

R E S O L U T I O N

WHEREAS, W.P. Magruder Ltd. Partnership is the owner of a 67.65-acre parcel of land known as Parcels 10 and 5, Tax Map 118, Grid E-2, said property being in the 15thth Election District of Prince George's County, Maryland, and being zoned R-A; and

WHEREAS, on August 7, 2003, W.P. Magruder Ltd. Partnership filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 33 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-03082 for Magruder East 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 November 6, 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 November 6, 2003, 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/56/03), and further APPROVED Preliminary Plan of Subdivision 4-03082, W.P. Magruder Ltd. Partnership for Lots 1-33 with the following conditions:

1. Prior to signature approval of the preliminary plan:
 - a. The TCPI shall be revised as follows:
 - (1) Provide a lot-by-lot table of woodland conservation.
 - (2) Show the Patuxent River Primary Management Area correctly on Lots 16 and 17.
 - (3) Show a 50-foot-wide scenic easement behind the public utility easement adjacent to Trumps Hill Road, except for approved access points; and a 100 foot-wide building restriction line on all lots adjacent to Trumps Hill Road, except Lots 4 and 5.
 - (4) Have the revised TCPI signed and dated by the qualified professional who prepared it.

- b. The lot lines between Lots 5 and 6 shall be adjusted if necessary to enlarge Lot 5 to accommodate a 75-foot-wide building restriction line adjacent to Trumps Hill Road.
 - c. A stormwater management concept plan shall be approved and the approval number and date shall be added to the preliminary plan.
2. The following note shall be placed on the final plat:

“Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/56/03), 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.”
3. A Type II Tree Conservation Plan shall be approved prior to the issuance of permits.
4. At time of final plat, the area that includes the delineated Patuxent Primary Management Area, except for approved impacts, shall be described by bearings and distances and shall be placed in a conservation easement. The following note shall be placed on the final plat:

“Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.”
5. Prior to the issuance of any permits which impact wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall provide the Environmental Planning Section with copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
6. Roadway improvements on Trumps Hill Road shall be carried out in accordance with Design Guidelines and Standards for Scenic and Historic Roads prepared by the Department of Public Works and Transportation. The applicant shall coordinate a conceptual preapplication meeting between the Department of Public Works and Transportation and M-NCPPC prior to Detailed Site Plan and/or Paving and Stormdrain Plan submittal.
7. At time of final plat, a 50-foot-wide scenic easement shall be established adjacent to Trumps Hill Road and a note shall be placed on the final plat as follows:

“Trumps Hill Road is a designated Historic Road. The scenic easement described on this plat is an area where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches or trunks is allowed.”
8. At time of permit review, a landscape buffer shall be provided on Lot 5 within the 50-foot-wide

scenic easement. The landscaping shall be equivalent to a “C” bufferyard as defined in the Prince George’s County *Landscape Manual* with regard to the size and quantity of plant materials along the Trumps Hill Road frontage of Lot 5. The plant materials placed within the buffer shall be natives and include a mixture of major shade trees, such as oaks or maples, and evergreens, such as holly or eastern red cedar. The following note shall be placed on the final plat:

“Lot 5 is subject to the provision of landscaping equivalent to a “C” bufferyard as defined in the Prince George’s County *Landscape Manual*, with regard to the size and quantity of plant materials, within the scenic easement adjacent to Trumps Hill Road. The plant materials placed within the buffer shall be natives and include a mixture of major shade trees, such as oaks or maples, and evergreens, such as holly or eastern red cedar.”

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

	EXISTING	PROPOSED
Zone	R-A	R-A
Use	Vacant	Single-family homes
Acreage	67.65	67.65
Lots	0	33
Parcels	2	0
Detached Dwelling Units	0	33

4. **Environmental**—A review of the available information indicates that streams, wetlands, 100-year floodplain, severe slopes, and areas of steep slopes with highly erodible soils are found to occur on the property. Unnamed tributaries to Charles Branch run along the north, west and south sides of the property, with intrusions onto the site. Transportation-related noise impacts on this property are not a concern due to the distance to any road with a functional class of arterial or higher. The soils found to occur according to the Prince George’s County Soil Survey include Aura, Bibb, Croom, Marr, Sandy land, and Westphalia. The Aura soils are not hydric, but are

highly erodible. Bibb soils are hydric, highly erodible, and may exhibit impeded drainage and perched water tables. Croom soils are in hydrologic class D and highly erodible. Marr and Sandy land soils are not hydric and exhibit few development difficulties. Westphalia soils are highly erodible on slopes greater than 15 percent. According to available information, Marlboro clay is not expected to outcrop on this property. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program publication titled "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 property. Trumps Hill Road, a designated historic road, runs adjacent to this property. This property is located in the Charles Branch watershed, the Patuxent River basin and the Developing Tier as reflected in the adopted General Plan. The Approved Master Plan for Subregion VI indicates no environmental issues affecting this site.

Woodland Conservation

A Forest Stand Delineation (FSD) was submitted which was found to be thorough and complete. No revisions or additional information are required with regard to the FSD.

This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because it is greater than 40,000 square feet gross tract area, there are more than 10,000 square feet of existing woodland, and more than 5,000 square feet of woodland clearing is proposed. A Type I Tree Conservation Plan (TCPI/56/03) was submitted with the application. A revised TCPI was submitted on October 7, 2003.

The revised Tree Conservation Plan (TCPI/56/03) has been reviewed. The Woodland Conservation Threshold for this site is 31.17 (50 percent of the Net Tract). An additional 5.68 acres are required due to removal of 22.70 acres of woodland, for a total minimum requirement of 36.85 acres. Floodplain Study #200163 indicates the location of the 100-year floodplain for use in calculating the net tract area.

The TCPI proposes to meet the requirement with 36.26 acres of on-site preservation on private lots and 0.59 acre of afforestation. The preservation areas proposed are adjacent to 100-year floodplain, adjacent to streams, on severe and steep slopes on highly erodible soils, and nontidal wetlands that are priority areas for woodland conservation. Conceptual grading has been shown so that a reasonable assessment can be made that the clearing proposed is the minimum necessary to provide reasonable active yards and achieve positive drainage. The TCPI does not include a table describing the individual woodland conservation requirements on a lot-by-lot basis. Such a table is needed on a site like this where the lots may be built individually.

Patuxent River Primary Management Area (PMA)

The site contains significant natural features, which are required to be protected under Section 24-129 and/or 24-130 of the Subdivision Ordinance. The preliminary plan includes the location

of the significant environmental features that occur on this site. Wetlands, streams, and 100-year floodplains and associated buffers including adjacent slopes in excess of 25 percent and slopes in excess of 15 percent with highly erodible soils comprise the Patuxent River Primary Management Area (PMA) in accordance with Section 24-130 of the Subdivision Ordinance. The Primary Management Area is required to be delineated on the Preliminary Plan of Subdivision and the Type I Tree Conservation Plan. The plan correctly delineates the PMA except for an area in the northeast corner of the property on Lots 16 and 17. Prior to signature approval, the TCPI and preliminary plan need to be revised to show the Patuxent River Primary Management Area correctly on Lots 16 and 17.

The Subdivision Ordinance mandates that the PMA be preserved to the fullest extent possible. If impacts to the PMA cannot be eliminated for the installation of necessary public utilities and roadway connections, a Letter of Justification is required for the impacts in accordance with Section 24-130(b)(5) of the Subdivision Regulations.

A Justification Statement for Impacts to the Patuxent River Primary Management Area, dated October 6, 2003, was submitted. Detailed information was provided about two proposed impacts required to provide necessary utilities to the site. When Marlton was originally developed, WSSC built a sewer trunk line through this property within the PMA along the southeast boundary of the subject property. Because a ridge runs east and west through the site, two sewer outfalls are needed to provide gravity sewer to all of the lots proposed. Staff has determined that the two sewer extensions cannot be eliminated because they are necessary utility connections, have been routed to minimize impacts to the PMA, and otherwise preserve the PMA to the fullest extent possible.

The site contains streams or wetland areas that may be regulated by federal and state requirements. Prior to the issuance of any permits which impact wetlands, wetland buffers, streams or Waters of the U.S., the applicant should provide the Environmental Planning Section with copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.

Soils

The soils found to occur on this site according to the Prince George's County Soil Survey include Aura, Bibb, Croom, Marr, Sandy land, and Westphalia. The Aura soils are not hydric, but are highly erodible. Bibb soils are hydric, and may exhibit impeded drainage and perched water tables, as well as being highly erodible. Croom soils are in hydrologic class D and highly erodible. Marr and Sandy land soils are not hydric and exhibit few development difficulties. Although these limitations may affect the construction phase of this development there are no apparent limitations that would affect the site design or layout if the PMA were respected. During the review of building permits the Department of Environmental Resources may require a soils study addressing the soil limitations with respect to the construction of homes.

Trumps Hill Road

Trumps Hill Road, which runs adjacent to this site, is a designated historic road in the *Historic Sites and District Plan*. This should be indicated by note on the preliminary plan. The functional classification for Trumps Hill Road from Heathermore Boulevard to Crain Highway (US 301) is a local road.

Any improvements within the right-of-way of a historic road are subject to approval by the Department of Public Works & Transportation under the *Design Guidelines and Standards for Scenic and Historic Roads*. Before a Paving and Storm Drain Plan is submitted to DPW&T, and preferably before engineering design of roadway improvements has begun, a conceptual pre-application meeting with the applicant, DPW&T and M-NCPPC staff is required in accordance with the *Design Guidelines and Standards for Scenic and Historic Roads*.

At the conceptual preapplication meeting, the applicant will be required to make available adequate base information so that attending agencies can make fundamental design decisions. Roadway design criteria will be determined for the roadway by DPW&T with consideration for the scenic and historic features of the site. Decisions will represent a compromise agreement based on the design guidelines and standards for scenic and historic roads, minimum DPW&T safety standards, and minimum AASHTO design standards.

An Inventory of Significant Visual Features for the right-of-way of Trumps Hill Road and the subject property has been submitted, which provides a baseline for the review of the historic road viewshed. The revised preliminary plan and TCPI have been redesigned to respond to many of the concerns raised with regard to clearing and grading within the viewshed of Trumps Hill Road. The number of driveways with access directly onto Trumps Hill Road has been reduced from six to one, and as a result the retention of existing vegetation adjacent to the right-of-way has significantly increased. This has resulted in the protection of severe and steep slopes within the viewshed of Trumps Hill Road.

To retain and enhance the scenic qualities of the road, the Environmental Planning Section recommends that a 50-foot-wide scenic easement be established behind the public utility easement, adjacent to the Trumps Hill Road right-of-way, and a building restriction line of 100 foot from the right-of-way be established adjacent to Trumps Hill Road.

The preliminary plan and TCPI have been revised so that lots adjacent to and visible from Trumps Hill Road have a minimum size of two acres, except for Lot 5. Lot 5 is proposed to have an area of 1.4 acres and is highly visible due to its corner location and lack of buffering. The Environmental Planning Section recommends that Lot 5 be made larger in area by adjusting the lot lines between Lots 5 and 6, so the proposed structure can be moved further away from the historic road and accommodate the 100-foot-wide building restriction line recommended above. EPS also recommends that at time of permits, landscaping be provided in the recommended scenic easement established adjacent to Trumps Hill Road to provide a vegetative buffer.

Water and Sewer Categories

The property is in Water Category W-4 and Sewer Category S-4; it will be served by public

systems.

5. **Community Planning**— The property is in Planning Area 82A/Rosaryville and in the Developing Tier, as defined in the 2002 General Plan. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial Centers, and employment areas that are increasing transit serviceable. The application is not inconsistent with the 2002 General Plan Development Pattern policies for the Developing Tier.

The 1993 Subregion VI Study Area Master Plan recommends rural residential land use for the property. The property was retained in the R-A Zone through the District Council approval of the Subregion VI Study Area SMA in May 1994. The application is in conformance with the 1993 Subregion VI Study Area Master Plan. There are no master plan issues associated with this application.

6. **Parks and Recreation**—The subject subdivision is exempt from mandatory parkland dedication requirements of Section 24-134 of the Subdivision Regulations because all lots are greater than one acre in size.
7. **Trails**—There are no master plan trails issues identified for the property in the Adopted and Approved Subregion VI Master Plan.
8. **Transportation**— Due to the size of the subdivision, staff has not required that a traffic study be done. The staff did request traffic counts of the applicant, and turning movement counts at the critical intersection dated October 2003 were provided. Therefore, the findings and recommendations outlined below are based upon a review of these 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*.

Growth Policy - Service Level Standards

The subject property is in the Developing Tier, as defined in the General Plan for Prince George's County. As such, the subject property is evaluated according to the following standards:

Links and signalized intersections: Level-of-Service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better is required in the developing tier.

Unsignalized intersections: The Highway Capacity Manual procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

Staff Analysis of Traffic Impacts

The intersection of US 301 and Heathermore Boulevard is determined to be the critical intersection for the subject property. This intersection is the nearest signalized intersection to the site, and would serve virtually all of the site-generated traffic. The transportation staff has available counts taken by the applicant in 2003. These counts indicate that the critical intersection operates at Level-of-Service (LOS) C, with a critical lane volume (CLV) of 1,218, during the AM peak hour. During the PM peak hour, the intersection operates at LOS B with a CLV of 1,111.

There are no funded capital projects at this intersection in either county Capital Improvement Program or the state Consolidated Transportation Program that would affect the critical intersection. There are several approved but unbuilt developments that would affect the intersection. With background growth added, the critical intersection would operate as follows: AM peak hour¾ LOS D, with a CLV of 1,347; PM peak hour¾ LOS C, with a CLV of 1,188.

With the development of 33 residences, the site would generate 25 AM (5 in and 20 out) and 30 PM (20 in and 10 out) peak-hour vehicle trips. The site was analyzed with the following trip distribution: 75 percent ¾ north along US 301, 20 percent¾ south along US 301, 5 percent¾ local within Marlton. Given this trip generation and distribution, staff has analyzed the impact of the proposal. With the site added, the critical intersection would operate as follows: AM peak houu¾ LOS D, with a CLV of 1,351; PM peak hour¾ LOS C with a CLV of 1,189.

The site is not adjacent to or within any master plan transportation rights-of-way. Therefore, no street dedication beyond that required by county code along Trumps Hill Road and the internal streets is required.

Based on these findings, adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code if the application is approved. No transportation-related conditions are required at this time.

9. **Schools**— The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and CB-30-2003 and CR-23-2003.

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Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 4	Middle School Cluster 2	High School Cluster 2

Dwelling Units	33 sfd	33 sfd	33 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	7.92	1.98	3.96
Actual Enrollment	5416	4896	9660
Completion Enrollment	281	197	393
Wait Enrollment	604	225	451
Cumulative Enrollment	53.76	56.88	113.76
Total Enrollment	6362.68	5376.88	10621.72
State Rated Capacity	5364	4638	8770
Percent Capacity	118.62%	115.93%	121.11%
Funded School	N/a	N/a	N/a

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

County Council bill CB-31-2003 establishes a school facilities surcharge in the amounts of: \$7,000 per dwelling if a building is located between I-495 and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts on existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$12,000 per dwelling for all other buildings.

Staff finds that this project meets the adequate public facilities policies of Section 24-122.02, CB-30-2003 and CB-31-2003. The school surcharge may be used for the construction of additional school facilities, which are expected to accommodate the new students that will be generated by this development proposal.

10. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of fire and rescue facilities.

- a. The existing fire engine service at Marlboro Fire Station, Company 451, located at 7710

Croom Road, has a service travel time of 3.67 minutes, which is within the 5.25-minute travel time guideline.

- b. The existing ambulance service at Marlboro Fire Station, Company 45, has a service travel time of 3.67 minutes, which is within the 6.25-minute travel time guideline.

- c. The existing paramedic service at Marlboro Fire Station, Company 20, located at 14815

Pratt Street, has a service travel time of 10.73 minutes, which is beyond the 7.25-minute travel time guideline. The nearest fire station Marlboro, Company 45, is 3.67 minutes from the development. This facility would be within the recommended travel time for paramedic service.

These findings are in conformance with the standards and guidelines contained in the *Adopted and Approved Public Safety Master Plan 1990* and the *Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities*.

11. **Police Facilities**—The proposed development is within the travel area for Police District V-Clinton. In accordance with Section 24-122.01(c) of the Subdivision Regulations, existing county police facilities will be adequate to serve the proposed Magruder East development. This police facility will adequately serve the population generated by the proposed subdivision.

The Planning Board's current test for police adequacy is based on a standard for square footage in police stations relative to the number of sworn duty staff assigned. The standard is 115 square feet per officer. As of June 30, 2002, the county had 874 sworn staff and a total of 101,303 square feet of station space. Based on available space, there is capacity for an additional 69 sworn personnel.

12. **Health Department**—The Health Department noted that structures identified on the plan as existing could not be found on the site. These designations have been removed from the plan. The Health Department had no further comment.
13. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan, #16742-2003-00, has been filed, but not yet approved. To ensure that development of this site does not result in on-site or downstream flooding, a Stormwater Management Concept Plan must be approved prior to signature approval of the preliminary plan. Development must be in accordance with this approved plan, or any revisions thereto.
14. **Cemeteries**^¾ There are no known cemeteries on or adjoining the property.
15. **Public Utility Easement**—The required ten-foot-wide public utility easement is shown on the preliminary plan. This easement will be included on the final plat.
16. **Varying Lot Sizes**^¾ 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 67.65" 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 with the submitted preliminary plan: 20 of the 33 lots (or 60.6 percent) are a minimum of two acres in this subdivision.

The Zoning Ordinance allows one 1-acre lot for every 25 acres of land in the tract. With 67.65 acres of land in the R-A tract, a maximum of two 1-acre lots is permitted. The remaining lots are required to exceed 50,000 square feet. The submitted preliminary plan includes no lots between one acre and 50,000 square feet in size, with the remaining 13 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.

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 Eley, with Commissioners Harley, Eley, Vaughns and Hewlett voting in favor of the motion, and with Commissioner Squire absent at its regular meeting held on Thursday, November 6, 2003, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 4th day of December 2003.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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