

R E S O L U T I O N

WHEREAS, Barry J. and Mary M. Wood is the owner of a 25 acre parcel of land known as Parcel 70, Tax Map127, Grid F-1 said property being in the 15th Election District of Prince George's County, Maryland, and being zoned R-R; and

WHEREAS, on November 6, 2000, Wallace Lane Associates filed an application for approval of a Preliminary Subdivision Plat (Staff Exhibit #1) for 15 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plat, also known as Preliminary Plat 4-00062, Putter=s Choice 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 March 1, 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 March 1, 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/43/00), and further APPROVED Preliminary Plat of Subdivision 4-00062, Putter=s Choice for Lots 1-15 with the following conditions:

1. Development of this subdivision shall be in compliance with the approved Type I Tree Conservation Plan (TCPI/43/00). The following note shall be placed on the Final Plat of Subdivision:

ADevelopment is subject to restriction shown on the approved Type I Tree Conservation Plan (TCPI/43/00), 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 and Subtitle 25.@

2. Development of this subdivision shall be in accordance with the approved Stormwater Management Concept Plan # 8326290-2000-00.
3. Prior to signature approval the preliminary plat shall be revised:

- a. To show the correct net lot area of Lot 8, exclusive of the flag stem.
 - b. To delineate the building envelope for Lot 8 as reflected in the flag lot justification statement submitted by the applicant.
 - c. To locate the 65 dBA Ldn contour.
 - d. To deny access to Wallace Lane for Lot 1 and Lot 11.
4. The following notes shall be placed on the final plat:
 - a. AAny well located down gradient to on-site sewage disposal systems or other means of pollution must be grouted to the second confining layer.@
 - b. AIf dwellings are proposed on Lots 6, 7, and 8, within the 65 dBA Ldn of the Pennsylvania Railroad, the building materials to be used shall be specified on the building permit plans to ensure the reduction of interior noise levels below 45dBA Ldn. Conformance to this condition shall be determined by the Environmental Planning Section, M-NCPPC.@
5. Prior to the issuance of building permits, a Type II Tree Conservation Plan shall be approved.
6. Prior to approval of the final plat the applicant, his assessors and/or assigns shall pay a fee-in-lieu of park dedication for Lot 1 and 2.

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 Wallace Lane, east of US 301.
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 is required to satisfy the requirements of the Woodland Conservation Ordinance. A Forest Stand Delineation (FSD) dated October 2000, prepared by Kevin M. McCarthy, has been reviewed and found to contained all the information needed for analysis of the

Tree Conservation Plan, TCP I/43/00. The plan proposes to meet the woodland conservation requirements by providing nine acres of on-site preservation.

There are noise impacts associated with this property. According to the noise study prepared for the Marlton South development, located north and east from the subject property, noise generated by railroad traffic to the east of the site exceeds the State Standard of 65dBA Ldn for the exterior of residential uses within 285 feet of the right-of-way. The preliminary plat should be revised to delineate the 65dBA Ldn line from the right-of-way of the railroad track. Dwellings constructed within the 65dBA Ldn line should use building materials to ensure the reduction of interior noise levels below 45dBA Ldn. At this time the preliminary plat does not propose any dwelling within the 65 dBA Lnd line.

There are no designated Historic or Scenic roads associated with this proposal. The site contains no significant natural features which are required to be protected.

4. Community Planning - This site is within the area of the 1993 *Subregion VI Study Area Master Plan* and the 1994 *Subregion VI Study Area SMA*. The land use recommendation for the subject property is Low Suburban Residential, which is consistent with the applicants proposal. Staff has found no master plan issues associated with this plan.
5. Parks and Recreation - In accordance with Section 24-134(a)(3)(B) of the Subdivision Regulations, Lots 3-15 are exempt from the Mandatory Dedication requirement because the proposed lots are greater than one acre in size. In accordance with Section 24-135 of the Subdivision Regulations Lots 1 and 2 are subject to a fee-in-lieu payment, because they are less than one acre in size and the land available for dedication is unsuitable because of its size and location.
6. Trails - There are no master plan trail issues associated with this subdivision.
7. Transportation - The application is a preliminary plat of subdivision for a residential development of 15 lots. The proposed development would generate 11 AM and 14 PM peak hour vehicle trip(s) as determined using the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*.

The traffic generated by the proposed preliminary plan would impact the intersection of US 301 and Rosaryville Road. There are no improvements which are programmed with 100% 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* in the immediate area.

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. The staff has two-year old counts at hand which have been factored upward, and the intersection of US 301

and Rosaryville Road operates at a critical lane volume (CLV) of 1,117 and LOS B in the

AM peak hour, and a CLV of 1,131 and LOS B in the PM peak hour.

The transportation staff located several nearby approved developments directly affecting the critical intersection. The transportation staff assumed that traffic from the site would be distributed 20 percent westbound along Rosaryville Road, 50 percent northbound along US 301, 21 percent southbound along US 301, and 9 percent south and east along local roadways. Based on these assumptions, total traffic was found to be operating at LOS C, with a CLV of 1,262, during the AM peak hour, and at LOS C, with a CLV of 1,270, during the PM peak hour.

Adequate access roads will exist as required by Section 24-124 of the Prince George's County Code.

8. Schools - Growth Policy and Public Facilities Planning has reviewed the subdivision plans 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 July 2000) (CR-4-1998) and concluded that the proposed subdivision is exempt from APF test for schools because it is less than 36 dwelling units and not served by public water and sewer.
9. Fire and Rescue - Growth Policy and Public Facilities Planning has reviewed the subdivision plans for adequacy of fire and rescue facilities in accordance with Section 24-122.01 of the Subdivision Regulation, 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 6.69 minutes, which is beyond the 5.25 minutes for response time guidelines.
 - b. The existing ambulance service at Marlboro Fire Station, Company 45 located at 7710 Croom Road has a service response time of 6.69 minutes, which is beyond the 6.25 minutes for response time guidelines.
 - c. The existing paramedic service at Brandywine Fire Station, Company 40 located at 14201 Brandywine Road has a service response time of 10.89 minutes, which is beyond the 7.25 minutes for response time guidelines.
 - d. 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*.
 - e. 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 6.69 minutes from the development. This facility would be within the recommended response time for paramedic service.

In order to alleviate the impact on fire and rescue services discussed above, the Fire Department recommends that all residential structures be fully sprinkled in accordance with National Fire Protection Association Standard 13D and all applicable Prince George's County Laws.

10. 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, staff concludes that the existing County's police facilities will be adequate to serve the proposed Putter=s Choice development. This police facility will adequately serve the population generated by the proposed subdivision.
11. Health Department - The Health Department had concerns regarding the information originally provided on the preliminary plat. The applicant has submitted a revised preliminary plat addressing the concerns enumerated in the Healths Departments memorandum of November 27, 2000.

The Health Department has no issues with the preliminary plat and the proposal for the subdivision being developed with individual sewage disposal systems and individual water supply systems.

12. 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, # 8326290-2000-00, 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.
13. Flag Lot - The proposal includes one flag lot, proposed Lot 8. Flag lots are permitted pursuant to Section 24-138.01 of the Subdivision Regulations. The proposed flag lot satisfies 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 flag lot.
 - b. **The flag stem has a minimum width of 25 feet for the entire length of the stem.** The applicant is proposing a 25-foot wide flag stem.
 - c. **The net lot area, exclusive of the stem, must meet the minimum lot size standard.** Based on the scale drawing the net lot area of Lot 8 is approximately 108,027 square feet, exceeding the minimum 20,000 square feet of net lot area for conventional development in the R-R Zone. However, the preliminary plat does not distinguish the area of the stem from the net lot area. Prior to the signature approval of the preliminary plat it should be revised to show the correct net lot area for proposed Lot 8.

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 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, March 1, 2001, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 22nd day of March 2001.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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