

R E S O L U T I O N

WHEREAS, William R. and Glenna J. Ricker is the owner of a 12.76-acre parcel of land known as Parcel 137, Tax Map 127 E-1, said property being in the 15th Election District of Prince George's County, Maryland, and being zoned R-R; and

WHEREAS, on December 27, 2001, R.P. Associates filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 23 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-01101 for Putter=s Choice, Section 2 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 14, 2002, 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 14, 2002, 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/2/02), and further APPROVED Preliminary Plan of Subdivision 4-01101, Putter=s Choice, Section 2 for Lots 1-23 with the following conditions:

1. Development of this subdivision shall be in accordance with the approved Stormwater Management Concept Plan #18404-2001-00.
2. Prior to signature approval the preliminary plan shall be revised:
 - a. To remove the existing stairs on the west side of the existing dwelling on Lot 20 or adjust the lot line to accommodate the required side yard setback.
 - b. To remove all reference to lot size averaging (LSA).
 - c. To add the approval date of the conceptual stormwater management plan.
 - d. To demonstrate the centerline and ultimate right-of-way of Wallace Lane.
 - e. To clearly demonstrate a 20-foot-wide easement for sewer lines separate from the storm drain easement between Lots 12 and 13.

3. All principal structures shall be fully sprinklered in accordance with National Fire Protection Association Standard 13D and all applicable Prince George's County laws.
4. No building permits shall be issued for this subdivision until the percentage capacity at all the affected school clusters are less than or equal to 105 percent or three 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 where by 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 the 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 1-19 and 21-23.
6. At the time of final plat approval, if the applicant can demonstrate that the existing dwelling is connected to public water and sewer, the applicant may file a final plat of subdivision in accordance with the approved preliminary plan and the lots shown thereon. If the existing dwelling is not connected to public water and sewer, the final plat shall combine Lot 20 with any abutting lot which has the potential for conflict with the existing well and septic. Once the dwelling on Lot 20 connects to public water and sewer, the applicant may file a new final plat for those lots in accordance with the preliminary plan as long as the preliminary plan is valid.
7. A conservation easement shall be described by bearings and distances on the final plat. The conservation easement shall contain all 100-year floodplain, stream buffers, wetlands and wetland buffers, and shall be reviewed by the Environmental Planning Section prior to certificate approval. In addition, the following note shall be placed on the final plat of subdivision:

"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."
8. Development of this subdivision shall be in compliance with the approved Type I Tree Conservation Plan (TCP I/02/02). 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 (TCP I/02/02), 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 the issuance of building permits, a Type II Tree Conservation Plan shall be approved.

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 west side of Wallace Lane, south of Hammer Drive in the South Marlton community. To the north is an undeveloped 17-lot, single-family dwelling unit subdivision known as Wallace Estates, zoned R-R. To the south is a large agriculturally used acreage parcel zoned R-R. To the west is Section 202 of the Marlton Subdivision, developed with single-family dwelling units.
3. EnvironmentalCThis site is subject to the provisions of the Woodland Conservation Ordinance because the entire site is more than 40,000 square feet in size and contains more than 10,000 square feet of woodland. The Forest Stand Delineation, including the species, vigor, and location of two specimen trees, meets the requirements of the Woodland Conservation Ordinance. The Environmental Planning Section recommends approval of the Type I Tree Conservation Plan, TCP I/2/02.

There are streams and wetlands on the property. There is no floodplain on the property. Current air photos indicate that about half of the site is forested. No historic or scenic roads are affected by this proposal. There are no nearby noise sources. The proposed use is not expected to be a noise generator. No species listed by the State of Maryland as rare, threatened, or endangered are known to occur in the general region. According to the Sewer Service and Water Service maps produced by DER, the property is in W-4 and S-4.

The Type I Tree Conservation Plan, TCP I/2/02, correctly indicates that the proposed development requires 3.47 acres of woodland conservation. The plan proposes to meet this requirement by preserving 2.20 acres on-site, including all priority woodland on the site, and obtaining an off-site easement for 1.27 acres of conservation. The plan fulfills the policies and requirements of the Woodland Conservation Ordinance.

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 (PMA) is defined in Section 24-101(b)(10) of the Subdivision Regulations. The boundary of the PMA on this site is coincident with the 50-foot stream buffer shown on the preliminary plan of subdivision. The plan proposes the complete preservation of the PMA in its natural state. This is consistent with Section 24-130(b)(5) of the Subdivision Regulations, which requires that the PMA be preserved to the fullest extent possible.

The soils found to occur on this property include the Westphalia, Sandy Land, and Bibb series. The Westphalia and Sandy Land soils are considered highly erodible with K factors of 0.43 and 0.49. The Bibb series is in Hydrologic Group D and may exhibit characteristics of perched water tables and poor drainage. None of the development is proposed in the area with Bibb soils. Erosion/sediment control practices should take into account the highly erodible nature of the Westphalia and Sandy Land soils.

4. Community Planning CThe subject property is located within the limits of the 1993 *Subregion VI Study Area Master Plan* in Planning Area 82A/Rosaryville, in the South Marlton community. The recommended land use for this property is a ALow Suburban@ residential use. The proposed preliminary plan is consistent with that land use recommendation.

The *Marlton Community Traffic Study* recommends that Wallace Lane (P-603) be relocated and extended to provide a primary roadway between existing Duley Station Road and Midland Turn. This connection should be constructed as adjacent lands are developed in South Marlton. However, it has been determined that the alignment is to the north of this property and has no impact.

The proposed subdivision application is consistent with the type of development envisioned for this area in the 1993 *Subregion VI Study Area Master Plan*. The R-R zoning of the subject property within the community of Marlton implements the A two-tier zoning system@ which provides an arrangement of conventional euclidean zones within Marlton. Additionally, this proposal implements the Marlton plan objective of A stepping down@ the density within Marlton where the community adjoins the rural low density, R-A zoned land that abuts the subject property to the south.

5. Parks and Recreation CIn accordance with Section 24-134(a)(3)(C) of the Subdivision Regulations, Lot 20 is exempt from the requirement of mandatory dedication of parkland because a dwelling legally exists on the lot being created. However, the remaining lots are subject to the payment of a fee-in-lieu of parkland dedication in accordance with Section 24-134(a) of the Subdivision Regulations because the land available for dedication is unsuitable due to its size.
6. Trails CThere are no master plan trail issues associated with this application.
7. Transportation CThe applicant proposes a residential subdivision consisting of 23 single-family residences. No traffic study was requested of the applicant. Traffic counts in the area were used to make the needed finding. The findings and recommendations outlined below are based upon a review of these and other relevant 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*.

Summary of Traffic Impacts

The application is a preliminary plan for a residential subdivision consisting of 23 single-family detached lots. The proposed development would generate 17 AM (3 in, 14 out) and 21 PM (7 in, 14 out) peak-hour vehicle trips as determined using *The Guidelines for the Analysis of the Traffic Impact of Development Proposals*. The site was analyzed using the following trip distribution:

Rosaryville Road from the west:	20 percent
US 301 from the north:	50 percent
US 301 from the south:	21 percent
local roadways from the east & south:	9 percent

The traffic generated by the proposed preliminary plan would impact the intersection of US 301 and Rosaryville Road/Duley Station Road. 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 (LOS) D as the lowest acceptable operating condition on the transportation system. The following conditions exist at the critical intersection, based on three-year-old turning movement counts: AM peak hour LOS B, with a critical lane volume (CLV) of 1,117; PM peak hour LOS B, with a CLV of 1,131.

There are no improvements which are programmed 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 in the immediate area. Five nearby developments were included in background traffic, along with an annual rate of through-traffic growth of 2.0 percent along US 301. The following background traffic conditions were determined: AM peak hour LOS C, with a CLV of 1,294; PM peak hour LOS D, with a CLV of 1,303.

With site traffic, the following operating conditions were determined: AM peak hour LOS D with a CLV of 1,303; PM peak hour LOS D, with a CLV of 1,311.

The current plan shows a dedication of 30 feet from center line along Wallace Lane. Based on the results of the *Marlton Community Traffic Study*, Wallace Lane was identified in the Subregion VI Master Plan to be a primary residential roadway, with a proposed connection to the northeast to Midland Turn. This connection would significantly improve circulation in the South Marlton area. Dedication along the frontage is consistent with the Master Plan. The Midland Turn connection is planned at a location several hundred feet north of this site adjacent to Linwood Knolls, and would not affect the subject property.

Transportation Staff Conclusions

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 Prince George's County Code. No transportation-related conditions are recommended.

8. Schools CThe Growth Policy and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of public facilities in accordance with Section 24-122.02 of the Subdivision Regulations and the *Adequate Public Facilities Regulations for Schools* (CR-23-2001) and concluded the following:

Finding:

Impact on Affected Public School Clusters

Affected School Cluster #	Dwelling Units	Pupil Yield Factor	Subdivision Enrollment	Actual Enrollment	Completion Enrollment	Wait Enrollment	Cumulative Enrollment	State-Rated Capacity	Percent Capacity	Funded School
Elementary School Cluster 4	22	0.24	5.28	5264	263	591	6123.28	4594	133.28%	Rosaryville and Marlton
Middle School Cluster 2	22	0.06	1.32	4397	201	189	4788.32	3648	131.26%	East Central
High School Cluster 2	22	0.12	2.64	12045	412	377	12836.64	10811	118.74%	Frederick Douglass addn.

Source: Prince George's County Planning Department, M-NCPPC, January 2002

The affected elementary, middle, and high school clusters= percent capacities are greater than 105 percent. Rosaryville Elementary and Marlton Elementary are the Funded Schools in the affected elementary-school cluster. East Central is the Funded School in the affected middle school cluster. The Frederick Douglass addition is the Funded School in the affected high school cluster. Therefore, this subdivision can be approved with a three-year waiting period.

No building permits shall be issued for this subdivision until the percentage capacity at all the affected school clusters are less than or equal to 105 percent or three 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.

9. Fire and Rescue CThe Growth Policy and Public Facilities Planning Section 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 6.67 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 6.67 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 10.87 minutes, which is beyond the 7.25 minutes for response time guidelines.
- 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 6.67 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 due to the inadequate service discussed above, the Fire Department recommends that all residential structures be fully sprinklered in accordance with National Fire Protection Association Standard 13D and all applicable Prince George's County laws.

- 10. Police Facilities CThe proposed development is within the service area for District V-Clinton. In accordance with Section 24-122.02(c) of the Subdivision Regulations, the existing county police facilities will be adequate to serve the proposed Putter=s Choice, Section 2, development. This police facility will adequately serve the population generated by the proposed subdivision.
- 11. Health Department CThe proposed subdivision is located in water and sewer category 4 and will be served by public systems. However, the Health Department has determined that the existing sewage disposal area may continue to serve the existing dwelling unit until it malfunctions and the deep well may be kept in use as long as it can supply the residence with a potable water supply. However, the existing sewage disposal area and deep well serving the existing dwelling on proposed Lot 20 impacts both Lots 19 and 21. The sewage disposal area encumbers proposed Lots 19, 20 and 21 and the deep well is located on the property line between Lots 20 and 21. The possible adverse impacts of these facilities on the adjoining property owners should be avoided. Staff recommends that until such time as the existing dwelling connects to public water and sewer, and the existing sewer disposal area and deep well are properly abandoned, Lots 19, 20, and 21 be combined as one lot.

At the time of final plat approval, if the applicant can demonstrate that the existing dwelling is connected to public water and sewer, the applicant may file a final plat of subdivision in accordance with the approved preliminary plan and the lots shown thereon.

If the existing dwelling is not connected to public water and sewer, the applicant will file a final plat which combines Lots 19, 20, and 21 into one lot. Once the dwelling on Lot 20 connects to public water and sewer, the applicant may file a new final plat demonstrating three lots in accordance with the preliminary plan, gaining back lots 19 and 21, as long as the preliminary plan is within the validity period established by Section 24-119(d)(5) of the Subdivision Regulations.

12. Stormwater Management The Department of Environmental Resources, Development Services Division, has determined that on-site stormwater management is not required. A Stormwater Management Concept Plan #18404-2001-00 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.

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, Brown and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, March 14, 2002, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 4th day of April 2002.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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