

A M E N D E D R E S O L U T I O N

WHEREAS, Maylon A. and Dorthy A. Clark, et al is the owner of a 236.45-acre parcel of land known as Parcel 5, Tax Map 168, Grid C-2 an D-2, said property being in the 4th Election District of Prince George's County, Maryland, and being zoned O-S; and

WHEREAS, on September 24, 2002, Washington Management and Development Company, Inc. filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 47 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-02085 for Archers Glen 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 February 20, 2003, 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 February 20, 2003, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

*WHEREAS, on February 20, 2003 the Planning Board approved Preliminary Plan of Subdivision 4-02085; and

*WHEREAS, on February 17, 2005, the Circuit Court remanded the Preliminary Plan of Subdivision to the Planning Board for further proceedings; and

*WHEREAS, the basis of that remand was that the original approval erred by not presenting the information regarding conformance to the master plan and general plan in a fashion sufficient for the court to review; and

*WHEREAS, on June 23, 2005, the Planning Board reconsidered the Preliminary Plan of Subdivision and approved the subject application with all of the original conditions and findings, with the addition of finding related specifically to conformance with the Subregion VI Master Plan (1993) and the 2002 General Plan.

*Denotes Amendment

Underlining indicates new language

[Brackets} indicate deleted language

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/49/02), and further APPROVED Preliminary Plan of Subdivision 4-02085, Archers Glen for Lots 1-47 with the following conditions:

1. Prior to the approval of the final plat of subdivision, a water appropriation permits for the 46 new dwelling units shall be approved by the Maryland Department of the Environment, Water Rights Division.
2. Development of the subject property shall be consistent with the stormwater management concept plan approved by the Department of Environmental Resources (CSD#4342-2002-00).
3. The applicant shall provide a fee to Prince George's County, which shall serve as a fair share contribution towards the construction of the Croom-Naylor Station, and acquisition of an ambulance unit. The fee is based upon the cost of the facility and ambulance divided by the expected population of the service area. The fee shall be paid prior to the issuance of each building permit. The fair share fee is \$1,187 per dwelling for the 32 lots, which are beyond response time standards for ambulance (Lots 7,8,10-39).
4. After the first thirty-five (35) building permits with no restriction, no additional building permits shall be issued for this subdivision until the percent capacity, as adjusted pursuant to the School Regulations, at all the affected school clusters are less than or equal to 105% or 6 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 issuance of building permits, the applicant, his heirs, successors or assignees shall provide a financial contribution of \$210.00 to the Department of Public Works and Transportation for the placement of a bikeway sign(s) along Bald Eagle School Road, designated a Class III Bikeway. A note shall be placed on the final plat for payment to be received prior to the issuance of the first building permit. If the Department of Public Works and Transportation declines the signage, this condition shall be void.
6. Prior to signature approval of the Preliminary Plan:
 - a. The FSD shall be revised to accurately show the location of steep slopes (15% - 25%) with highly erodible soils; show only those slopes on the plan; and confirm the location of severe slopes (greater than 25%) on all soil types.
 - b. The FSD shall be revised to show the line delineating the "Forest Interior Woodland Habitat Evaluation Area" line 300-feet from the edge of existing woodlands.
 - c. The Type I Tree Conservation Plan and the Preliminary Plan shall be revised to show the

Patuxent River Primary Management Area (PMA) in accordance with an accurate slope analysis and the requirements of Sec. 24-101(b)(10) and 24-130(b)(5) and of the Subdivision Ordinance.

- d. The FSD shall be revised to remove the asterisks and asterisk notation regarding trees to be removed from the FSD.

- e. The Type I Tree Conservation Plan shall be revised as follows:

1. The PMA shall be correctly delineated;
2. The FIDS habitat shall be delineated;
3. The Priority I woodlands (high priority) as defined on the FSD, shall be graphically delineated, and the graphic element shall be labeled and included in the key;
4. The double-green line label forest stand delineation shall be re-labeled “existing tree line;”
5. The Woodland Conservation Worksheet shall be revised to reflect correct calculations of woodland conservation requirements;
6. The key shall be revised to label woodland conservation areas by conservation method;
7. Show only steep slopes containing highly erodible soils (slopes between 15 and 25% grade) and revise the key label;
8. Add the front building restriction lines (BRLs) so the potential to re-site the proposed house locations to reduce clearing of Priority I woodlands can be evaluated;
9. Conceptual grading shall be provided to allow for the detailed evaluation of the impacts proposed to high priority woodlands on the site based on the proposed building locations; and
10. The TCPI shall be revised to reduce and minimize fragmentation of forest interior dwelling species habitat south of Taylerton Lane. This shall be accomplished by reducing the limits of clearing, relocation of proposed structures, and/or the placement of certain areas of FIDS habitat in the PMA. The woodland conservation table for individual lots shall be revised to reflect any changes proposed to individual lots.

- f. The Preliminary Plan shall be revised to show a building restriction line on Lots 1 and 47,

200 feet from the right-of-way for Bald Eagle School Road. This building restriction shall be shown on the final plat of subdivision, along with the following note:

“The building restriction shown on Lots 1 and 47 is for the retention of the rural character in the viewshed of Bald Eagle School Road. The retention of trees or the landscaping of the area between the right of way and the building restriction line is strongly is encouraged, and will be reviewed during the approval of the TCPII for these lots.”

- g. The Preliminary Plan shall be revised to show all septic recovery areas a minimum of 25 feet from slopes exceeding 25% in grade and to eliminate any recovery area located within the delineated PMA.
- 7. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain all of the designated PMA and shall be reviewed by the Environmental Planning Section prior to certificate approval. In addition, the following note shall be placed on the plat:

"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. The Preliminary Plan shall not show any impacts to the PMA as it exists on the subject property.
- 9. Prior to the approval of any permits, a Limited Detailed Site Plan shall be approved by the Planning Board to address the following issues:
 - a. The design (materials and landscaping) of the proposed site entry feature(s) at Bald Eagle School Road;
 - b. The type and extent of street lights that may be proposed;
 - c. Any vehicular line-of-sight issues associated with Bald Eagle School Road;
 - d. Notation of the type and location of all wells to be implemented; and
 - e. Notation of the type and location of all septic systems to be implemented.

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 subject property has approximately 450 feet of frontage along the east side of Bald Eagle

School Road and is located approximately 1,700 feet northeast of Baden-Westwood Road.

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

	EXISTING	PROPOSED
Zone	O-S	O-S
Use(s)	Residential and Agricultural	Residential
Acreage	236.74	236.74
Lots	0	47
Parcels	1	0
Dwelling Units:		
Detached	1	46 new

4. **Environmental**—The Environmental Planning Section reviewed the subject Preliminary Plan of Subdivision stamped as accepted on September 30, 2002. Those plans, as submitted, were found to require additional information and/or revisions. The applicant submitted revised plans stamped as accepted on December 20, 2002. The December 20, 2002, revised plans, as submitted, reflect disturbance that would require a variation to the Subdivision Regulations. Discussions with the applicant's engineer indicate that these disturbances are not intended and that revised plans would be forthcoming. The applicant's engineer met with Environmental Planning Section staff and submitted revised plans on February 6, 2003. Those plans were found to generally support the applicant's contention that the aforementioned disturbances were not intended, but revisions to the latest revised plans are necessary to fulfill that contention.

There are numerous streams, wetlands, and 100-year floodplains found on this property. A nontidal wetlands study and plan dated June 2002 was submitted that delineates wetlands and numerous Waters of the U.S. on the subject property. A large tributary generally follows the southern property line. Extensive areas of severe and steep slopes exist, many of which are adjacent to streams. The soils found on this property include Beltsville silt loam, Matapeake silt loam, Mixed alluvial land, Sandy land steep, Sassafras gravelly sandy loam, and Westphalia-Evesboro complex. Some of these soils have limitations with respect to impeded drainage or seasonally high water tables, while others have limitations with respect to steep slopes and erodibility. The sewer and water service categories are S-6 and W-6. According to information obtained from the Maryland Department of Natural Resources, Natural 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 found to occur in the vicinity of this lot. There are no designated scenic and historic roads located adjacent to the property or in the vicinity of the property. No adverse noise impacts from transportation are anticipated related to this proposal. The property is located in the Patuxent River watershed and is located in the Rural Tier as reflected in the General Plan.

5. **Community Planning**—The subject property is located in Planning Area 87A in the Westwood community. The 1993 *Subregion VI Study Area Master Plan* recommended the "Low Rural" land use (0.2 dwelling units per acre). The plan map identifies natural reserve areas in the general

location of the subject property. The 1994 *Subregion VI Study Area SMA* retained this property in the O-S Zone. In accordance with the 2002 General Plan, this property is located in the Rural Tier.

This application is consistent with the “Low Rural” residential land use characteristics recommended in the master plan for this portion of the county. It is also consistent with guidelines for development in the Rural Tier as defined in the General Plan.

Section 24-121(a)(5) of the Subdivision Regulations states: “The plat shall conform to the area master plan, including maps and text, unless the Planning Board finds that events have occurred to render the relevant plan recommendations no longer appropriate or the District Council has not imposed the recommended zoning.”

Several elements of the plan, as approved with conditions and as noted in various review referrals, demonstrate conformance to the maps and text of the master plan and general plan. No rare, threatened or endangered species of plants or animals will be impacted by the development. No designated scenic or historic roads will be impacted by the development. Of the approximate 124 acres of woodland conservation required, all will be in the form of existing preservation on site. All of the site’s environmentally sensitive area of Patuxent River Primary Management Area (PMA) is conditioned to remain undisturbed. A building restriction line four times that required by the O-S Zone is conditioned upon this property’s relatively narrow road frontage along Bald Eagle School Road for the purpose of retaining the rural character of the view shed. An additional condition was established for a future Detailed Site Plan (DSP) with review elements to include the design of any entrance feature and the type and extent of streetlights to be considered so that it may help to maintain the rural character. Conservation easements are required over the environmental features to additionally provide for the retention of a quasi-public open space system. The lotting pattern established provides for the implementation of high-end estate housing. The transportation system was found to meet the minimum level of service (LOS) C criteria established for the Rural Tier. The private sector builder will be required to fund a portion of the needed infrastructure in the form of fire and rescue facilities. The private sector builder will be required to contribute towards the implementation of a Class III bikeway. The lot sizes conform to the minimum standards established for the O-S Zone. The overall project density is consistent with the O-S Zone and the land use recommendation. The ultimate development of the 47 lots created by this subdivision are not in conflict with the hundreds of dwelling units envisioned in the Rural Tier over the next approximate 20 years, given one percent of the County’s residential growth in that time frame.

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The 2002 General Plan established seven goals for the Rural Tier. While it is acknowledged that this specific property, with this specific development proposal will not retain sustainable agricultural land, nor will it limit non-agricultural uses, it will preserve environmentally sensitive features; it will help to maintain rural character; it will allow for large lot estate residences; it will protect the land owners’ equity in their land; and it will maintain the integrity of the rural transportation system.

6. **Parks and Recreation**—In accordance with Section 24-134(a) of the Subdivision Regulations, the proposed subdivision is exempt from the requirement of mandatory dedication of parkland because all of the proposed lots are greater than one acre in size.
7. **Trails**—The *Adopted and Approved Subregion VI Master Plan* recommends that Bald Eagle Road be designated as a Class III bikeway with appropriate signage. Because Bald Eagle Road is a county right-of-way, the applicant and the applicant's heirs, successors, or assignees should provide a financial contribution of \$210 to the Department of Public Works and Transportation for the placement of this signage. A note should be placed on the final plat for payment to be received prior to the issuance of the first building permit. If road improvements are required by the Department of Public Works and Transportation, seven- to ten-foot-wide asphalt shoulders are recommended.
8. **Transportation**—The Transportation Planning Section reviewed the subdivision application referenced above. Croom Road is a collector facility with an 80-foot-wide right-of-way (ROW) and is maintained by the Maryland State Highway Administration. Bald Eagle School Road is a county-maintained rural residential roadway with a 60-foot-wide ROW. The plan proposes to subdivide the property into 47 residential lots. The plan reflects the correct dedication of the required rights-of-way for Croom Road and Bald Eagle School Road, 40 feet and 30 feet from existing centerlines, respectively.

On October 11, 2002, the Transportation Planning Section presented a preliminary memorandum for the subject application in which recent peak period weekday traffic counts were requested instead of a traffic impact study. In accordance with the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*, a traffic impact study is recommended if the development generates more than 50 vehicle trips as proposed in the preliminary plan application.

The proposed subdivision would generate on any weekday 36 vehicle trips during the AM peak hour and 43 trips during the PM peak hour. The traffic generated by the proposed preliminary plan would impact the intersection of Baden-Westwood Road and Croom Road. At the current time, this intersection is controlled by a stop sign on Baden-Westwood Road and 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 for the Analysis of the Traffic Impact of Development Proposals*, has defined level of service C (LOS C) as the lowest acceptable operating condition for signalized intersection, or 50 seconds of delay for unsignalized intersections on the transportation system. Based on traffic analysis conducted for the intersection identified above, staff has determined that the critical intersection of Baden-Westwood Road and Croom Road at the present time is operating at acceptable levels of service during both the morning and afternoon peak hours. Further, this intersection would continue to operate at acceptable levels of service during both peak hours with the addition of the site's generated traffic.

Based on the above analyses, the Transportation Planning Section concludes that adequate access roads will exist as required by Section 24-124 of the Prince George's County Code if Preliminary Plan of Subdivision 4-02085 is approved.

9. **Schools**—The Historic Preservation 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 CR-38-2002) and concluded the following. The first 35 lots are exempt from the APF test for schools under Section 24-122.02(b)(5) of the Subdivision Regulations but will be counted in the background impact. The remaining lots are not exempt.

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 4	Middle School Cluster 3	High School Cluster 3
Dwelling Units	11 sfd	11 sfd	11 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	2.64	0.66	1.32
Actual Enrollment	5416	4598	8393
Completion Enrollment	281	66	132
Wait Enrollment	604	15	29
Cumulative Enrollment	10.32	10.50	21.00
Total Enrollment	6313.96	4690.16	8576.32
State Rated Capacity	5364	5114	7752
Percent Capacity	117.71%	91.71%	110.63%
Funded School	N/a	N/a	Surrattsville addn.

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

These figures are correct on the day this memo was written. They are subject to change under the provisions of CB-40 and CR-23. 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 of approval are the ones that apply to this project.

The affected elementary and high school cluster capacities are greater than 105 percent. There is no funded school in the affected elementary school cluster. The Surrattsville addition is the funded school in the affected high school cluster. Therefore, this subdivision can be approved with a six-

year waiting period for the lots that are not exempt from the test in accordance with Section 24-122.02.

10. **Fire and Rescue**—The Historic Preservation 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 Baden Fire Station, Company 36, located at 16608 Brandywine Road has a service travel time of 5.44 minutes, which is beyond the 5.25-minute travel time guideline.
- B. The existing ambulance service at Baden Fire Station, Company 36, located at 16608 Brandywine Road has a service travel time of 6.25 minutes, which is within the 6.25-minute travel time guideline for Lots 1–6 and 9; Lots 41–47, and 40. All other lots are beyond.
- C. The existing paramedic service at Brandywine Fire Station, Company 40, located at 14201 Brandywine Road has a service travel time of 12.12 minutes, which is beyond the 7.25-minute travel time guideline.

In order to alleviate the negative impact on fire and rescue services due to the inadequate service discussed, the Fire Department recommends that a fire suppression system be installed in all residential structures in accordance with National Fire Protection Association Standard 13D and all applicable Prince George's County Laws.

The Historic Preservation and Public Facilities Planning Section has concluded that 32 of the 47 lots proposed for this development are beyond the recommended response time standards from existing facilities which provide ambulance service. This finding is based on using the existing road system and existing stations.

The staff of the HP&PFP found that the planned Croom-Naylor facility will be the first due station that will provide ambulance service to this development. The cost of this emergency services facility ambulance is \$1,405,000.

In order to mitigate the paramedic and ambulance response time deficiencies the staff recommends that the applicant participate in providing a fair share contribution toward the construction of the Croom-Naylor Emergency Services Facility. The fee amount is based on the construction cost of the facility (\$1,275,000), ambulance (\$130,000) divided by the total amount of residential and employment population within the entire service area in 2006 (3,541). The service area includes those areas that will be served by the planned facility. The fair share fee for the units, which are beyond response time standards for ambulance service only is \$141 per person for 32 lots, which are beyond response time standards for ambulance service

Ambulance fee

2006 service area population is 3,541

$1,405,000/3541 = \$396.78$ per resident/employee
 $\$396.78 \times 2.99$ planning area household size = $\$1187$ per dwelling $\times 32 = \$37,984$

Proposed Condition

The applicant shall provide a fee to Prince George's County, which shall serve as a fair share contribution towards the construction of the Croom-Naylor Station, and acquisition of an ambulance unit. The fee is based upon the cost of the facility and ambulance divided by the expected population of the service area. The fee shall be paid prior to the issuance of each building permit. The fair share fee is \$1,187 per dwelling for the 32 lots, which are beyond response time standards for ambulance (Lots 7,8,10-39)

11. **Police Facilities**—The proposed development is within the service area for Police 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 police facilities will be adequate to serve the proposed Archer's Glenn development. This police facility will adequately serve the population generated by the proposed subdivision.
12. **Health Department**— The Environmental Engineering Program of the Prince George's County Health Department reviewed the subject application. A water appropriation permit application may be obtained from the Health Department or the Maryland Department of the Environment, Water Rights Division.
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, #4342-2002-00, 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.
14. **Historic Sites and Cemeteries**^{3/4} General Note #10 on the preliminary plan states that "there are no historical sites or cemeteries on or adjacent to this site."
15. **Varying Lot Size**^{3/4} Section 27-442(a)(1)(b) of the Zoning Ordinance provides for varying lot size standards in the O-S Zone for a subdivision of 50 acres or more. The minimum lot size required of at least 60 percent of the lots is five acres. The applicant is allowed one 2-acre lot for every 50

acres of gross tract acres in the subdivision, with the minimum lot size of the remaining lots being three acres.

Specifically, of the 47 total lots, 29 lots are required to be a minimum of five acres; the applicant is proposing 29. The applicant is allowed four 2-acre lots based on the tract area of 236.74 acres; the applicant is proposing four lots between two and three acres. The remaining 14 lots, which must be a minimum of three acres, are proposed with lot areas ranging from 3.0 to 3.4 acres. There is one discrepancy in the plan presentation regarding the lot sizes. The 200' scale preliminary plan reflects Lot 19 as 5.4 acres, but the 100' scale "Preliminary Enhancement and

Type 1 Tree Conservation Plan” reflects an area of 4.6 acres for Lot 19. This discrepancy needs to be corrected. The density permitted for this property, using the varying lot size method of development in the O-S Zone, is 47 lots; the applicant is proposing 47 lots.

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. Staff expressed some concern, however, regarding the placement of three of the four 2-acre lots at the entrance of the subdivision. As previously mentioned in this report, the subject property has approximately 450 feet of frontage along the east side of Bald Eagle School Road. The entrance road for the subdivision is located slightly off the center of the Bald Eagle School Road frontage. The first three proposed lots along the south edge of this entrance road (Lots 47, 46 and 45) are 5.4, 5.0 and 5.0 acres respectively. The first three proposed lots along the north edge of this entrance road (Lots 1, 2 and 3) are 2.4, 2.2, and 2.4 acres respectively.

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 Harley, seconded by Commissioner Vaughns, with Commissioners Harley, Vaughns, Eley, Squire and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, June 23, 2005, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 29th day of September 2005.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:AH:rmk