2002 submitted in support of Preliminary Plan 4-02049 (Glendale Forest) for developing findings. The findings and recommendations outlined below are based upon a review of these materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*.

Growth Policy—Service Level Standards

The subject property is located within the developing tier, as defined in the General Plan for Prince George's County. As such, the subject property is evaluated according to the following standards:

Links and signalized intersections: Level-of-service (LOS) D, with signalized intersections

operating at a critical lane volume (CLV) of 1,450 or better.

Unsignalized intersections: The *Highway Capacity Manual* procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

Staff has determined that the intersection of MD 193 and Prospect Hill Road should be the critical intersection for the subject property. This intersection is the nearest signalized intersection to the site and would serve virtually all of the site-generated traffic. The transportation staff has available counts from the traffic study dated June 2002 in support of Glendale Forest. These counts indicate that the critical intersection operates at LOS D, with a CLV of 1,400 during the AM peak hour. During the PM peak hour, the intersection operates at LOS C with a CLV of 1,170.

The traffic study for Glendale Forest identified several approved but unbuilt developments in the vicinity of the subject site, and Glendale Forest itself has also been added to the background condition since that development is approved. There are no funded capital projects in the area of this intersection. With background growth added, the critical intersection would operate as follows: AM peak hour—LOS F with a CLV of 1,734; PM peak hour—LOS E with a CLV of 1,511.

With the development of 14 residences, the site would generate 11 AM (2 in and 9 out) and 13 PM (9 in and 4 out) peak-hour vehicle trips. The site was analyzed with the following trip distribution: 55 percent—north along MD 193, 6 percent—east along Prospect Hill Road, and 39 percent—south along MD 193. Given this trip generation and distribution, staff has analyzed the impact of the proposal. With the site added, the critical intersection would operate as follows: AM peak hour—LOS F with a CLV of 1,736; PM peak hour—LOS E with a CLV of 1,517.

The analysis identifies severe inadequacies at the critical intersection, and in accordance with staff's review of Glendale Forest, improvements were identified to alleviate the inadequacy. The improvements would include construction of an acceleration lane area along northbound MD 193 in order to provide a free-flow right turn from the westbound Prospect Hill Road approach, along with construction of a second southbound left-turn lane onto eastbound Prospect Hill Road (with the widening of Prospect Hill Road to accept the double left turns). These improvements, while not directly serving the subject property, do improve operations at the MD 193/Prospect Hill Road intersection for all traffic, thereby satisfying the requirement of adequacy at the critical intersection. With the recommended improvements in place, the critical intersection would operate as follows: AM peak hour—LOS D with a CLV of 1,443; PM peak hour—LOS D with a CLV of 1,401.

The plan shows dedication to create a total right-of-way of 80 feet along Prospect Hill Road. Staff would note that this roadway is not a collector facility in the master plan. However, the

facility is a county maintained roadway and DPW&T classifies Prospect Hill Road as a collector facility. DPW&T has reviewed the proposed preliminary plan and will accept dedication of 40 feet from the centerline of the street at the time of record plat.

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 Subdivision Regulations.

9. **Schools**— The Historic Preservation 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 *Adequate Public Facilities Regulations for Schools* (CR-23-2001 and CR-38-2002) and concluded the following.

Finding

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 2	Middle School Cluster 2	High School Cluster 2
Dwelling Units	14 sfd	14 sfd	14 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	3.36	0.84	1.68
Actual Enrollment	6182	4896	9660
Completion Enrollment	234	197	393
Wait Enrollment	96	225	451
Cumulative Enrollment	0	2.70	5.40
Total Enrollment	6515.36	5321.54	10511.08
State Rated Capacity	6616	4638	8770
Percent Capacity	98.48%	114.74%	119.85%
Funded School	N/a	N/a	Frederick Douglass addn.

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

The affected elementary, middle, and high school cluster capacities are greater than 105 percent. There are no funded schools in the affected elementary and middle school clusters. Frederick Douglass addition is the funded school in the affected high school cluster. Therefore, this subdivision can be approved with a six-year waiting period.

Based on this information, staff finds that the subdivision may be approved subject to conditions, in accordance with Section 24-122.02.

10. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of school 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 travel time of 1.33 minutes, which is within the 5.25- minute travel time guideline.
- b. The existing ambulance service at Glenn Dale Fire Station, Company 18, located at 11900 Glenn Dale Boulevard has a service travel time of 1.33 minutes, which is within the 6.25- minute travel time guideline.

- c. The existing paramedic service at Glenn Dale Fire Station, Company 18, located at 11900 Glenn Dale Boulevard has a service travel time of 1.33 minutes, which is within the 7.25-minute travel time guideline.

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*.

The proposed subdivision will be within the adequate coverage area of the nearest existing fire/rescue facilities for fire engine, ambulance and paramedic services.

11. **Police Facilities**—The proposed development is within the service area for District II-Bowie. In accordance with Section 24-122.01(c) of the Subdivision Regulations, this police facility will adequately serve the population generated by the proposed subdivision.
12. **Health Department**—The Health Department has evaluated the proposed preliminary plan and had no comments to offer.
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, # 29334-2002-00, 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.

On January 29, 2003, the applicant received the necessary stormwater management plan (SWM) approval from DER, one day prior to the January 30, 2003, Planning Board hearing. The one-week continuance granted by the Planning Board at that hearing allowed staff to evaluate the conceptual stormwater management approval and the impact on the proposed subdivision. While staff continues to have concerns regarding the method of stormwater management as it relates to soils limitations, DER has approved the concept plan and will work out the technical details of this approval prior to the issuance of any grading permits.

However, if the applicant is not able to obtain technical approval based on Stormwater Management Concept Plan, # 29334-2002-00 and the new plan approval requires a new lotting pattern, a new preliminary plan of subdivision may be required. Staff does not support placing a stormwater management pond on individual lots and would recommend that a homeowners association (HOA) be created and the lotting pattern revised to provide for the facility on a parcel to be conveyed to an HOA.

14. **Flag Lot**—The proposal includes six flag lots, proposed Lots 2, 4, 6, 8, 10, and 14. Flag lots are permitted pursuant to Section 24-138.01 of the Subdivision Regulations. All of the proposed flag lots satisfy the design standards found in Section 24-138.01(d) as follows:
 - a. **A maximum of two tiers are permitted.** The applicant is proposing only one tier of flag

- lots.
- b. **The flag stem has a minimum width of 25 feet for the entire length of the stem.** The applicant is proposing 25-foot-wide flag stems on all of the lots.
 - c. **The net lot area, exclusive of the stem, must meet the minimum lot size standard.** The proposed net lot areas of these flag lots range in size from 21,000 square feet to 58,200 square feet, which exceeds the minimum 20,000 square feet of net lot area for conventional development in the R-R Zone.

Section 24-138.01(d)(6) of the Subdivision Regulations required that the preliminary plan demonstrate compliance to the *Landscape Manual* where a rear yard is oriented toward a driveway that accessed other lots or toward a front or side yard of another lot. The applicant has provided a proposed landscape plan to demonstrate conformance, however, the preliminary plan should be revised to reflect the required bufferyards in accordance with the *Landscape Manual*.

Section 24-138.01(f) establishes specific findings for the approval of the use of flag lots. The Planning Board must find the following:

- (A) **The design is clearly superior to what would have been achieved under conventional subdivision techniques;**

Flag lots allowed the applicant to avoid street dedication and construction on this site, avoiding possible impacts to the environmentally sensitive areas on site and helping to preserve the existing trees.

- (B) **The transportation system will function safely and efficiently; and**

By requiring the use of a shared access easement, the number of access point onto Prospect Hill Road has been reduced from 14 to 9 additional points of access.

- (C) **The use of flag lots will result in the creative design of a development that blends harmoniously with the site and with adjacent development; and**

The flag lot design proposes to utilize existing tree stands onsite to provide effective buffers between the dwellings. The majority of the surrounding properties are wooded with older large-caliper trees near the dwellings. Flag lots will allow the applicant to fold the proposed dwellings into the landscape of this site.

- (D) **The privacy of adjoining property owners has been assured in accordance with the evaluation criteria established above.**

Staff recommends that the plan be revised to reflect conformance with Section 24-138.01 of the Subdivision Regulations, which establishes buffering for dwelling unit orientation on flag lots.

- 15. **Water and Sewer Service** - The Department of Environmental Resources has provided evidence

that the subject property is within public water and sewer service 4. The applicant is proposing to provide public water and sewer service with the ability to connect to those services based on a current category of 4.

16. **Merkle Press Drive** - A private driveway, known as Merkle Press Drive, is located on the property in the western portion of the site. Merkle Press Drive at one time provided access from Glenn Dale Boulevard to Prospect Hill Road and may have served various other properties prior to the construction of MD 193 on its current alignment. However, Merkle Press Drive was never dedicated to public use. The driveway is not the subject of a deed or record plat dedication to the Department of Public Works and Transportation or the SHA and does not provide access to another property. Merkel Press Drive is a private driveway as defined by Section 27-107.01(70) of the Zoning Ordinance serving Parcel 114. Merkle Press Drive is located on proposed Lot 14 and will be utilized as a driveway to serve that lot.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the adoption of this Resolution.

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This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Eley, seconded by Commissioner Lowe, with Commissioners Eley, Lowe, Scott and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, February 6, 2003, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 13th day of February 2003.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:WC:rmk