

R E S O L U T I O N

WHEREAS, Deborah J. Stipick is the owner of a 12.51-acre parcel of land known as Parcel 21, Tax Map 128, Grid E-3, said property being in the 4th Election District of Prince George's County, Maryland, and being zoned O-S; and

WHEREAS, on October 25, 2000, Deborah J. Slipeck filed an application for approval of a Preliminary Subdivision Plat (Staff Exhibit #1) for 2 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plat, also known as Preliminary Plat 4-00060, J.R.T. Trails, 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 4, 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 January 4, 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 the Type I Tree Conservation Plan (TCPI/40/00), and APPROVED Variance Application No. VP-00060A and further APPROVED Preliminary Plat of Subdivision , 4-00060, J.R.T. Trails for Lots 1 and 2 with the following conditions:

1. Prior to signature approval the preliminary plat shall be revised as follows:
  - a. To provide the stormwater concept plan approval number.
  - b. To clearly label all existing fencing and provide the heights.
  - c. To provide the disposition of all accessory structures.
2. Prior to signature approval of the TCPI, the plan shall be revised as follows:
  - a. The Woodland Conservation Worksheet shall be revised to include the proposed road dedication.
  - b. To show reforestation of the Patuxent River Primary Management Preservation Area in the southeast portion of the property between the edge of the existing

woods and the line denoting the 50-foot buffer.

- c. Show and label tree protection fencing around the 45-inch diameter Spanish Oak (*Quercus falcata*) shown to be preserved on Lot 1.
  - d. The area of the Patuxent River Primary Management Preservation Area shall be amended to include a buffer around the head of the stream in the south-central portion of the property
3. Development of this site shall be in conformance with the approved stormwater concept plan, Concept #8326016-2000-00
4. Prior to Final Plat the conservation areas shall be placed into a conservation easement. The Conservation Easement areas shall be described by bearings and distances and be reviewed by the Environmental Planning Section prior to approval.
5. The master plan trail easement shall be shown on the final plat. The location shall be approved by the trails coordinator with input from the applicant.
6. Prior to building permit, the applicant, the applicant's heirs, successors, and/or assigns shall provide the installation of one AShare the Road with a Bike@ sign in accordance with state requirements along Croom Road.
7. The following note shall be placed on the final plat:

A 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 the designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.@
8. Development of this subdivision shall be in compliance with an approved Type I Tree Conservation Plan (TCPI/40/00). The following note shall be placed on the Final Plat of Subdivision:

A Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/40/00), 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 the issuance of permits, a Type II Tree Conservation Plan shall be approved.
10. Prior to signature approval of the preliminary plat the applicant will obtain approval from the Health Department of the realigned sewage disposal areas and percolation tests.

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 east side of Croom Road, south of its intersection with Saint Thomas Church Road.
3. Environmental - This site is subject to the provisions of the Woodland Conservation Ordinance because the site is more than 40,000 square feet in size and contains more than 10,000 square feet of woodland. A Tree Conservation Plan was submitted by the applicant. Tree Conservation Plan TCP I/40/00 has been reviewed and staff recommends approval.

The plan proposes clearing .61 acre of woodland on the site and meeting the minimum requirement of 4.52 acres of woodland conservation in the form of 3.30 acres of on-site preservation and 1.22 acres of reforestation. All priority woodlands on the site are shown to be preserved.

The plan adequately indicates the location of floodplain, wetlands and streams. The plan proposes no impact to streams, stream buffers, wetlands or wetland buffers. The Patuxent River Primary Management Preservation Area is being preserved in a natural state to the fullest extent possible.

The site contains significant natural features, which are required to be protected under Section 24-130 of the Subdivision Regulations. A Conservation Easement should be described by bearings and distances on the final plat. The conservation easement should contain all 100-year floodplain and stream buffers and be reviewed by the Environmental Planning Section.

The soils, as shown on the preliminary plan, pose no special problems for development. There are no significant noise impacts from either highways or airports associated with this property. Croom Road is a designated Historic Road. The proposed house location on Lot 2 and driveway are not significant impacts to the character of the road.

The property is in Water and Sewer Category 6 and will be served by private systems.

4. Variance Application VP-00060A - A 25-foot variance is necessary from the front building setback and an 85-foot variance from the minimum lot width at the front building line for proposed Lot 1 is necessary for the approval of the proposed subdivision.

Section 27-442(e), Table IV, of the Prince George's County Zoning Ordinance requires a

50-foot front building setback from the street for a lot in the O-S Zone. The existing dwelling unit which fronts on Croom Road, which is to remain, has an existing 54-foot front building setback. Due to the additional right-of-way dedication requested by the Department of Public Works and Transportation through this subdivision process, the existing 54-foot front building setback will be reduced to 25 feet from the street if this application is approved.

Section 27-442(d), Table III, of the Prince George's County Zoning Ordinance requires a 300-foot lot width at the front building line for a lot in the O-S Zone. The existing dwelling unit which is to remain is located where the lot width at the front building line is 215 feet. This is an existing situation not caused by the action of this subdivision process. The dwelling was constructed prior to 1977 when the property was zoned R-R. When the property was zoned R-R, the lot width at the front building line was 100 feet. The dwelling is nonconforming in relation to the lot width at the front building line. However, the applicant has requested a variance and submitted justification addressing the required findings for the approval of a variance.

Section 27-230(a) sets forth the required findings for variance approval.

**A. A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic condition, or other extraordinary situation of condition;**

In review of this site, staff has found that the existing site has an exceptional shape not shared by the surrounding properties.

The property is fork-shaped along the west property line, with intermittent prongs of frontage on Croom Road. In this area the property width is in excess of 600 feet. The east property line is considerably reduced in width to 162 feet at the property line.

**B. The strict application of this the Zoning Ordinance will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property; and**

In order for the existing structure to meet the minimum 50-foot setback and the 300-foot lot width it would have to be relocated, a portion of it removed, or razed. Staff believes that requiring the applicant to alter, relocate or raze the existing dwelling to conform to zoning regulations not required when the dwelling was constructed would constitute an unusual practical difficulty upon the owner.

**C. The variance will not substantially impair the intent, purpose, or integrity of the General Plan or Master Plan.**

Staff has reviewed the subject application and associated variance for compliance with the current master plan and *General Plan* and has found the application in conformance with the recommendations for land use. Approval of the variance(s) would not alter the low density rural residential character of the subject property or the surrounding properties. Staff believes this application will not impair the intent, purpose, or integrity of the *General Plan* or master plan as proposed.

5. Community Planning - The 1994 *Subregion VI Study Area SMA* retained this property in the O-S Zone. The land use recommendation is for a low-density, rural-residential use.

There are no master plan issues associated with this application.

6. Parks and Recreation - In accordance with Section 24-134(a) of the Subdivision Regulations, the subdivision is exempt from mandatory dedication of parkland because the proposed lots are over one acre in size.
7. Trails - The *Adopted and Approved Subregion VI Master Plan* recommends that Croom Road (MD 382) be designated as a Class III bikeway with appropriate signage. Because Croom Road is a state right-of-way, the applicant should provide the installation of one "Share the Road with a Bike" sign in accordance with state requirements. However, prior to the Planning Board conditioning the placement of the signs, SHA should have the opportunity to review the proposed locations to ensure they are acceptable. The developer would purchase the signs from the state and install them in accordance with the state's *Manual on Uniform Traffic Control Devices* dealing with the section on bicycle facilities.

The Subregion VI master plan recommends an equestrian easement on the subject property. However, staff recognizes that the approximate location shown on the master plan, running north to south across the site, could negatively impact the subject property due to the proximity of the trail to the proposed house on Lot 2. Currently there are no approved master plan trail easements on either side of the subject site. Therefore, there is some flexibility regarding the location of the easement depending upon environmental factors, intended land uses on the subject site, and the preferences of the applicant. The 15-foot-wide easement should be shown on the final plat with the location approved by the trails coordinator.

8. Transportation - The proposed development would generate 2 AM and 2 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 Croom Road and St. Thomas Church Road. That intersection is not programmed for improvement with 100 percent construction funding within the next 6 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 (CLV - 1,450) as the lowest acceptable operating condition for signalized intersections. For unsignalized intersections, however, a delay of 50 seconds is considered the lowest acceptable operating condition. The intersection, when analyzed with total future traffic as developed using the *Guidelines*, was found to be operating with an average delay of less than 50 seconds.

The Countywide Planning Division concludes that adequate access roads will exist as required by Section 24-124 of the Subdivision Regulations.

9. Schools - Growth Policy and Public Facilities Planning has reviewed the subdivision plan for adequacy of public 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 2000) (CR-4-1998) and concluded that the subdivision is exempt from an APF test for schools because it is a subdivision of less than 36 dwelling units which will not be served by public water and sewer, zoned O-S, and the property owner has not owned adjacent land as of May 31, 1997.
10. Fire and Rescue - Growth Policy and Public Facilities Planning has reviewed the subdivision plans for adequacy of public facilities and concluded the following.
  - a. The existing fire engine service at Marlboro Fire Station, Company 45, located at 7710 Croom Road, has a service response time of 5.97 minutes, which is beyond the 5.25-minute response time guideline.
  - b. The existing ambulance service at Marlboro Fire Station, Company 45, located at 7710 Croom Road, has a service response time of 5.97 minutes, which is within the 6.25-minute response time guideline.
  - c. The existing paramedic service at Brandywine Fire Station, Company 40, located at 14201 Brandywine Road, has a service response time of 12.69 minutes, which is beyond the 7.25-minute response time guideline.
  - d. The existing paramedic service located at Brandywine, Company 40, is beyond the recommended response time guideline. The nearest fire station Marlboro, Company 45, is located at 7710 Croom Road, which is 5.97 minutes from the development. This facility would be within the recommended response time for paramedic service.

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*. In order to alleviate the negative impact on fire and rescue services, the Fire Department recommends that all new residential structures be fully

sprinklered in accordance with National Fire Protection Association Standard 13D and all applicable Prince George's County laws.

11. Police Facilities - The proposed development is within the service area for District V-Clinton. In accordance with Section 24-122.1(c)(1)(A) and (B) of the Subdivision Regulations of Prince George's County, the staff concludes that the existing county's police facilities will be adequate to serve the proposed J.R.T. Trails development. This police facility will adequately serve the population generated by the proposed subdivision.
12. Health Department - The proposed subdivision is projected to be developed on individual sewage disposal systems and individual water supply systems. Proposed Lot 1 and 2 have passed percolation tests and have established suitable areas for in-site disposal systems. However, the preliminary plat was revised to relocate the sewage disposal area for Lot 1 to avoid adverse impacts to a specimen tree. Therefore, prior to signature approval of the preliminary plat the realignment of the sewage disposal area along with revised the percolation tests, if necessary, must be approved by the Health Department
13. Stormwater Management - The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is not required. A stormwater Management Concept Plan, #8326016-2000-00, has been reviewed and approved. It has been determined that the existing conditions with the proposed development will not significantly alter or impact the existing surface drainage course on site. Development of this site will not result in on-site or downstream flooding.

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 Lowe, seconded by Commissioner Eley, with Commissioners Lowe, Eley, Brown and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, January 4, 2001, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 25th day of January 2001.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

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