

R E S O L U T I O N

WHEREAS, Lake Marlton Limited Partnership is the owner of a 4.24-acre parcel of land known as Marlton Town Center, Phase IV (Lots 185-233, Block B and Parcel F), said property being in the 15th Election District of Prince George's County, Maryland, and being zoned R-30; and

WHEREAS, on November 23, 1999, Lake Marlton Limited Partnership filed an application for approval of a Preliminary Subdivision Plat (Staff Exhibit #1) for 48 lots and 1 parcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plat, also known as Preliminary Plat 4-99064, 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 13, 2000, 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 13, 2000, 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 Plat of Subdivision 4-99064 with the following conditions:

1. If at the time of Detailed Site Plan review, the applicant can assure the Planning Board that the intent of CB-55-1996 has been satisfied, Lots 205 to 222 may face the rear of lots. If the applicant cannot assure the Planning Board of this, the Detailed Site Plan shall:
  - a. Eliminate back to front orientations of townhouses.
  - b. Reconfigure the layout to create a rear yard orientation toward open space internal to the lot.
  - c. Position all townhouses with a front orientation toward existing streets, except for possible lots in the rear (east). If additional lots are to be created in the rear, they shall be located so that the rears face the center of the property.
2. Prior to signature approval, the preliminary plat shall be revised to graphically depict the

10-foot Public Utility Easement along Great Gorge Way, Heathermore Boulevard and Woods View Street or to include a note referencing this easement.

3. Prior to the issuance of building permits, the applicant, his heirs, successors and/or assigns shall pay an Adequate Public Facilities fee for the affected elementary school of \$740.00 per dwelling unit. This fee shall be placed in an account to relieve overcrowding at Marlton Elementary School.
4. Prior to the issuance of building permits, the applicant, his heirs, successors and/or assigns shall pay an Adequate Public Facilities fee for the affected middle school of \$257.00 per dwelling unit. This fee shall be placed in an account to relieve overcrowding at James Madison Middle School.
5. Prior to the issuance of building permits, the applicant, his heirs, successors and/or assigns shall pay an Adequate Public Facilities fee for the affected high school of \$393.00 per dwelling unit. This fee shall be placed in an account to relieve overcrowding at Frederick Douglass High School.
6. No building permits shall be issued for this subdivision until the projected percentage of capacity at all the affected schools is less than or equal to 130% or four years have elapsed since date of the adoption of the resolution of the approval of this preliminary plat of subdivision.
7. Prior to the issuance of any building permit other than those for model homes, the following improvements shall be in place, under construction by the Department of Public Works and Transportation (DPW&T) or the State Highway Administration (SHA), or otherwise provided by the applicant, his heirs, successors and/or assigns:

At US 301/Osborne Road Intersection

- a. Construction of a dual left-turn lane at the northbound US 301 approach.
  - b. Construction of two lanes (eventually tapering to one lane) along westbound Osborne Road to receive left-turning traffic from US 301 (the length of taper to be determined by DPW&T).
8. Prior to the issuance of any building permit other than those for model homes, the following improvements shall be in place, under construction by the Department of Public Works and Transportation (DPW&T) or the State Highway Administration (SHA) or otherwise funded by the applicant, his heirs, successors and/or assigns:

At Fairhaven Avenue/Heathermore Boulevard Intersection

- a. Construction of a through-and-left-turn lane on the westbound Heathermore Boulevard approach.

- b. Construction of a through and an exclusive right-turn lane on the eastbound Heathermore Boulevard.
  - c. Construction of an exclusive right and an exclusive left-turn lane on the northbound Fairhaven Avenue approach.
- 9. Prior to the issuance of any building permit other than those for model homes, the following improvements shall be in place, under construction by the Department of Public Works and Transportation (DPW&T) or the State Highway Administration (SHA) or otherwise funded by the applicant, his heirs, successors and/or assigns:
  - a. Construction of Heathermore Boulevard (with a cross-section to be determined by DPW&T) from Trumps Hill Road to Grandhaven Avenue.
- 10. The land to be conveyed to the Homeowners= Association shall be subject to the following conditions:
  - a. A copy of an 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.
  - b. 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.
  - c. The land to be conveyed shall not be filled or disturbed in any way without prior, written consent of the DRD.
  - d. Storm drain 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 adequate impact property to be conveyed, shall be reviewed and approved by DRD prior to the issuance of grading or building permits.
  - e. Temporary or permanent use of land to be conveyed to a Homeowners Association for stormwater management shall be approved by DRD.
  - f. Storm drain outfalls shall be designed to avoid adverse impacts on adjacent land owned by, or to be conveyed to The Maryland-National Capital Park and Planning Commission (M-NCPPC). If the outfalls require drainage improvements on land to be conveyed to or owned by the M-NCPPC, the Department of Parks and Recreation (DPR) shall review and approved the location and design of these facilities. DPR may require a performance bond and easement agreement prior to issuance of grading permits.
  - g. There shall be no disturbance of any adjacent land that is owned by, or to be

conveyed to the M-NCPPC, without the review and approval of DPR.

- 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.

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. This site is part of a larger property which was subject to the provisions of the Woodland Conservation Ordinances, because the total site is more than 40,000 square feet and contained more than 10,000 square feet of woodland. A Tree Conservation Plan, TCP I/18/94, was approved by the Planning Board as part of 4-94029. The proposed woodland conservation areas protect substantial stream buffers and exceed the minimal area requirements. Since this proposal does not alter the original Tree Conservation Plan which is still valid, no new TCP is necessary.

There are no significant environmental impacts proposed to wetlands and wetland buffers. Variation requests were granted by the Planning Board to impact wetlands or wetland buffers whose preservation is generally required by Section 24-130 of the Subdivision Ordinance. The site has been graded in conformance with a Federal Wetlands Permit that conforms to the previously approved variation requests. No new variation requests are needed prior to the approval of this plan.

The proposed project will impact small areas of the Patuxent River Primary Management Area Preservation Area; however, the companion Tree Conservation Plan demonstrates that there will be adequate protection to the Preservation Area to ensure that it will remain in a natural state to the fullest extent possible.

Due to the distance of structures from any highway, there are no noise impacts associated with this proposal. There are no other significant environmental features associated with this proposal. The property is in Water and Sewer Category 3 and will be served by public systems.

2. The *1994 Subregion VI Master Plan* recommends High Urban Residential land use for the property at a density of 17.0 to 48.4 dwelling units per acre. The 1994 Sectional Map Amendment rezoned the property from the R-10 (R-P-C) Zone to the R-30 (R-P-C) Zone. The application proposes a residential density which is less dense than proposed in the master plan, but is consistent with existing zoning. No significant master plan issues arise.
3. Throughout Marlton, the applicant is providing private recreational facilities in lieu of mandatory park dedication. These facilities were required by Preliminary Plat 4-94029.

In this application, the applicant proposes to convey one large parcel to the homeowners' association. This conveyance should be subject to several standard conditions included in this report.

4. There are no master plan trails issues associated with this application.
5. Because the subject property is part of previously approved Preliminary Plat 4-94029, which was approved with many transportation conditions, it is not necessary to reevaluate the traffic impact, provided that all of the conditions of approval are carried forward. The density proposed by the subject application is significantly below that which was anticipated in 1994. The following represents the transportation conditions on which the approval of preliminary plat 4-94029 was based:

1. **Prior to the issuance of any building permit other than those for model homes, the following improvements shall be in place, under construction by the Department of Public Works and Transportation (DPW&T) or the State Highway Administration (SHA), or otherwise provided by the applicant, his heirs, successors and/or assigns:**

- a. **At US 301/Osborne Road Intersection**

- i. **Construction of a dual left-turn lane at the northbound US 301 approach.**
- ii. **Construction of two lanes (eventually tapering to one lane) along westbound Osborne Road to receive left-turning traffic from US 301 (the length of taper to be determined by DPW&T).**

2. **Prior to the issuance of any building permit other than those for model homes, the following improvements shall be in place, under construction by the Department of Public Works and Transportation (DPW&T) or the State Highway Administration (SHA) or otherwise funded by the applicant, his heirs, successors and/or assigns:**

- a. **At US 301/Heathermore Boulevard Intersection**

- i. **Installation of a traffic signal.**
- ii. **Construction of an exclusive right-turn lane on the northbound US 301 approach.**
- iii. **Construction of a dual left-turn lane on the southbound US 301 approach.**

- iv. **Construction of a dual left, and a dual right-turn lane on the westbound Heathermore Boulevard approach.**
  - b. **At Trumps Hill Road/Heathermore Boulevard Intersection**
    - i. **Construction of a left, a through and an exclusive right-turn lane on the eastbound Heathermore Boulevard approach.**
    - ii. **Construction of an exclusive left and a through-and-right-turn lane on the northbound and southbound Trumps Hill Road approaches.**
    - iii. **Construction of an exclusive left, a through and a through-and-right-turn lane on the westbound Heathermore Boulevard approach.**
  - c. **At Fairhaven Avenue/Heathermore Boulevard Intersection**
    - i. **Construction of a through-and-left-turn lane on the westbound Heathermore Boulevard approach.**
    - ii. **Construction of a through and an exclusive right-turn lane on the eastbound Heathermore Boulevard.**
    - iii. **Construction of an exclusive right and an exclusive left-turn lane on the northbound Fairhaven Avenue approach.**
  - d. **To provide for construction of Heathermore Boulevard (with a cross-section to be determined by DPW&T) from Trumps Hill Road to Grandhaven Avenue.**
3. **Prior to the issuance of any building permit other than those for model homes, the construction of four through lanes of Heathermore Boulevard between Trumps Hill Road and US 301 shall be bonded and permitted for construction. Prior to the issuance of the 73rd building permit or as otherwise determined by DPW&T, Heathermore Boulevard shall be constructed and open to traffic to the satisfaction of DPW&T.**

Subsequent to the approval of preliminary plat 4-94029, Heathermore Boulevard, between US 301 and Trumps Hill Road, has been built and open to traffic. Consequently, conditions 2a, 2b and 3 of the above list have been met and do not need to be carried forward.

The Transportation Section concludes that adequate access roads will exist as required by Section 24-124 of the Prince George's County Code if the application is approved with

the reimposition of the original transportation conditions which have yet to be fulfilled.

6. The Growth Policy and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of public facilities in accordance with Section 24-122.01 and 24-122.02 of the Subdivision Regulations and the *Regulations to Analyze the Development Impact on Public School Facilities* (revised January 2000) (CR-4-1998) and concluded the following:

**Finding**

Projected Impact on Affected Public Schools								
Affected School Name	D.U. by Type	Pupil Yield Factor	Development Pupil Yield	5-Year Projection	Adjusted Enrollment	Total Projected Enrollment	State Rated Capacity	Projected % Capacity
Marlton Elementary School	48 TH	0.23	11.04	674	0	685.04	554	123.65%
James Madison Middle School	48 TH	0.06	2.88	1102	0	1104.88	864	127.80%
Frederick Douglass High School	48 TH	0.11	5.28	1777	0	1782.28	1200	148.52%

Source: Prince George's County Planning Department, M-NCPPC, January 2000.

Since the affected Marlton Elementary, James Madison Middle and Frederick Douglass High Schools projected percentage of capacities are greater than 105%, the Adequate Public Facilities fee is \$3,890.00 per dwelling unit.

The amount of the Adequate Public Facilities fee for schools shall be offset by the School Facilities Surcharge fee of \$2,500.00 per dwelling unit. Therefore, an Adequate Public Facilities fee is required in the amount of \$1,390.00 per dwelling unit.

Section 24-122.02 (a) (4) states that if any affected school=s projected percentage of capacity exceeds 130% no permits may be issued until (a) capacity exists below 130% in all affected schools; or (b) four (4) years have elapsed since the time of the approval of the preliminary plan of subdivision.

7. The Growth Policy and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of public facilities and concluded the following:
  - a. The existing fire engine service at Marlboro Fire Station, Company 45 located at 7710 Croom Road has a service response time of 3.36 minutes, which is within the 5.25 minutes response time guideline.
  - b. The existing ambulance service at Marlboro Fire Station, Company 45 located at

7710 Croom Road has a service response time of 3.36 minutes, which is within the 6.25 minutes response time guideline.

- c. The existing paramedic service at Marlboro Fire Station, Company 20 located at 14815 Pratt Street has a service response time of 9.25 minutes, which is beyond the 7.25 minutes response time guideline. The nearest fire station Marlboro, Company 45 is located at 7710 Croom Road, which is 3.36 minutes from the development. This facility would be within the recommended response time for paramedic service.

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

8. The proposed development is within the Police District V-Clinton service area. In accordance with Section 24-122.01 (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 Marlton Town Center Phase IV development. This police facility will adequately serve the population generated by the proposed subdivision.
9. The Health Department reviewed this application and offered no comments.
10. The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is not required. A Stormwater Management Concept Plan, # 008001040, 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.
11. A 10-foot wide Public Utility Easement along Great Gorge Way, Heathermore Boulevard, and Woods View Street, must be shown on the preliminary plat prior to signature approval. The utility easement must be provided to allow for the adequate provision and maintenance of necessary public utilities.
1. The Official Plan for Marlton includes a A Detailed Development Plan, @ on which the property was originally shown to be developed with apartments. The applicant received approval of an Official Plan Amendment (OPA), removing the apartment designation and replacing it with townhouses. The amendment (A-6696-C, A-9730-C and A-9731/03) was approved by the Planning Board on April 13, 2000. This preliminary plat is in conformance with the Official Plan as amended in terms of land use. However, compatibility issues raised during the review



of the Official Plan Amendment must be addressed at the preliminary plat stage because that is when the lotting pattern is established.

To be approved, an Official Plan Amendment must be found to be compatible with the surrounding land uses. Staff raised this issue in its recommendation of approval of the OPA. The applicant has presented a density that is in keeping with the Zoning Ordinance, and the applicant argues that the 1969 standards should apply rather than the more stringent requirements of today. While staff agrees that is technically the case, staff believes that development of the property should be held to a higher standard given its R-P-C zoning designation and its location along Heathermore Boulevard, the major roadway in Marlton.

CB-55-1996 amended several sections of the Zoning Ordinance regarding townhouse development. The intent of CB-55-1996 was to set that higher standard for townhouse developments. The new law encourages variety and establishes standards regarding building density and orientation. Staff suggests that the applicant be allowed density under the old standards only if current design standards are met. Among other things, CB-55-1996 discourages front to rear orientation of townhomes. While it does not specifically prohibit this type of orientation, it provides for strict guidelines for such layouts. The proposed subdivision includes front to rear orientations. Staff believes that a better design would be to eliminate these orientations altogether. A design that fronts all townhouses along the existing streets will provide a setting more compatible with the existing townhouse development in Marlton. The front to rear orientation would be unique to this property as the other townhouse development in the Marlton Town Center includes no such orientations.

Furthermore, CB-55-1996 encourages the provision of open space with townhouses oriented toward that open

space. The proposal does not accomplish this. The staff recommendation regarding these issues would not only provide open space accessible to each lot, but it would take full advantage of the large Village Green directly across Great Gorge Way. Townhomes would be oriented toward this Village Green in keeping with the intent of CB-55-1996 and the wishes of the County Council that townhouse development be held to a higher standard today.

Heathermore Boulevard is an arterial roadway. Therefore, no access to it will be permitted. To serve lots that would front on Heathermore Boulevard, staff recommends the use of a rear access alley, similar to the alleys used to serve many of the existing townhouses in Marlton.

In conclusion, the requirements in effect at the time of the original zoning apply to the development of townhouses on this property, given Section 27-540 of the Zoning Ordinance, only upon approval of the companion OPA. If that approval contains conditions regarding density and design, the Planning Board may require this development to satisfy the intent of CB-55-1996. Staff believes a layout which fronts all townhouses on the existing streets, while providing a rear access alley for those townhouses along Heathermore Boulevard, will be compatible with surrounding uses, more in keeping with the intent of CB-55-1996, and ultimately more in line with established County policy.

At the hearing the applicant argued that the orientation of homes on the lots is a site plan issue. Of specific concern were proposed Lots 205 to 222 which face the rears of proposed lots along Great Gorge Way. The applicant suggested that buffering, screening and architectural features might ameliorate the problems inherent in front-to-back orientation of townhouses. The Planning Board finds that while the orientation of lots generally is a preliminary plat issue, in this case it may be reasonable to address these issues at the time of detailed site plan review. If at the time of detailed site plan review, the Planning Board is unconvinced that the applicant's proposal satisfies the intent of CB-55-1996, the applicant will be required to reorient the lots and homes to eliminate the front-to-back orientations. This may involve simply transposing the internal street and

lots so that the rears face the center of the property, or it may involve the elimination of those lots altogether.

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 McNeill, seconded by Commissioner Brown, with Commissioners McNeill, Brown, Boone and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, April 13, 2000, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 4th day of May 2000.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

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