

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

WHEREAS, the Prince George's County Planning Board is charged with the approval of Detailed Site Plans pursuant to Part 3, Division 9 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, *†[in consideration of] evidence *†was presented at a public hearing on December 18, 2003, regarding Detailed Site Plan DSP-03035 Sections 19 and 20 for East Marlton, *† [the Planning Board finds:] and

*†WHEREAS, the District Council elected to review the Detailed Site Plan SP-03035 for East Marlton, Sections 19 and 20 on February 9, 2004; and

*†WHEREAS, the District Council remanded the case to the Planning Board on February 23, 2004 to allow for area residents to become parties of record; for additional information regarding the Planning Board's action on the granting of variations in conjunction with the review of the Preliminary Plan of Subdivision, and the status of transportation facilities serving the subject development; and other issues; and

*†WHEREAS, the Planning Board having considered evidence presented at a second hearing on the case held on April 15, 2004 and evaluated the issues contained in the Order of Remand, [finds] found that those issues [are] were not within the jurisdictional purview of the Planning Board's review of Detailed Site Plans and [are] were not relevant to the review of [this] the Detailed Site Plan and do not change the Planning Board's previous approval of the Plan. [, and further finds:]

†WHEREAS, the District Council again elected to review on June 21, 2004 and July 26, 2004 the Detailed Site Plan SP-03035 for East Marlton, Sections 19 and 20; and

†WHEREAS, the District Council remanded the case to the Planning Board on September 13, 2004 to allow the applicant to revise the site plan to comply with conditions agreed to by the applicant and area residents; and

†WHEREAS, the Planning Board having considered evidence presented at a third hearing on the case held on April 21, 2005 and evaluated the issues contained in the Order of Remand, and added findings and conditions which modified the Planning Board's previous approval of the Plan, and further finds:

†Denotes **amendment/2**

*†Denotes amendment

[Brackets] denotes deletion

Underlining denotes addition

1. The subject Detailed Site Plan for Infrastructure is for 100 single-family detached lots; 73 in the R-R Zone and 27 in the R-80 Zone, on land known as Sections 19 and 20 of East Marlton. The subject property is located northeast of Heathermore Boulevard and will require an extension of said street in order to access the site. This Detailed Site Plan consists of a site plan and landscape plan. No architectural elevations are included. A Detailed Site Plan for architectural review will be required prior to the issuance of any building permits.
2. **Development Summary**

Section 19

	EXISTING	PROPOSED
Zone(s)	R-P-C, R-R and R-30	R-P-C, R-R and R-30
Use(s)	Vacant	Single-family detached
Acreage	61.81	61.81
Lots	0	73
Parcels	0	0
Square Footage/GFA	NA	NA

Section 20

	EXISTING	PROPOSED
Zone(s)	R-P-C, R-30 and R-R	R-P-C, R-30 and R-R
Use(s)	Vacant	Single family detached
Acreage	37.04	37.04
Lots	0	27
Parcels	0	0
Square Footage/GFA	NA	NA

3. Single-family detached lots, shown on a Preliminary Plan of Subdivision 4-93078 and approved pursuant to the Subdivision Regulations, are a permitted use in the R-R and R-80 Zones and are subject to all the requirements of the R-P-C Zone. Sections 19 and 20 are part of East Marlton Phase I. The community, known as Marlton, was placed in the R-P-C (Residential Planned Community) Zone via Zoning Map Amendment A-6696 in 1969. The R-P-C Zone provides for the development of large-scale, planned communities. An Official Plan, which includes zoning subcategories, and a Detailed Development Plan provide the overall framework for the development of the community. The zoning of the properties generally east of the PEPCO line, and known as East Marlton, was amended via Zoning Map Amendment A-9730-C in 1990.

The proposed Detailed Site Plan was evaluated based on its conformance with the following documents:

The Marlton Official Plan, A-6696, A-9730, A-9731, as amended through 1994.

The Marlton Detailed Development Plan as amended through 4/4/2000.

Marlton Revised Justification Statement, July 1989.

Zoning Ordinance No. 10-1990, approving Zoning Map Amendment No. A-9730.

Planning Board Resolution No. 90-439, approving the revised Official Plan.

Planning Board Resolution No. 94-117; approving Official Plan Amendment #2.

4. The proposed development conforms to the zoning subcategories of the Official Plan. Sections 19 and 20 conform to the Detailed Development Plan. The proposed development was also reviewed for conformance with the Conditions of Approval of A-9730 embodied in Zoning Ordinance No. 10-1990, which rezoned 431.5 acres of land to the R-P-C (R-R, R-80, R-35, R-T and R-10) Zones. The following conditions of Zoning Ordinance No. 10-1990 (which are not otherwise superceded by current law) apply to these cases:

2. Detailed Site Plan review, in accordance with part 3, Division 9 of the Zoning Ordinance, shall be required and include the following:

- a. **The original conditions (Nos. 1, 4A, 4B and 5) of the official Marlton Plan as adopted on July 13, 1970;**

Comment: Condition No. 1 states the following:

1. **That this Official Plan designate an area of approximately 100 acres for the public park purposes, the same to be dedicated, in stages and at the time of platting, to the M-NCPPC.**

At the time of the preliminary plan of subdivision, the timing of the platting of the 100-acre linear park was not addressed because the land area included in the preliminary plan did not include the 100-acre park. However, the next preliminary plan that is submitted for review will be required to include entire parcels of land and will include the entire 100-acre future parkland. At that stage, the timing of platting of the park will be determined.

Conditions 4A and 4B are directly related to the development of the golf course and have been completed. Condition 5 relates to the requirement of a chain-link fence at the perimeter of a property south of the subject site; therefore, it does not pertain to this Detailed Site Plan.

- d. **Resolution of the appropriate location for a library.**

Comment: This issue will be raised in conjunction with any future preliminary plans of subdivision, when the issue of need will be addressed.

- e. **The following design considerations should be addressed:**

- i. **Extending from the main open space spine, the linear park, are bands of green space as shown on the proposed Tentative Plan. This provision creates a framework for a community open space system. The internal open space within individual parcels should be provided and planned as branches off these major open space bands. These branches are essential to the completeness of the entire system. With well distributed branches, the open space system can then intimately and harmoniously blend into neighborhoods and greatly enhance the cohesiveness of this planned community.**

Comment: Review of the official plan indicates that this condition relates directly to properties on the west side of proposed East Marlton Avenue, which is the main spine road in East Marlton and does not relate to the subject property.

- ii. **Stands of mature trees and other environmental features can and should be preserved to the maximum extent possible through careful planning. Cluster development is an effective method to preserve environmental features and create meaningful open space. This method will make the concept of open space system more feasible and is a good tool to implement the concept. It is therefore highly recommended that the cluster development method be used wherever possible.**

Comment: The subject plan is designed as a cluster type of development and has preserved natural features to the greatest extent possible.

- iii. **A 50 foot wide building restriction line shall be maintained from Marlton Avenue. Within this 50 foot building restriction line, existing vegetation shall be retained or landscaping shall be provided to buffer and screen the units from East Marlton Avenue.**

Comment: Section 20 has direct frontage on proposed East Marlton Avenue; however, there is no vehicular access proposed. A cul-de-sac serves units that back up to an open space parcel between the lots and future East Marlton Avenue. A substantial swath of existing trees is proposed to remain, which will provide an adequate buffer between the rear of the units and proposed East Marlton Avenue. However, the plans should be revised to include the building restriction line required by the condition above.

- f. **Compliance with the archaeological field survey and testing Program outlined in Section VI-C of the Technical Staff Report (8/22/88).**

†**Comment:** [The area addressed in this condition relates to Section 18 to the Claggett House and a cemetery. The recommendation section includes conditions relating to the surveying of the

cemetery and creating an appropriate buffer.] See Findings No. 12-15 for discussion relating to archeological investigations.

g. An appropriate system of community-wide pedestrian and bridle trails shall be developed.

Comment: The Adopted and Approved Subregion VI Master Plan identifies two master plan trails issues that impact the subject application. The master plan recommended an equestrian trail along the western edge of the subject site, with a connection to the east toward the school site. These connections utilized former haul roads that run through the property. However, at the time of preliminary plan 4-93078, it was determined that these trails were not feasible to implement. Several properties had been platted for subdivision prior to the approval of the Subregion VI master plan. The location of the areas approved for residential development prohibited the retention of the trail in this location. For these reasons, the hiker/equestrian trail was not required at the time of preliminary plan. Finding #11 from approved Preliminary Plan 4-93078 discusses this issue and is reiterated below:

“The Adopted and Approved Subregion VI Master Plan includes the location of a hiker/equestrian trail on the subject property. The proposed location of the trail coincides with a former haul road which was located on the property and used by horseback riders in the past. Even though the Master Plan contains the proposed location of the trail, the recommended trail network cannot be implemented on the subject property since it would be located in an area that is proposed for residential development which had been approved prior to the approval of the Master Plan and is also included in the subject application. For this reason, staff did not require that the hiker/equestrian trail be shown on the Preliminary Plat.”

The master plan also recommends that Croom Road (MD 382) be designated as a Class III bikeway with appropriate signage. Staff recommends the provision of “share the road” signage along the subject property’s frontage of Croom Road, plus the provision of a wide asphalt shoulder (per the concurrence of SHA) to safely accommodate bicycle traffic.

The Adopted and Approved Subregion VI Master Plan recommends that Croom Road (MD 382) be designated as a Class III bikeway with appropriate signage. Because Croom Road is a state right-of-way, the applicant, and the applicant's heirs, successors, and/or assignees shall provide the installation of one "Share the Road with a Bike" sign in accordance with state requirements. However, prior to the Planning Board conditioning the placement of the signs, SHA should have

†Denotes **amendment/2**

*†Denotes amendment

[Brackets] denotes deletion

Underlining denotes addition

the opportunity to review the proposed locations to ensure they are acceptable. The developer would purchase the signs from the state and install them in accordance with the state's Manual on Uniform Traffic Control Devices dealing with the section on bicycle facilities. A note shall be

placed on the final record plat that installation will take place prior to the issuance of the first building permit. (See attached letter from SHA dated February 28, 1996.) The construction of a wide, asphalt shoulder is recommended along the subject property's entire frontage of MD 382, per the concurrence of SHA.

5. **The Planning Board, upon review of any detailed site plans, shall determine if the intersection of East Marlton Avenue and Heathermore Boulevard shall be configured in a 'T' or in a curved design. This determination shall be based upon acceptable level of service and public safety considerations.**

Comment: The configuration of Heathermore Boulevard and East Marlton Avenue was largely determined, based on level of service and safety considerations, at the time of preliminary plan. The configuration reflected on the Detailed Site Plan is consistent with the approved preliminary plan.

6. **All lots, including those in Sections 18 and 19, shall have direct access to East Marlton Avenue from within the Marlton community and shall not connect to Croom Road.**

Comment: The proposed Detailed Site Plan conforms to this condition. No vehicular or pedestrian connection to Croom Road is proposed.

10. **The overall density of East Marlton shall be limited to 2,179 dwelling units, including the 225 units referred to in Condition 7, delineated as follows:**

54	1-acre R-R lots
90	½-acre R-R lots
359	¼-acre lots
283	zero lot line R-35 lots
713	Townhouse R-T lots
0	Garden Apartments
<u>680</u>	R-10 units
2,179	Total Residential Units

Comment: The above dwelling unit allocation was applied at the time of subdivision, and the proposed development falls within these limits. Of the total 2,179 dwelling units allocated in East Marlton, 419 townhouse lots in the R-T Zone, 80 single-family lots in the R-80 Zone and 73 single-family lots in the R-R Zone have received subdivision approval. This detailed site plan reduces the proposed density in the R-80-zoned land from 80 to 27 and continues to show 73 lots in the R-R Zone.

5. On May 5, 1994, the Planning Board approved Preliminary Plan 4-93078 for a portion of land within East Marlton, known as Sections 18-22, which consisted of 181 acres, divided into 572 lots and 16 parcels (PGCPB No. 94-112). Due to the size of the project, the preliminary plan was valid for six years with eligibility for two 2-year extensions. Two extensions were granted

and the preliminary plan is valid through May 5, 2004. Final plats must be accepted for processing no later than that date.

Conditions of the Preliminary Plan that warrant discussion are included below:

- 3. Development of this site shall be in conformance with all of the conditions of the Official Plan for the Marlton Residential Planned Community (R-P-C), ZMAP Nos. A-6696-C, A-9730-C and A-9731-C.**

Comment: The subject Detailed Site Plan will conform to the applicable requirements of the zoning case, if the conditions of approval are adopted.

- 6. At the time of Detailed Site Plan, the applicant, his heirs, successors and/or assigns, shall obtain approval of all on-site stormwater management ponds from DER.**

Comment: The applicant has submitted a stormwater management approval letter (22351-2001-00) from DER. The stormwater management concept approval letter indicates numerous conditions, including that the construction of upland stormwater ponds (dry) is required to attenuate the 2-, 10- and 100-year storm events and technical review requirements.

Recommended Condition: Prior to the issuance of grading permits, the approved technical stormwater management plans for East Marlton, Sections 19 and 20, shall be submitted to confirm conformance with the approved detailed site plan and Type II tree conservation plan.

- 8. The construction of the 18-acre lake shall be completed under the following schedule:**
 - a. The applicant, his heirs, successors and/or assigns, shall obtain the appropriate Federal, State, and local permits for the construction of the 18-acre lake by the issuance of the 800th building permit.**
 - b. The applicant, his heirs, successors and/or assigns, shall bond and start construction of the lake by the issuance of the 1,000th building permit.**
 - c. The applicant, his heirs, successors and/or assigns, shall complete construction of the lake with its recreational facilities by the issuance of the 1,100th building permit.**

This document was truncated here because it was created using Aspose.Words in Evaluation Mode.