

R E S O L U T I O N

WHEREAS, Lake Marlton Ltd. Partnership is the owner of a 13.63-acre parcel of land known as Parcel 110, shown on Tax Map 127, Grid F-1, said property being in the 15th Election District of Prince George's County, Maryland, and being zoned R-R; and

WHEREAS, on November 19, 2003, Lake Marlton Ltd. Partnership filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 12 lots and 1 parcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-03115 for Wallace Landing 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 April 1, 2004, 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 April 1, 2004, 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/69/03), and further APPROVED Preliminary Plan of Subdivision 4-03115, for Lots 1-12 and Parcel A with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision the plan shall be revised as follows:
 - a. To demonstrate a 10-foot PUE.
 - b. To provide distances on all lot lines.
 - c. Prior to signature approval, revise the Preliminary Plan to show the 65dBA (Ldn) noise contour without horn factor 110 feet from the centerline of the railroad tracks.
2. Prior to the issuance of permits, a Type II Tree Conservation Plan shall be approved.
3. Development of this property shall be in conformance with approved Stormwater Management Concept Plan # 39483-2003-00.
4. Prior to building permits the applicant, his heirs, successors and/or assignees shall demonstrate

that a homeowners association has been established and that the common areas have been conveyed to the homeowners association.

5. Prior to approval of the final plat of subdivision the applicant, his heirs, successors and or assignees shall pay a fee-in-lieu of parkland dedication.
6. At the time of final plat, the applicant, his heirs, successors and/or assignees shall convey to the homeowners association 1.05± acres of open space land (Parcel A). Land to be conveyed shall be subject to the following:
 - a. Conveyance shall take place prior to the issuance of building permits.
 - b. A copy of unrecorded, special warranty deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division (DRD), Upper Marlboro, along with the final plat.
 - c. All waste matter of any kind shall be removed from the property, prior to conveyance, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section or the entire project.
 - d. The conveyed land shall not suffer the disposition of construction materials, soil filling, discarded plant materials, refuse or similar waste matter.
 - e. Any disturbance of land to be conveyed to a homeowners association shall be in accordance with an approved detailed site plan or shall require the written consent of DRD. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement and stormdrain outfalls. If such proposals are approved, a written agreement and financial guarantee shall be required to warrant restoration, repair or improvements, required by the approval process.
 - f. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to a homeowners association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by DRD prior to the issuance of grading or building permits.
 - g. Temporary or permanent use of land to be conveyed to a homeowners association for stormwater management shall be approved by DRD.
 - h. The Planning Board or its designee shall be satisfied that there are adequate provisions to assure retention and future maintenance of the property to be conveyed.
7. Prior to the issuance building permits, the applicant, his heirs, successors and/or assignees shall pay a fair share contribution of \$1,190 per dwelling unit, toward the construction of the Croom-Naylor Emergency Services Facility, in order to mitigate the ambulance response time

deficiencies.

8. Prior to signature approval, revise the Forest Stand Delineation (FSD) to include information and revisions as follows:
 - a. Add notes to the plan stating whether there is Rare, Threatened or Endangered Species habitat, Forest Interior Dwelling Species habitat, or 100-year floodplain on the subject property and the source of the determination;
 - b. Limit the 15 percent to 25 percent slopes to those on erodible soils on the FSD plan, and revise the legend;
 - c. Remove reference to intermittent and ephemeral streams on the plan;
 - d. Have the revised FSD signed and dated by the Qualified Professional who prepared it.
9. Prior to signature approval, revise the TCPI as follows:
 - a. Provide a table of woodland conservation on a lot-by-lot basis. Include all lots that are part of the TCPI; and
 - b. Provide a clearly discernible symbol for limits of disturbance; and
 - c. Have the revised plan signed and dated by the Qualified Professional who prepared it.
10. Development of this subdivision shall be in compliance with the approved Type I Tree Conservation Plan (TCPI/69/03). The following note shall be placed on the Final Plat of Subdivision:

“A Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/69/03), 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.”
11. At time of final plat, the area that includes the delineated Patuxent Primary Management Area shall be described by bearings and distances and shall be placed in a conservation easement. 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 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."

12. At time of final plat, a building restriction line shall be delineated 100 feet from the centerline of the Pope's Creek Railroad Line. The following note shall be placed on the plat:

"The building restriction line placed adjacent to the railroad tracks prohibits the placement of structures due to the effect of vibration from the tracks on the integrity of foundations."

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 is located on the south side of Wallace Lane approximately 1,500 feet east of its intersection with Duley Station Road, east of US 301.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	R-R	R-R
Use(s)	Vacant	Residential
Acreage	13.63	13.63
Lots	0	12
Parcels	1	1
Dwelling Units:		
Detached	0	12

4. **Environmental**—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 revised Type I Tree Conservation Plan (TCPI/69/03) was submitted on January 7, 2003 and has been reviewed. The minimum requirement for this site according to the submitted plan is based on 13.63 acres of existing woodlands plus additional acreage due to removal of 5.62 acres of woodland, for a total minimum requirement of 4.13 acres.

The TCPI proposes to meet the requirement with 4.13 acres of on-site preservation. Preserved woodlands have been proposed as a largely contiguous block encompassing the Patuxent River Primary Management Area, which is the priority location for woodland retention on this site. The TCPI shows the conceptual location of houses on the site and conceptual grading that supports the TCPI as a reasonable solution for preserving woodlands in the quantity proposed on-site.

A table of woodland conservation on a lot-by-lot basis has not been provided. Because the lots will likely be constructed separately, the lot-by-lot table is needed to track the TCPII requirements throughout construction. This property will require the preparation of a Type II

Tree Conservation Plan prior to the issuance of permits.

The Preliminary Plan includes the location of significant environmental features, which occur on this site including nontidal wetlands and buffers, severe slopes, steep slopes on erodible soils, streams, and a minimum 50-foot-wide stream buffer. In combination, these environmental features, along with the 100-year floodplain if present, comprise the Patuxent Primary Management Area (PMA) in accordance with Section 24-130 of the Subdivision Ordinance. The Subdivision Ordinance mandates that the Patuxent River Primary Management Area shall be preserved in a natural state to the fullest extent possible. The revised Preliminary Plan proposes no impacts to the PMA.

The subject property abuts a railroad track along the southern boundary of the site. Noise and vibration related to the proximity of the railroad line have been identified as a concern on this site, due to the proposed residential use. The Preliminary Plan and TCPI show the location of the centerline of the existing railroad track, and delineate a building restriction line 100 feet from the centerline that is required to address the effect of vibration from the tracks on foundations. This building restriction line will need to be shown on the final plat.

There are noise impacts associated with this property due to the proximity of the railroad. According to a noise study in Environmental Planning Section files, prepared for the development of Preliminary Plan 4-00062 (Putter's Choice) located adjacent and north of the subject property, noise generated by railroad traffic on the Pope's Creek Railroad exceeds the State Standard of 65dBA (Ldn) for the exterior of residential uses within 285 feet of the centerline of the track.

The applicant submitted a railway noise evaluation for Marlton South, located south of this property across the railroad tracks, which was performed by Polysonics, Inc. in 1991. Based on the existing use/number of operations occurring on the tracks, and applying HUD noise assessment guidelines, the 65 dBA noise contour was determined both with and without the "horn factor." There is a whistle post for southbound trains located adjacent to this site approximately 200 feet east of the southwest property corner. The 65 dBA noise contour without the horn factor was placed at 110 feet from the centerline of the track. The 65 dBA noise contour with the horn factor was modeled at 510 feet from the centerline of the track. This modeling is based on existing use and does not take into account existing vegetation or terrain.

All proposed houses and outdoor activity areas fall outside of the 65 dBA Ldn contour of 110 feet. The location of the 65 dBA noise contour with horn factor is affected by the location of the whistle post, and the fact that the horn is only blown when the train is headed south. As a result, none of the structures or active outdoor areas lie within the noise contour and require additional mitigation.

The Subdivision Ordinance in Section 24-121(a)(4) requires that:

"Residential lots adjacent to existing or planned roadway or freeway or higher classification, or an existing or planned transit right-of-way, shall be platted with a depth of three hundred (300) feet. Adequate protection and screening from traffic nuisances

shall be provided by earthen berms, plant materials, fencing and/or the establishment of a building restriction line, when appropriate.”

The applicant revised the preliminary plan to demonstrate all lots in conformance with the 300-foot minimum lot depth.

Staff would note, in support of the 300-foot lot depth requirement, that the *Subregion VI Study Area Approved Master Plan (September 1993)* included a discussion of noise intrusion within the study area in the Environmental Envelope chapter, and identified railroad traffic as a prominent noise-generating source. Based upon the standards defined by the State of Maryland, the limits of the noise zone along roadways, airports and railway lines were identified within the Subregion. Map 4 (Page 26) indicates that the 65 dBA Ldn noise contour along the Conrail track was located at 567 feet (from the centerline) based on “ultimate road design service flow.” The study acknowledges that “... these contours assume a complete lack of natural and manmade noise barriers. In reality, the contours will be narrower than shown because hills, woodland and building often serve as barriers to dampen the impacts. Therefore, the indicated contours are only a guide in identifying where potential noise problems may exist.”

In the Circulation and Transportation chapter, “...the potential for commuter rail service along the Pope’s Creek Railroad line is acknowledged” and the following guideline is provided:

- “1. Rights-of-way should be acquired and/or protected in order to provide for the future extension or expansion of planned transportation facilities at reasonable costs, with minimum property displacement.”

The adopted plan shows the Conrail Railroad as a proposed transit facility. This assumes that there may be a future change in track usage, which may result in additional noise impacts.

On July 19, 1994, CB-39-1994, a bill to amend the Subdivision Regulations to increase the minimum lot depth requirement for residential lots adjacent to transit rights-of-ways, from 200 feet to 300 feet, was adopted. This legislation was to address a concern, and provide sufficient distance between dwelling units and transit rights-of-way. The standard, which is a minimum lot depth of 300 feet, is consistent with the required lot depth when the lot abuts a freeway, since the noise and vibration levels are comparable.

Water and Sewer Categories

The water and sewer service categories are W-4 and S-4 according to water and sewer maps obtained from the Department of Environmental Resources dated June 2003.

5. **Community Planning**—The property is within the limits of the 1993 *Subregion VI Study Area Master Plan*, Planning Area 82B in the Rosaryville Community. The master plan land use recommendation for the property is Low-Suburban residential with an average density of 1.6 to 2.6 dwelling units per acre. The 2002 General Plan locates the property in the Developing Tier. The General Plan vision for the Developing Tier is to maintain a pattern of low-to-moderate

density suburban residential communities. The proposed preliminary plan is consistent with the recommendations of the master plan and the 2002 General Plan.

6. **Parks and Recreation**—In accordance with Section 24-134 of the Subdivision Regulations the Park Planning and Development Division recommends that the applicant pay a fee-in-lieu of parkland dedication because the land available for dedication is unsuitable due to its size and location.
7. **Trails**—There are no master plan trail issues associated with this application. The master plan indicates a potential commuter rail symbol on the subject site. If this were implemented on or in the vicinity of the property, appropriate pedestrian connection should be provided. However, because of the significant environmental features on this site, a pedestrian connection to the rail line is not recommended at this time.
8. **Transportation**—The application is a preliminary plan of subdivision for a residential development consisting of 12 single-family dwelling units. These transportation findings were generated based on the original preliminary plan proposing 15 single-family dwelling units. The revised preliminary plan, reducing the number of dwelling units proposed does not substantively alter these findings.

The site is within 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.

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.

The traffic generated by the proposed preliminary plan would impact the critical intersection of US 301 and Rosaryville Road/Old Indian Head Road, which is signalized.

The transportation staff has available counts taken by the State Highway Administration in 2003. These counts indicate that the critical intersection operates at Level-of-Service (LOS) C, with a critical lane volume (CLV) of 1,254, during the AM peak hour. During the PM peak hour, the intersection operates at LOS D with a CLV of 1,314.

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 hour—LOS D, with a CLV of 1,346; PM peak hour—LOS D, with a CLV of 1,420.

With the development of 15 residences, the site would generate 11 AM (2 in and 9 out) and 13 PM (9 in and 4 out) peak-hour vehicle trips. The site was analyzed with the following trip distribution: 40 percent—west along Rosaryville Road, 30 percent—north along US 301, 25 percent—south along US 301, and 5 percent—southeast along Duley Station Road. 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 hour—LOS D, with a CLV of 1,350; PM peak hour—LOS D with a CLV of 1,422.

Based on the preceding findings, adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code.

9. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of school facilities based on the original submittal for 15 lots in accordance with Section 24-122.02 of the Subdivision Regulations and CB-30-2003 and CR-23-2003 and concluded the following.

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 4	Middle School Cluster 2	High School Cluster 2
Dwelling Units	12 sfd	12 sfd	12 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	2.88	0.72	1.44
Actual Enrollment	5,334	5,131	10,098
Completion Enrollment	351.84	217.62	398.97
Cumulative Enrollment	182.16	90.54	181.08
Total Enrollment	5,870.88	5,439.88	10,679.49
State Rated Capacity	5,384	4,688	8,770
Percent Capacity	109.04%	116.04%	121.77%

Source: Prince George's County Planning Department, M-NCPPC, December 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.

The school surcharge may be used for the construction of additional or expanded school facilities and renovations to existing school buildings or other systemic changes.

The Historic Preservation and Public Facilities Planning Section staff finds that this project meets the adequate public facilities policies for school facilities contained in Section 24-122.02, CB-30-2003 and CB-31-2003 and CR-23-2003.

10. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan 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 travel time of 6.47 minutes, which is beyond the 5.25-minute travel time guideline.
- b. The existing ambulance service at Marlboro Fire Station, Company 45, located at 7710 Croom Road has a service travel time of 6.47 minutes, which is beyond the 6.25-minute travel time guideline.
- c. The existing paramedic service at Brandywine Fire Station, Company 40, located at 14201 Brandywine Road has a service travel time of 10.67 minutes, which is beyond the 7.25-minute travel time guideline. However, the nearest fire station Marlboro, Company 45 is located at 7710 Croom Road, which is 6.47 minutes from the development. This facility would be within the recommended travel time for paramedic if an operational decision to locate this service at that facility were made by the county.

In order to alleviate the negative impact on fire and rescue services due to the inadequate service discussed, an automatic fire suppression system shall be provided in all new buildings proposed in this subdivision, unless the Prince George's County Fire/ EMS Department determines that an alternative method of fire suppression is appropriate. Since this is a matter of existing law, no condition is necessary.

The above 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*.

The Historic Preservation and Public Facilities Planning Section has concluded that the entire development is beyond the recommended response times from existing facilities that provide ambulance service. This finding is based on using the existing road system and existing stations. The staff also found that planned Croom–Naylor Emergency Services Facility, which is shown in the General Plan, will be the first-due station that will provide ambulance and paramedic service to this development.

In order to mitigate the ambulance response time deficiencies the staff recommends that the applicant participate in providing a fair share contribution towards the construction of the Croom-

Naylor Emergency Services Facility.

The fee amount is based upon the total cost of the facility (\$1,275,000) plus the ambulance (\$131,000) divided by the total amount of residential and employment population within the service area in 2006. The service areas include those areas that will be served by the planned facility. The fair share fee is \$1,190 per dwelling unit, for ambulance service

Croom-Naylor

2006 service area population is 3,541

$1,405,000/3541 = \$396.78$ per resident/employee

$\$396.78 \times 3.0$ planning area household size = \$1,190 per dwelling X 12du = \$14,280

11. **Police Facilities**—The proposed development is within the service area for Police District V-Clinton. 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 January 1, 2004, the county had 823 sworn staff and a total of 101,303 square feet of station space. Based on available space, there is capacity for an additional 57 sworn personnel. Therefore, in accordance with Section 24-122.01(c) of the Subdivision Regulations the existing county's police facilities will be adequate to serve the proposed Wallace Landing development.
12. **Health Department**—The Health Department has no 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, # 39483-2003-00, 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.

* * * * *

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, Squire and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, April 1, 2004, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 15th day of April 2004.

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Trudye Morgan Johnson

Executive Director

By Frances J. Guertin
Planning Board Administrator

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