

R E S O L U T I O N

WHEREAS, Croom Station L.P. is the owner of a 146.02-acre parcel of land known as Parcel 263, Tax Map 101 and Grid C-4 said property being in the 15th Election District of Prince George's County, Maryland, and being zoned R-A; and

WHEREAS, on October 10, 2001, MTR Croom Station LTD filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 28 lots, 3 parcels and 3 outparcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-01079 for Croom Station 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 December 20, 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 December 20, 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/72/97-01) and further APPROVED Preliminary Plan of Subdivision 4-01079, Croom Station, including a variation request from Section 24-130, with the following conditions:

1. Prior to issuance of building or sign permits on Lots 72 and 73, a limited detailed site plan shall be approved at the staff level. The site plan shall ensure that the proposed entrance feature and house types are appropriate and compatible with the scenic and historic nature of Old Crain Highway and with Historic Site 82A-00-37. To this end, the applicant shall provide, at a minimum:
 - a. A cross-section drawing showing topography and sight lines from Historic Site 82A-00-37 to the proposed structures on Lots 72 and 73
 - b. A plan showing the footprint and location of Historic Site 82A-00-37 in relation to the proposed houses on Lots 72 and 73.
 - c. Architectural elevations showing dimensions and roof lines of the proposed houses on Lots 72 and 73.
 - d. A rendering of the proposed entrance feature.

2. Prior to signature approval, the preliminary plan shall be revised so that the public utility easement includes the entire internal private street.
3. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain all 100-year floodplain, stream buffers, wetlands and wetland buffers except for approved variation requests and shall be reviewed by the Environmental Planning Section prior to signature approval. 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 designee. The removal of hazardous trees, limbs, branches, or trunks is permitted. @

4. Prior to the issuance of building permits, the applicant, his heirs, successors and/or assigns shall pay an Adequate Public Facilities fee of \$4,080.00 per dwelling unit for the schools, unless fully offset by a school facility surcharge payment. Any amount not offset shall be paid and divided among the schools at a rate determined by the guidelines. This adequate public facilities fee would be placed in an account to relieve overcrowding at Marlton Elementary, James Madison Middle, and Frederick Douglass High Schools.
5. No residential building permits shall be issued for this subdivision until the projected percentage of capacities at all the affected schools are less than or equal to 130 percent or four years have elapsed since date of the adoption of the resolution of the approval of this preliminary plan of subdivision. If CB-40-2001 becomes effective law, this condition shall become void.
6. A note shall be placed on the final plat that the private internal road is provided pursuant to Section 24-128(b)(11) of the Subdivision Regulations. Fire chief approval of this road and recordation of covenants must be established prior to approval of the final plat.
7. The Final Plat shall contain a note indicating that one of the reserved sewage disposal area for Lot 19 shall utilize a mound disposal system.
8. Prior to Final Plat approval, the applicant shall submit a site plan at a scale of 1"=50' to the Health Department showing the following:
 - a. Any easements, including public utility easements, PMA, or rights-of-way.
 - b. Proposed house locations.
 - c. Proposed street alignments, driveways and associated grading.
 - d. 10,000-square-foot or larger sewage disposal areas.

- e. Proposed well sites.
 - f. Proposed stormwater management devices.
 - g. Accurate topography at a two-foot-contour interval and proposed site grading.
 - h. All percolation tests and water table observation holes.
- 9. Prior to Final Plat approval, a Water Appropriation Permit must be approved by the Maryland Department of the Environment.
 - 10. The Final Plat shall contain a note indicating that any well located down gradient to on-site sewage disposal systems or other means of pollution shall be grouted to the second confining layer, or at the discretion of the Health Department, grouted to the aquifer being used.
 - 11. Sewage disposal areas that are within 15 feet of any proposed grading shall be protected using silt, or some other type of visible, fencing. Verification of this protection shall be submitted prior to the issuance of grading permits. Grading shall not occur within five feet of the sewage disposal area to allow the construction of protective fencing.

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 Old Crain Highway, approximately one-half mile south of its intersection with Croom Station Road.
- 3. Varying Lot Sizes - The applicant is proposing to use varying lot sizes as permitted by the Prince George's County Zoning Ordinance. Unlike the provision for the use of Lot Size Averaging (R-55, R-80, R-R and R-E Zones), the use of varying lot sizes in the R-A and O-S Zones does not require specific findings for approval. Only the minimum standards outlined in the Zoning Ordinance must be met.

Section 27-442(b)(Table I) of the Zoning Ordinance sets the minimum standards for varying lot sizes. In the R-A Zone, the creation of varying lot sizes is permitted as long as the total tract being subdivided is at least 25 acres in size. In this case the total tract area is 146.02 acres. Further, at least 60 percent of the lots created using varying lot sizes must meet or exceed the minimum lot size in the zone: two acres in the R-A Zone. This requirement has been met for the entire subdivision with the submitted preliminary plan. Sixteen of the 28 lots are a minimum of two acres on this subdivision. In total, 48 of the 70 lots (or 68 percent will exceed two acres.) The applicant further proposes to add three

lots when and if they perc. Only one of these outparcels exceeds two acres. If these lots perc, 49 of 73 lots (or 67 percent) will exceed two acres. Therefore, this standard has been met.

The Zoning Ordinance allows one, 1-acre lot for every 25 acres of land in the tract. With 146 acres of land in the R-A tract, a maximum of five, 1-acre lots is permitted. The remaining lots are required to exceed 50,000 square feet. The submitted preliminary plan includes one outparcel between one acre and 50,000 square feet in size, with the remaining 12 lots exceeding 50,000 square feet. This arrangement meets the minimum standards set forth in Section 27-442(b)(Table I) of the Zoning Ordinance for the use of varying lot sizes.

4. Environmental Issues - Floodplain and nontidal wetlands are associated with Horse Tavern Branch and three minor tributaries. Current air photos indicate that most of the site is wooded. The portion of Old Crain Highway adjacent to this project is a designated Historic Road. The US 301 corridor is a significant nearby noise source. The proposed use is not expected to generate significant noise. No rare/threatened/endangered species are known to occur in the project vicinity. According to the Sewer Service and Water Service maps produced by DER, the property is in categories W-6 and S-6. The soils map included in the review package indicates the presence of highly erodible soils associated with steep and severe slopes in the proposed development area.

The site contains significant natural features, which are required to be protected under Section 24-130 of the Subdivision Regulations. The Patuxent River Primary Management Area Preservation Area is defined in Section 24-101(b)(10) of the Subdivision Regulations.

The revised preliminary plan shows the minimum 50-foot stream buffer throughout the site. The 100-year floodplain is clearly delineated. The wetlands delineation had been previously examined in the field and determined to be correct. The 25-foot wetland buffers are correctly shown. All areas having slopes of 25 percent or greater abutting or adjoining the perennial stream, the 100-year floodplain, or streamside wetlands have been shown. All areas having highly erodible soils on slopes of 15 percent or greater abutting or adjoining the perennial stream, the 100-year floodplain, or streamside wetlands have been shown. The Patuxent River Primary Management Area Preservation Area is correctly shown.

Approximately 34.6 acres of the property is within the Patuxent River Primary Management Area Preservation Area. Three small disturbances for road crossings propose to impact approximately 1.62 acres of the Patuxent River Primary Management Area Preservation Area. Overall, the plan proposes the preservation of 95 percent of the Patuxent River Primary Management Area Preservation Area in a natural state. Overall the plan preserves the Patuxent River Primary Management Area Preservation Area in a natural state to the fullest extent possible.

The three variation requests were submitted for impacts to the minimum 25-foot wetland buffer required by Section 24-130(b)(7) of the Subdivision Regulations to allow for the construction of Gold Yarrow Lane. The westernmost of the three crossings was previously granted a variation by the Planning Board during the approval of 4-97103. Section 24-113 of the Subdivision Regulations sets forth the required findings for approval of variation requests. Staff supports the variation requests for disturbance to wetland buffers as shown on the revised preliminary plan because they are deemed to be necessary and finds:

- A. **That the granting of the variation will not be detrimental to the public safety, health or welfare, or injurious to other property.** The proposed location appears to be the location of least impact. A grading study prepared by the applicant for Gold Yarrow Lane shows that because of the topography of the site and the locations of traversing wetlands, other alignments would create equal or greater impacts. Therefore, the granting of the variation will not be detrimental to public health safety and welfare.
- B. **The conditions of which the variation is based are unique to the property for which the variation is sought and are not applicable generally to other properties.** These impacts are unique since the wetlands and Waters of the US are located not only at the perimeter of the site but extend well into the site, bisecting it and sending fingers of wetlands throughout the property. Given the enormous amount of the property affected by the wetlands, much greater disturbances might be expected. Without the minimal disturbance requested, much of the property would not be developable.
- C. **The variation does not constitute a violation of any other applicable law, ordinance, or regulation.** This will not result in a violation of other applicable laws, ordinances or regulations.
- D. **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 the strict letter of these regulations is carried out.** Given the site's severe topography, a hardship would result if these access points were not allowed. A large portion of the property would be rendered undevelopable.

At time of final plat, a conservation easement should be described by bearings and distances. The conservation easement shall contain all 100-year floodplain, stream buffers, wetlands, and wetland buffers except for approved variation requests, and shall be reviewed by the Environmental Planning Section prior to signature approval. An appropriate note should be placed on the final plat.

This site is subject to the provisions of the Woodland Conservation Ordinance because it 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.

The Forest Stand Delineation and Tree Conservation Plan, TCP I/72/97, were reviewed and approved with 4-97103. Individual Type II Tree Conservation Plans have been approved for lots 9-16, 18, 21-30, 32-36, and 38-43, which are not part of the subject application. The previously approved TCP I/72/97 has been updated to include the proposed new clearing and includes all previously approved lots, and lots for which a TCP II has yet to be approved.

The plan provides a table, based upon approved Type II Tree Conservation Plans, indicating the amount of woodland cleared and the amount of woodland retained as part of the required woodland conservation for Lots 9-43. The plan provides a table based upon estimates of woodland clearing for lots 44-73, Parcels A, B and C, and Gold Yarrow Lane, and the plan provides a table for the overall subdivision.

The revised TCP proposes to meet the minimum woodland conservation requirement of 110.88 acres by providing 76.09 acres of on-site preservation and 34.79 acres of off-site conservation. Except for the small disturbances for the road crossings noted previously, all priority woodland on the site is within woodland preservation areas. Staff recommends approval of the revised Tree Conservation Plan, TCP I/72/97-01.

Staff notes that the applicant proposes significant amounts of off-site woodland conservation. It appears that the applicant is progressively developing this property, now leaving a large parcel (78" acres) for possible future development. That parcel is encumbered with woodland conservation under the current Type I TCP. Development of that parcel in the future may prove problematic; revisions to the Type I Tree Conservation Plan may be difficult if Type II Tree Conservation Plans have already been approved. The applicant should be aware that staff may not be able to support much more off-site woodland conservation for a proposed rural development.

The US 301 corridor is a significant nearby noise source. The Tree Conservation Plan indicates a minimum 900-foot buffer between the existing right-of-way of US 301 and the nearest proposed house site. In addition to distance, there is an intervening ridge which acts as a noise barrier. No significant noise impact is anticipated to the proposed lots. No further action is needed.

5. Community Planning - The 1993 *Subregion VI Study Area Master Plan* recommends the property for rural agricultural use for the property. 1994 *Subregion VI Study Area SMA* retained this property in the R-A Zone. The proposed subdivision street, a cul-de-sac, intersects with Old Crain Highway at the northwest side of this property; one proposed lot (#73) has an entrance feature easement fronting on Old Crain Highway. Parcel C, consisting of 78 acres, has frontage on US 301 to the southeast; however, no development is proposed on that parcel. At this location, the plan discusses Old Crain Highway (page 180) as followss

AA-62 - ... North of Marlton, between Osbourne Road and the MD 4/Ritchie Marlboro Road interchange, a four-lane roadway should be constructed. The location and design of this facility, which will be determined through State Highway Administration planning studies, should minimize or if possible, avoid impacts on the Weston and Beacon Hill historic sites adjacent to its alignment and should be designed with parkway-type features such as a variable width median, shoulders, and independently graded roadways. Special landscape features such as the Bald Cypress trees along Old Crain Highway near Weston should be protected.@

The Bald Cypress trees have been much debated over the course of previous applications in this area. The Department of Public Works and Transportation (DPW&T) and the State Highway Administration (SHA) have jurisdiction over the design of the roadways and will take safety into account in determining the ultimate disposition of features within the rights-of-way.

The proposed development should protect the scenic and historic characteristics of Old Crain Highway. An easement is proposed where Lot 73 would front on Old Crain Highway. The purpose of this easement is to provide a sign and entrance feature. To ensure that this entrance feature and proposed house types will be an appropriate treatment compatible with the scenic and historic road, a limited detailed site plan, approved at staff level, should be required prior to the issuance of building permits for Lot 72 and 73.

6. Historic Preservation - Historic Site 82A-00-37 (Beacon Hill) is located across Old Crain Highway (and a short distance to the north) from the proposed subdivision, at an elevation considerably above the developing property. The lots fronting on Old Crain Highway will therefore be visible from the house at Beacon Hill, and therefore should be carefully planned.

Old Crain Highway in the vicinity of this subdivision is part of a significant historic landscape, the AClagett Agricultural Area,@ which has been determined eligible for listing in the National Register of Historic Places. This area reflects the historic landscapes, roadways, architecture and settings of the nineteenth century when most of the land was owned by members of the Clagett family.

Among the Historic Preservation recommendations in the approved (September 1993) Master Plan for the Subregion VI Study Area is the following:

- 10) **Old Crain Highway traverses a landscape that is eligible for the National Register of Historic Places. The area should be preserved through land use policies, complemented with the preservation of the historic road alignment. Special landscape features, such as the Bald Cypress trees near Weston, should be protected.**

The houses to be built on Lots 72 and 73 will be visible from the Historic Site. Care should be taken with buffering these lots where they front on Old Crain Highway, and Historic Preservation Section staff should review siting, massing and rooflines of the houses designed for these lots.

7. Parks and Recreation - The proposal is exempt from the requirements of Section 24-134 of the Subdivision Regulations for mandatory park dedication because all proposed lots are greater than one acre in size.
8. Trails - There are no master plan trails issues associated with this proposal.
9. Transportation - The proposed development would generate 21 AM (4 in; 17 out) and 26 PM (17 in; 9 out) 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 intersection of Old Crain Highway and Croom Station. 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*, has defined level of service D (LOS D) as the lowest acceptable operating condition on the transportation system for signalized intersections, and a delay of 50 seconds or less for unsignalized intersections. When the Old Crain Highway/Croom Station intersection was analyzed based on existing traffic volumes, it was found to be operating with delays of 14.9 seconds and 42.1 seconds during the AM and PM peak hours respectively. When the same intersection was reanalyzed under total conditions (including background and site-generated traffic), the intersection was still operating with delays of less than 50 seconds.

Given these findings, adequate access roads will exist as required by Section 24-124 of the Prince George's County Code if the application is approved.

One internal street is proposed, designated as a private right-of-way pursuant to Section 24-128(b)(11) of the Subdivision Regulations. This road must be designed to county standards and approved by the fire chief prior to approval of the final plat. A note must be added to the final plat that the road is provided pursuant to Section 24-128(b)(11) of the Subdivision Regulations.

10. Schools - The Growth Policy and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of public facilities in accordance with Section 24-122.01 and 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).

Projected Impact on Affected Public Schools

Affected School Name	D.U. by Type	Pupil Yield Factor	Development Pupil Yield	5-Year Enrollment	Adjusted Enrollment	Total Projected Enrollment	State Rated Capacity	Projected % Capacity
Marlton Elementary School	29 sfd	0.24	6.94	678	0	684.96	554	123.64%
James Madison Middle School	29 sfd	0.06	1.74	1003	0	1004.74	864	116.29%
Frederick Douglass High School	29 sfd	0.12	3.48	2047	0	2050.48	1350	151.89%

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

Since the affected **Marlton Elementary, James Madison Middle, and Frederick Douglass High Schools**= projected percentage of capacities are greater than 105 percent, the Adequate Public Facilities fee is **\$4,080.00** per dwelling unit. The amount of the Adequate Public Facilities fee for schools shall be offset by the School Facilities Surcharge. Any amount not offset shall be paid and divided among the schools at a rate determined by the guidelines.

Section 24-122.02(a)(4) states that if any affected school=s projected percentage of capacity exceeds 130 percent, no permits may be issued until (a) capacity exists below 130 percent in all affected schools; or (b) four (4) years have elapsed since the time of the approval of the preliminary plan of subdivision.

This subdivision would be exempt from the school adequacy test and, therefore, from a four-year wait condition under the provisions of CB-40-2001. Under the provisions of CB-40-2001, up to 35 lots can be exempt in subdivisions even if the subdivision includes more than 35 lots. On this property only four lots were previously exempted from test; the previous subdivision of 32 lots was subjected to the test under the provisions of CB-3-1997. Therefore, another 31 lots can be exempt under the provisions of CB-40-2001. Staff notes that because CB-40-2001 is not law yet, the current provisions of CB-3-1997 must be applied. Upon the effective date of CB-40-2001, these conditions would become void, and a total of 32 lots shall be deemed to have been exempted from the school adequacy test.

11. Fire and Rescue - The Growth Policy and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of public fire and rescue facilities. Services will be provided from the Marlboro Fire Station, Company 20, located at 14815 Pratt Street. With a response time of 4.68 minutes to the subject property:

- a. The existing fire engine service is within the 5.25-minute response time guideline.

- b. The existing ambulance service is within the 6.25-minute response-time guideline.
- c. The existing paramedic service is within the 7.25-minute response-time guideline.

These 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.

- 12. Police Facilities - The proposed development is within the service area for District V-Clinton. In accordance with Section 24-122.1(c) of the Subdivision Regulations of Prince George's County, the existing county police facilities will be adequate to serve the proposed Croom Station development. This police facility will adequately serve the population generated by the proposed subdivision.
- 13. Health Department - The Health Department has raised concerns regarding the use of private sewage disposal systems. Several of the lots may pose potential problems for septic systems. The Health Department is satisfied that conditions attached to this report will ensure that all homes are served by adequate septic systems.
- 14. Stormwater Management - The Department of Environmental Resources (DER), approved Stormwater Management Concept Plan, # 3262-2001-00 with conditions (February 21, 2001) 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. Because many of these lots exceed two acres in size, they will be exempt from this requirement. The approved plan is for grading only and each lot under two-acres will be required to receive further approval as it prepares for development.
- 15. Public Utility Easement - The plan includes the 10-foot-wide public utility easement along all public and private streets in the proposed subdivision. This easement will be reflected on the final plat. The easement should include the entirety of the private streets to allow utility access throughout the community.

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, Scott and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, December 20, 2001, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 10th day of January 2002.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:JD:rmk