

R E S O L U T I O N

WHEREAS, a 8.37-acre parcel of land known as Parcel 98, Tax Map 53 in Grid E-1, said property being in the 7th Election District of Prince George's County, Maryland, and being zoned R-E; and

WHEREAS, on July 18, 2006, Marleigh Park, LLC filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 6 lots and 1 parcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-06078 for Marleigh Park 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 October 26, 2006, 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 October 26, 2006, 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 Preliminary Plan of Subdivision 4-06078, Marleigh Park for Lots 1-6 and Parcel A with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the following technical revisions shall be made to the plan:
  - a. Revise the 40-foot-wide bufferyard shown on Lot-1, to a 50-foot-wide bufferyard in accordance with Section 4.6 of the *Landscape Manual*.
  - b. Delineate the limits of the existing septic system that currently serves the dwelling at 4301 Enterprise Road.
  - c. Label both of the existing wells shown on the preliminary plan as "to be abandoned in accordance with Health Department requirements."
  - d. Re-label Enterprise Road as having a 150-foot-wide right-of-way width.
  - e. Label the existing fence within the Enterprise Road dedication area as "to be removed, or relocated to the property line," and further indicate what is proposed with the remaining fencelines.

- f. Relocate the bearing on the south side of Lot 3 to a more legible location.
  - g. Revise general note no. 3 to provide the correct square footage of Parcel A.
  - h. Re-label Outparcel A, both on the plan, and within general note no. 3, to now call this Parcel A, and further demonstrate that this parcel will be dedicated to the HOA.
  - i. Label the 10-foot-wide, public utility easement provided on the north side of the proposed internal street.
  - j. Label the adjacent property to the south of Lot 3 thru 6 as Lot 4, Darnells Grove, REP 195 @ 10.
  - k. Provide the correct scale of the preliminary plan and update the revision box to demonstrate the September 22, 2006, revision and any subsequent revisions. Have the plan signed by the qualified professional who prepared the plan.
  - l. Further label the title box as Lots 1 thru 6, and Parcel A
  - m. Correct the spelling errors in general notes 5 and 9.
  - n. Delineate the proposed, eight-foot-wide asphalt master plan trail along the property's entire street frontage of Enterprise Road.
2. Prior to the approval of building permits, the applicant, his heirs, successors and/or assignees shall convey to the homeowners association (HOA) .31± 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 require the written consent of DRD or be in accordance with an approved detailed site plan, if one is

required. 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 storm drain 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.
- 3. Development of this site shall be in conformance with the Stormwater Management Concept Plan, #9570-2006-00 and any subsequent revisions.
  - 4. The final plat shall delineate the unmitigated 65-dBA (Ldn) noise contour 106 feet from the ultimate centerline of MD 193.
  - 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. The applicant, his heirs, successors and or assignees shall construct the eight-foot-wide, asphalt master plan trail along the property's entire road frontage of MD 193, unless modified by the State Highway Administration. This trail shall connect to the existing trail just north of the subject property.
  - 7. The applicant, his heirs, successors and or assignees shall provide standard sidewalks along both sides of the internal public street unless modified by the Department of Public Works and Transportation at the time of issuance of street construction permits.
  - 8. Prior to the removal of any of the existing structures, a raze permit must be obtained through the Department of Environmental Resources. Any hazardous materials located in the structures must be removed and properly stored or discarded prior to the structures being razed.
  - 9. Prior to the issuance of grading permits the applicant, his heirs, successors, and/or assignees shall demonstrate that any abandoned well or septic system has been pumped, backfilled and/or sealed in accordance with COMAR 26.04.04 by a licensed well driller or scavenger and witnessed by a representative of the Health Department.

10. Prior to the approval of 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.
11. The final plat shall carry a note that states that any direct access to Enterprise Road from Lot 1 is denied.

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 along the east side of Enterprise Road (Md.193), at its intersection with Glenn Dale Road.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

Zone Use(s)	EXISTING	PROPOSED
	R-E 1-Detached Single-Family Dwelling	R-E 6-Detached Single-Family Dwellings
Acreage	8.37	8.37
Lots	0	6
Parcels	1	1
Dwelling Units:		
Detached	1	6
	(To be razed)	
Public Safety Mitigation Fee		No

4. **Environmental**—The Environmental Planning Section has reviewed a revised preliminary plan of subdivision for the Marleigh Park site, stamped as received on September 25, 2006. There are no regulated environmental features associated with the site and it is exempt from the Woodland Conservation Ordinance because there are less than 10,000 square feet of existing woodlands on-site. A standard letter of exemption from the Ordinance was issued in August 2005. The Environmental Planning Section recommends approval of Preliminary Plan 4-06078 subject to one condition. This memo supersedes all previous memoranda from the Environmental Planning Section.

The Environmental Planning Section has previously reviewed plans associated with this site in Preliminary Plan of Subdivision 4-06003, which was withdrawn prior to review by the Planning

Board. The current application is for the creation of six single-family detached lots and one parcel in the R-E Zone. Three structures exist on the site and are proposed to be razed prior to development.

This 8.37-acre property is located on the east side of MD 193 (Enterprise Road) approximately 1,000 feet south of the MD 193/Marleigh Drive intersection and is zoned R-E. There are no regulated environmental features associated with the site. Based on Year 2000 aerial photos, there are less than 10,000 square feet of existing woodlands on-site. Collington Fine Sandy Loam soils (three types in this series) are associated with the site according to the Prince George's County Soil Survey. This soil series can have development constraints when located on slopes. Traffic-generated noise impacts are anticipated from MD 193, which is classified as a planned arterial road. There are no designated scenic or historic roads located in the vicinity of this property. According to information obtained from the Maryland Department of Natural Resources, Wildlife and Heritage Program, no rare, threatened, or endangered species have been identified in the vicinity of this property. According to the Countywide Green Infrastructure Plan, no network features exist on-site. The site is in the Northeast Branch watershed of the Patuxent River basin, the Bowie and Vicinity Planning Area and the Developing Tier as reflected in the approved General Plan.

A revised natural resources inventory (NRI/153/05-01) was signed on October 5, 2006, to address a conflict in the gross tract acreage previously referred to on the NRI compared to the preliminary plan. The NRI confirms that there are no woodlands on the site; however, one specimen tree was field located. A note on the NRI states a wetlands delineation was conducted in November 2005, which concluded there were no wetlands associated with the site.

A Stormwater Management Concept Approval Letter (#9570-2006) and associated plans were approved by the Prince George's County Department of Environmental Resources (DER) on May 28, 2006. This approval is valid for a period of three years from the date of issuance. The Concept Plan proposes the use of infiltration trenches for the proposed road and infiltration dry wells for lots.

The preliminary plan has been reviewed for traffic-generated noise impacts from MD 193, a planned arterial road. Based on the Environmental Planning Section's noise model, the approximate location of the unmitigated 65-dBA (Ldn) noise contour is 106 feet from the centerline of MD 193. The modeled 65-dBA Ldn noise contour falls within the 40-foot-wide landscape buffer adjacent to Enterprise Road (MD 193) and does not impact the active rear yard area or proposed dwelling on Lot 1.

A revised preliminary plan has been submitted to locate the unmitigated 65-dBA Ldn noise contour in relation to MD 193. Although no noise impacts are anticipated to the proposed dwelling unit on Lot 1, the unmitigated 65-dBA Ldn noise contour must be shown on the final plat.

## 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, and will therefore be served by public systems.

5. **Community Planning**—The subject property is located in Planning Area 74A and is within the limits of the 2006 Master Plan for Bowie & Vicinity. The master plan land use recommendation is for a low-suburban residential land use. Because of the existing zoning category of the property, and the proposed land use, this application conforms to the low-suburban residential land use recommendation within the 2006 Master Plan for Bowie & Vicinity.

This 2002 General Plan locates this property in the Developing Tier. 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 increasingly transit serviceable. This application proposes a low-density suburban residential community and is therefore consistent with the 2002 General Plan Development Pattern policies for the Developing Tier.

The 2006 Bowie & Vicinity Sectional Map Amendment retained the property in the R-E Zone.

6. **Parks and Recreation**—In accordance with Section 24-134(a) 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**—The 2006 Approved Bowie and Vicinity Master Plan designates MD 193 as a master plan bike/trail corridor. This has been implemented in the adjacent Marleigh development as an eight-foot-wide asphalt trail. This segment has been constructed as part of road frontage improvements for the Marleigh development. The Transportation Planning Section recommends the continuation of this master plan trail across the frontage of the subject site. The adjacent Marleigh development also includes standard sidewalks along both sides of all internal roads.

The State Highway Administration has also implemented on-road bike lanes along the nearby Meadowland Estates frontage of the MD 193. The Transportation Planning Section encourages striping along the subject site's frontage consistent with these recent improvements. The State Highway Administration will make the final determination regarding the on-road bike lanes.

8. **Transportation**—The applicant proposes a residential subdivision consisting of a total of six lots. The property is currently improved with a residence, which will be razed as part of the proposed development. Since one dwelling is already in existence, and is currently generating traffic, only five new lots are being created, consequently a finding of adequacy will be based on five lots, rather than six.

Based on the “Guidelines for the Analysis of the Traffic Impact of Development Proposals,” a five-lot single-family development will generate 4 AM peak-hour trips, and 5 PM peak-hour trips. The subject property is located within the Developing Tier as defined in the 2002 *Approved 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 1,300 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.

Pursuant to provisions in the Guidelines, the Planning Board may find that traffic impact of small developments is *de minimus*. A *de minimus* development is defined as one that generates 5 trips or fewer in any peak period.

The Transportation Planning Section has no issues regarding the on-site circulation of traffic. The applicant’s plan shows a proposed right-of-way dedication of approximately 87 feet from the existing center line of MD 193, which appears to be consistent with the master plan requirements for the future widening of MD 193.

#### **Transportation Staff Conclusions**

Based on the fact that the subject application is considered to be *de minimus*, 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 if the application is approved.

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

## Finding

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 3	Middle School Cluster 2	High School Cluster 2
Dwelling Units	6 sfd	6 sfd	6 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	1.44	0.36	0.72
Actual Enrollment	5,137	7,218	10,839
Completion Enrollment	176	112	223
Cumulative Enrollment	30.48	304.86	610.80
Total Enrollment	5,344.92	7,635.22	11,673.52
State Rated Capacity	4,838	6,569	8,920
Percent Capacity	110.48%	116.23%	130.87%

Source: Prince George's County Planning Department, M-NCPPC, December 2005

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 interstate highway 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. Council bill CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts are \$7,671 and \$13,151 to be a paid at the time of issuance of each building permit.

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 & Public Facilities Planning Section has reviewed this subdivision plan for fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(B)-(E) of the Subdivision Ordinance.

The Prince George's County Planning Department has determined that this preliminary plan is within the required 7-minute response time for the first due fire station Glenn Dale, Company 18, using the 7 Minute Travel Times and Fire Station Locations Map provided by the Prince George's



County Fire Department.

Pursuant to CR-69-2006, Prince George's County Council and the County Executive suspended the provisions of Section 24-122.01(e)(1)(A, B) regarding sworn police and fire and rescue personnel staffing levels.

The Fire Chief has reported that the department has adequate equipment to meet the standards stated in CB-56-2005.

11. **Police Facilities**—The proposed subdivision is located in Police District II. The response standard for emergency calls 10 minutes and 25 minutes for nonemergency calls. The times are based on a rolling average for the preceding 12 months. The preliminary plan was accepted for processing by the Planning Department on July 18, 2006.

Reporting Cycle	Date	Emergency Calls	Nonemergency
Acceptance Date	01/05/05-06/05/06	10.00	22.00
Cycle 1			
Cycle 2			
Cycle 3			

The response time standards of 10 minutes for emergency calls and 25 minutes for nonemergency calls were met on June 5, 2006. Pursuant to CR-69-2006, Prince George's County Council and the County Executive suspended the provisions of Section 24-122.01(e)(1)(A, B) regarding sworn police and fire and rescue personnel staffing levels.

The Police Chief has reported that the department has adequate equipment to meet the standards stated in CB-56-2005.

12. **Health Department**—The Environmental Engineering Program has reviewed the preliminary plan of subdivision for Marleigh Park and has the following comments to offer:

The abandoned shallow well adjacent to the existing house at 4301 Enterprise Road must be backfilled and sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative from the Health Department as part of the raze permit.

Once the house at 4301 Enterprise Road is vacated, the abandoned septic system serving the existing house must be pumped out by a licensed scavenger and either removed or backfilled in place as part of the grading permit. The location of the septic system should be located on the preliminary plan.

The four abandoned vehicles (one Suzuki SUV, one Isuzu truck and two Ford trucks) found on the property must be removed and properly disposed.

A raze permit is required prior to the removal of any of the structures on site. A raze permit can

be obtained through the Department of Environmental Resources, Office of Licenses and Permits. Any hazardous materials located in any structures on site must be removed and properly stored or discarded prior to the structures being razed. A note needs to be affixed to the preliminary plan that requires that the structures are to be razed and the well and septic systems properly abandoned.

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, #9570-2006-00 has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. The stormwater concept approval proposes infiltration trenches to serve the proposed internal street and infiltration drywells to serve the individual lots. Development must be in accordance with this approved plan.
14. **Historic**—Comments were previously generated for the prior preliminary plan application for this property, 4-06003, in regard to archeological issues, which are applicable to the current preliminary plan application.

A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites was conducted. One archeological site within a one-mile radius was identified (18PR170), along Lottsford Branch. A second historic period archeological site, the location and remains of the 19<sup>th</sup>-century Duvall's Store (18PR378) was also located within a one-mile radius of the subject property. Two residences are identified on the 1861 Martenet map, those of Mrs. Duckett, to the south, and Oden Bowie (PG 71A-13), to the northeast, both approximately ½-mile from the subject property.

The Year 2000 aerial photo suggests that the property has been graded and as a result any potentially significant archeological sites would have been substantially disturbed. Also, the location and topography of the property indicates that the probability of significant archeological sites on the subject property is low.

Therefore, a Phase I (Identification) archeological survey is not recommended by the Planning Department on the above-referenced property.

Section 106 review may require archeological survey for state or federal agencies, however. Section 106 of the National Historic Preservation Act required federal agencies to take into account the effects of their undertakings on historic properties, to include archeological sites. This review is required when federal monies, federal properties, or federal permits are required for a property.

15. **Enterprise Road Corridor Commission**—This application was forwarded to the Enterprise Road Corridor Commission for review and comment. At the time of the writing of this report, no comments have been received from the Corridor Commission.

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 Squire, seconded by Commissioner Clark, with Commissioners Squire, Clark, Eley, Vaughns and Parker voting in favor of the motion at its regular meeting held on Thursday, October 26, 2006, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 16th day of November 2006.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

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