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Preliminary Plan 4-03142

Application	General Data
Project Name: KAGLE PROPERTY Location: Southern side of Greenbelt Road, 40 feet east of Baywood Drive. Applicant/Address: Greenbelt Builders, Inc. 6711 Springshire Way Greenbelt, MD. 20770	Date Accepted: 12/31/03
	Planning Board Action Limit: 05/23/04
	Plan Acreage: 1.74
	Zone: R-80
	Lots: 4
	Election District: 14
	Planning Area: 70
	Tier: Developing
	Council District: 04
	Municipality: N/A
200-Scale Base Map: 210NE08	

Purpose of Application	Notice Dates		
RESIDENTIAL SUBDIVISION	Adjoining Property Owners Previous Parties of Record Registered Associations: (CB-58-2003)	N/A (filed prior to 01/1/04)	
	Sign(s) Posted on Site:	05/05/04	
Staff Recommendation	Staff Reviewer: Del Balzo		
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Preliminary Plan of Subdivision 4-03142
Kagle Property, Lots 1-4

OVERVIEW

The subject property consists of approximately 1.74 acres of land in the R-80 Zone. It is improved with two single-family detached dwellings. The applicant proposes to subdivide the two parcels into four lots. The existing dwellings will remain and two new dwellings will be constructed on the vacant lots.

Access is provided from Greenbelt Road, a designated arterial highway. The Subdivision Regulations do not allow direct vehicular access to arterial highways. The applicant has filed a variation request to allow the additional access. The two additional lots will have driveways that abut the existing driveways.

SETTING

The property is located on the south side of MD 193 (Greenbelt Road), approximately 40 feet east of Baywood Drive. To the east is a single-family residence in the R-R Zone. To the south and west are single-family residences in the Greentree subdivision in the R-R Zone. To the north, across Greenbelt Road, is the NASA Goddard Space Flight Center.

FINDINGS AND REASONS FOR STAFF RECOMMENDATION

1. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	R-80	R-80
Uses	2 single-family homes	4 single-family homes
Acreage	1.74	1.74
Lots	0	4
Parcels	2	0
Detached Dwelling Units	2	4 (existing 2 plus 2 additional)

2. **Environmental**—Based on available information, the site has several large trees but no streams, 100-year floodplain, or wetlands. According to the soils survey for Prince George's County, soils present at the site include: Christiana silt loam (CeB2) and Keyport (KpB2). Christiana soil is moderately erodible and Keyport soil is characteristic of severe slopes that are highly erodible. According to available information, Marlboro clay is not present at the site. There are no scenic or historic roads in the vicinity of the site. The site has approximately 260 feet of frontage along

MD 193, an existing six-lane major arterial road. Noise impacts from MD 193 are anticipated. Based on available information from the Maryland Department of Natural Resources (MDNR) Wildlife and Heritage Program publication entitled “Ecologically Significant Areas in Anne Arundel and Prince George’s Counties,” December 1997, there are no rare, threatened, or endangered species in vicinity of the subject property. The site is in the Bald Hill Branch watershed of the Patuxent River basin and the Developing Tier of the 2002 approved General Plan.

Woodland Conservation

A simplified forest stand delineation (FSD) map has been submitted. The FSD identifies four specimen trees and a row of pine trees along the west property line. These areas of trees do not meet the definition of a forest. As a result, the finding has been made that there are no existing woodlands found on the property and, therefore, the site is exempt from the Prince George’s County Woodland Conservation Ordinance.

Despite being exempt from the Woodland Conservation Ordinance, a Type I Tree Conservation Plan (TCPI) was combined with the preliminary plan initial plan submittal. The revised plan submittal again combines the two plans. Based on the above findings, a TCPI is not required for this site and the preliminary plan should be revised to remove all reference to the TCPI-related information. This includes the existing tree line (which is incorrect), soil boundaries and soil table, the TCPI notes, and the Environmental Planning Section’s TCP signature approval block.

Noise

Noise-related impacts from MD 193 are anticipated. MD 193 is a six-lane major arterial road with a posted speed limit of 45 miles per hour in the vicinity of this site. Based on the Environmental Planning Section’s noise model, the 65 dBA Ldn noise contour occurs 228 feet from the centerline of MD 193. The revised preliminary plan shows the 65 dBA Ldn noise contour in relation to the edge of the MD 193 right-of-way.

The layout of the proposed new homes results in the creation of a shielding effect for the outdoor activity areas in the rear yards. No additional noise mitigation measures are needed for exterior noise levels in outdoor activity areas.

Interior noise levels will need to be mitigated through the use of specific building methods and materials. The condition provided below will address the requirement that the interior noise levels be at 45 dBA Ldn or less to meet the state noise standards. Certification by a professional engineer with competency in acoustical analysis should 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.

Water and Sewer Categories

The property is in water category W-3 and sewer category S-3; it will be served by public systems.

3. **Community Planning**—The property is located in a Corridor in the Developing Tier, as defined by the 2002 General Plan. The vision for Corridors is mixed residential and nonresidential use at moderate to high densities and intensities, with a strong emphasis on transit-oriented development. This development should occur at local centers and other appropriate nodes within

one-quarter mile of major intersections or transit stops along the corridor. The application is not inconsistent with the 2002 General Plan Development Pattern policies for the Developing Tier.

The property is in Planning Area 70/Lanham-Severn Road Community. The *Approved Master Plan and Sectional Map Amendment for Glenn Dale–Seabrook–Lanham and Vicinity (Planning Area 70)* (1993) recommends Suburban Residential land use. The eastern portion of the property is shown on the natural features and environmental facilities map as woodland. The subject property was retained in the R-80 Zone through the Glenn Dale SMA in 1993. The application is in conformance with the land use recommendation of the master plan.

A master plan guideline in the Living Areas Chapter states that appropriate setbacks and landscaping should be utilized to reduce the visual impact for residents of new development adjoining an arterial highway. Because proposed homes on the property will be set back a minimum of 110 feet from Greenbelt Road, no adverse impacts to the visual quality of Greenbelt Road are expected.

4. **Parks and Recreation**—In accordance with Section 24-134 of the Subdivision Regulations, the Park Planning and Development Division recommends that the applicant pay a fee-in-lieu of the mandatory dedication of parkland because the land available for dedication is unsuitable due to its size and location. Lots 2 and 4, with existing homes, are exempt.
5. **Trails**— The adopted and approved Glenn Dale-Seabrook-Lanham and Vicinity master plan designates MD 193 as a 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 an 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.
6. **Transportation**—The applicant has not prepared a traffic impact study nor was one required by the transportation staff given the limited amount of development being proposed. 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 Analysis of Traffic Impacts

The site encompasses two existing parcels, both of which are developed with single-family residences that are proposed to 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.

Staff has no recent counts at the critical intersection. However, there is a project in the federal capital improvement program to relocate Soil Conservation Road, and final design for the relocation away from the critical intersection is nearing completion. That change 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. Staff 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, in accordance with Section 24-113(a) of the Subdivision Regulations, to Section 24-121(a)(3) of the Subdivision Regulations that limits individual lot access onto arterial facilities.

Section 24-113(a) of the Subdivision Regulations sets forth the required findings for approval of variation requests. Section 24-113(a) reads:

Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon evidence presented to it in each specific case that:

- (1) The granting of the variation will not be detrimental to the public safety, health, or injurious to other property.**

Comment: 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 safety standpoint, is no worse than the situation that exists.

- (2) **The Conditions on which the variation is based are unique to the property for which the variation is sought and are not applicable generally to other properties.**

Comment: 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) **The variation does not constitute a violation of any other applicable law, ordinance, or regulation.**

Comment: 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.

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

Comment: The entire property only has access onto MD 193. There are no other apparent locations for the subject property to obtain access. To deny access would be to deny reasonable use of the property.

For these reasons, staff supports the variation from 24-121(a)(3). It must be noted that approval of such a variation by the Planning Board only constitutes conceptual agreement that circumstances exist that necessitate direct access onto an arterial facility by a driveway. The responsible agency that owns and maintains the roadway, the State Highway Administration (SHA) in this case, must still review and approve any driveway access point, and that agency has the right to impose conditions upon its construction if approved.

Based on these findings, adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code if the application is approved.

7. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision 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	2 sfd	2 sfd	2 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	0.48	0.12	0.24
Actual Enrollment	5623	5131	10098
Completion Enrollment	327.84	217.62	398.97
Cumulative Enrollment	0	0	0
Total Enrollment	5951.32	5348.74	10497.21
State-Rated Capacity	5892	4688	8770
Percent Capacity	101.01	114.09	119.69

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

These figures are correct on the day the referral memo was written. They are subject to change under the provisions of CB-30-2003 and CR-23-2003. Other projects that are approved prior to the public hearing on this project will cause changes to these figures. The numbers shown in the resolution will be the ones that apply to this project.

County Council bill CB-31-2003 establishes a school facilities surcharge in the amount 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. 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 and CB-31-2003 and CR-23-2003.

8. **Fire and Rescue**—The Historic Preservation 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 West Lanham Hills Fire Station, Company 48, located at 8501 Goodluck Road has a service travel time of 2.84 minutes, which is within the 5.25-minute travel time guideline.
 - b. The existing ambulance service at West Lanham Hills Fire Station, Company 48, located at 8501 Goodluck Road has a service travel time of 2.84 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 4.68 minutes, which is within the 7.25-minute travel time guideline.

The proposed subdivision will be within the adequate coverage area of the nearest existing fire/rescue facilities for fire engine, ambulance and paramedic service. The above findings are in conformance with the standards and guidelines contained in the *Approved Public Safety Master Plan* (1990) and the “Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities.”

9. **Police Facilities**—The proposed development is within the service area for Police District II-Bowie. The Planning Board’s current test for police adequacy is based on a standard for square footage in police stations relative to the number of sworn duty staff assigned. The standard is 115 square feet per officer. As of January 2, 2004, the county had 823 sworn staff and a total of 101,303 square feet of station space. Based on available space, there is the capacity for additional 57 sworn personnel. This police facility will adequately serve the population generated by the proposed subdivision.
10. **Health Department**—The Health Department notes that an abandoned shallow well was found on the property. The well must be backfilled and sealed prior to the approval of the final plat. In addition, a significant amount of domestic trash and other debris was found on the property including a water heater, stoves, and a washer and dryer. The trash should be removed and properly discarded and or stored.
11. **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, was approved on January 6, 2004, 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.
12. **Cemeteries**— There are no known cemeteries on or adjoining the subject property. However, the applicant should be aware that if burials are found during any phase of the development process, development activity must cease in accordance with state law.
13. **Public Utility Easement**—The 10-foot required public utility easement is correctly indicated along the property’s frontage with Greenbelt Road and shall be reflected on the final plat of subdivision.

RECOMMENDATION

APPROVAL, subject to the following conditions:

1. Prior to signature approval of the preliminary plan, it shall be revised to remove all references to a tree conservation plan and all information related strictly to a TCP shall be removed.
2. Prior to the approval of building permits, 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.
3. Development shall be in conformance with the approved Stormwater Management Concept Plan #42202-2003-00.

4. 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 only.
5. The existing abandoned well shall be backfilled and/or sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative of the Health Department prior to final plat approval.
6. At the time of final plat approval, the applicant shall dedicate a right-of-way along MD 193 (Greenbelt Road) of 60 feet from the centerline of the existing right-of-way.
7. The construction of a standard sidewalk along the subject property's entire road frontage of MD 193 is required, per the concurrence of SHA. This sidewalk shall connect to the existing sidewalk along Baywood Drive.

STAFF RECOMMENDS APPROVAL OF A VARIATION TO SECTION 24-121 OF THE SUBDIVISION REGULATIONS.