

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

WHEREAS, Washington Park Estates, LLC is the owner of a 275.83-acre parcel of land known as Parcels 47, \*58, 106 and \*[124], Tax Map 123, in Grid A-3 said property being in the 5th Election District of Prince George's County, Maryland, and being zoned R-E; and

WHEREAS, on August 1, 2005, Washington park Estates, LLC filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 467 lots and 30 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-05049 for Bevard North 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 January 19, 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 January 19, 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 the Type I Tree Conservation Plan (TCPI/26/05), and further APPROVED Preliminary Plan of Subdivision 4-05049, Bevard North, including a Variation from Section 24-130 of the Subdivision Regulations for Lots 1-467 and Parcels 1-30 with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the plan shall be revised as follows:
  - a. Provide a match line on the cover sheet, for each sheet.
  - b. Revise to reflect the number of lots and parcels, not just the number of dwelling units
  - c. Accurately reflect that 818 dwelling units are proposed in the site tabulation table.
  - d. Provide a detailed list of the parcels, what they are for (streets, alleys, open space) the acreage and to whom they are to be dedicated. Include the parcels to be conveyed to HOA for emergency access.

\*Denotes Correction

Underlining indicates new language

[Brackets] indicate deleted language

- e. Conform to DPR Exhibit A.
  - f. List the conceptual stormwater management plan approval number and approval date.
  - g. Provide existing parcel numbers of the site.
  - h. Complete the “reference table” or remove rows not completed.
  - i. Label airports on the APA map.
- 2. A Type II Tree Conservation Plan shall be submitted and approved with the limited detailed site plan.
  - 3. Prior to the approval of final plats a detailed site plan shall be approved by the Planning Board that shall include the review of the construction of the master plan trail by the applicant on lands to be conveyed to M-NCPPC, prior to the conveyance, to allow for a comprehensive review of the recreational facilities.
  - 4. Development of this site shall be in conformance with the approved Stormwater Management Concept Plan #27879-2005-00 and any subsequent revisions.
  - 5. Prior to signature approval of the preliminary plan of subdivision the applicant, his heirs, successors and/or assignees shall submit four copies of the final Phase I (Identification) archeological report.
  - 6. In conformance with the Adopted and Approved Subregion V Master Plan, the applicant and the applicant’s heirs, successors, and/or assigns shall provide the following:
    - a. Construct a Class II trail along the subject site’s entire road frontage of Old Fort Road East (from Tinkers Creek to Piscataway Road).
    - b. Provide standard sidewalks along both sides of all internal roads, unless modified by DPW&T.
    - c. Provide standard sidewalks along both sides of the emergency access road linking Old Fort Road East with Public Road “B” in the subject site, unless modified by DPW&T. These sidewalks will provide direct pedestrian access from the site to the master plan trail along Old Fort Road East.
    - d. Provide standard sidewalks along both sides of the emergency access road linking Old Fort Road East with Public Road “C” in the subject site, unless modified by DPW&T. These sidewalks will provide direct pedestrian access from the site to the master plan trail along Old Fort Road East

- e. Provide park dedication along Tinkers Creek in order to accommodate the Tinkers Creek stream valley trail. Detailed trail construction will be determined with the review of the detailed site plan.
7. Prior to the approval of building permits, the applicant, his heirs, successors and/or assignees shall convey to the homeowners association 151.44± acres of open space land (Parcels B thru V). 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 ensure retention and future maintenance of the property to be conveyed.
8. At the time of final plat, the applicant, his heirs, successors and/or assignees shall convey a minimum of 25.46± acres of land to M-NCPPC, as delineated on DPR Exhibit A, to include

Parcel A and part of Parcel G. Land to be conveyed shall be subject the following:

- a. At the time of final plat the applicant shall submit an original, special warranty deed for the property to be conveyed, (signed by the WSSC Assessment Supervisor) to the Subdivision Section of the Development Review Division, The Maryland-National Capital Park and Planning Commission (M-NCPPC), along with the final plat.
- b. M-NCPPC shall be held harmless for the cost of public improvements associated with land to be conveyed, including but not limited to, sewer extensions, adjacent road improvements, drains, sidewalks, curbs and gutters, and front-foot benefit charges prior to and subsequent to final plat.
- c. The boundaries and acreage of land to be conveyed to M-NCPPC shall be indicated on all development plans and permits, which include such property.
- d. The land to be conveyed shall not be disturbed or filled in any way without the prior written consent of the Department of Parks and Recreation (DPR). If the land is to be disturbed, the DPR shall require that a performance bond be posted to warrant restoration, repair or improvements made necessary or required by the M-NCPPC development approval process. The bond or other suitable financial guarantee (suitability to be judged by the General Counsel's Office, M-NCPPC) shall be submitted to the DPR within two weeks prior to applying for grading permits.
- e. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to or owned by M-NCPPC. If the outfalls require drainage improvements on adjacent land to be conveyed to or owned by M-NCPPC, the DPR shall review and approve the location and design of these facilities. The DPR may require a performance bond and easement agreement prior to issuance of grading permits.
- f. All waste matter of any kind shall be removed from the property to be conveyed. All wells shall be filled and underground structures shall be removed. The DPR shall inspect the site and verify that land is in acceptable condition for conveyance, prior to dedication.
- g. All existing structures shall be removed from the property to be conveyed, unless the applicant obtains the written consent of DPR.
- h. The applicant shall terminate any leasehold interests on property to be conveyed to M-NCPPC.
- i. No stormwater management facilities, or tree conservation or utility easements shall be proposed on land owned by or to be conveyed to M-NCPPC without the prior written consent of DPR. DPR shall review and approve the location and/or design of these features. If such proposals are approved by DPR, a performance bond and an easement agreement may be required prior to the issuance of grading permits.

9. 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.
10. The applicant, his heirs, successors and/or assignees shall submit three original recreational facilities agreements (RFAs) to DRD for construction of recreational facilities on homeowners land, for approval prior to the submission of final plats. Upon approval by the DRD, the RFA shall be recorded among the county land records.
11. The applicant, his heirs, successors and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for the construction of recreational facilities on homeowners land, prior to the issuance of building permits.
12. The applicant, his heirs, successors and/or assignees shall submit three original recreational facilities agreements (RFAs) to the DPR, Park Planning and Development Division for construction of recreational trail facilities on park property. The RFA shall be approved prior to the approval of final plats. Upon approval by PP&D, the RFA shall be recorded among the county land records and noted on the final plat of subdivision.
13. The applicant, his heirs, successors and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for the construction of recreational facilities on park property two weeks prior to the approval of building permits.
14. Prior to the issuance of a grading permit for the development, a Public Safety Mitigation Fee shall be paid in the amount of \$3,092,040 (\$3,780 x 818 dwelling units). Notwithstanding the number of dwelling units and the total fee payments noted in this condition, the final number of dwelling units shall be as approved by the Planning Board and the total fee payment shall be determined by multiplying the total dwelling unit number by the per unit factor noted above. The per unit factor of \$3,780 is subject to adjustment on an annual basis in accordance with the percentage change in the Consumer Price Index for All Urban Consumers. The actual fee to be paid will depend upon the year the grading permit is issued.
15. The review of the detailed site plan for recreational facilities shall include the review of the public master plan trail construction by the applicant, his heirs, successors and/or assignees on M-NCPPC land (Parcel A and part of Parcel G). Review shall include:
  - a. Construction of a 10-foot-wide asphalt hiker/biker trail along the Cabin Branch and Back Branch as shown on DPR Exhibit A.
  - b. Construction of a 6-foot-wide asphalt trail connectors from the neighborhoods to the Tinkers Creek stream valley trail as shown on attached DPR Exhibit A.
  - c. The location of the trail shall be staked in the field and approved by DPR prior to

construction.

- d. Prior to issuance of the 404<sup>th</sup> building permit, a 10-foot-wide asphalt hiker/biker trail along Tinkers Creek shall be completed, and 6-foot-wide feeder trails shall be constructed in phase with development. No building permits shall be issued for the lots directly adjacent to the trail until the trail is under construction (this shall include clearing, grading and installation of the gravel base).
  - e. With the submission of the detailed site plan, the applicant shall submit detailed construction drawings for trail construction to DPR for review and approval. The trail shall be designed in accordance with the applicable standards in the *Parks and Recreation Facilities Guidelines*.
  - f. All trails shall be constructed to ensure dry passage. If wet areas must be traversed, suitable structures shall be constructed. Designs for any needed structures shall be reviewed and approved by DPR.
  - g. The handicapped accessibility of all trails shall be reviewed during the review of the limited DSP.
16. Prior to signature approval of the preliminary plan the applicant shall submit evidence that the property is not encumbered by prescriptive or descriptive easements that are to the benefit of other properties. If encumbered, that applicant shall submit evidence that the rights and privileges associated with those easements will not be interrupted with the development of this property. If appropriate the applicant shall provide evidence of the agreement of those benefited properties to the abandonment or relocation of said easements.
17. In accordance with Section 27-548.43 of the Zoning Ordinance and prior to final plat approval the Declaration of Covenants for the property, in conjunction with the formation of a homeowners association, shall include language notifying all future contract purchasers of homes in the community of the existence of two general aviation airports, Washington Executive Airport (2,000 feet to the northeast) and Potomac Airfield (abutting to the north), which are within one mile of the community. The Declaration of Covenants shall include the General Aviation Airport Environmental Disclosure Notice. At the time of purchase contract with homebuyers, the contract purchaser shall sign an acknowledgement of receipt of the Declaration. The liber and folio of the recorded Declaration of Covenants shall be noted on the final plat along with a description of the proximity of the development to the general aviation airport.
18. The detailed site plan review shall include review for conformance to the regulations of Part 10B Airport Compatibility, Division 1 Aviation Policy Areas of the Zoning Ordinance. The detailed site plan shall delineate, at an appropriate scale for review, the APA policy areas on the site.
19. Prior to signature approval of the preliminary plan of subdivision the applicant shall submit a copy of the approved stormwater management plan and approval letter.

20. The applicant shall obtain signature approval of the preliminary plan of subdivision prior to the approval of the detailed site plan.
21. Prior to signature of the Preliminary Plan, the Preliminary Plan and Type I Tree Conservation Plan shall be revised to ensure that no part of any conservation easement will be on any residential lot
22. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the expanded stream buffers and isolated sensitive areas and their buffers, excluding those areas where variation requests have been approved and reviewed by the Environmental Planning Section prior to certification. 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.”
23. Prior to the issuance of any permits which impact jurisdictional wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
24. Prior to signature of the Preliminary Plan, the Type I Tree Conservation Plan shall be revised to:
  - a. Add the following note:

“The Type II Tree Conservation Plan shall attempt to provide all woodland conservation on-site, by targeting additional planting adjacent to sensitive environmental areas for the purpose of creating contiguous woodlands.”
  - b. Add the following note:

“The Type II TCP shall have specific timing and all required details for the planting of each afforestation/reforestation area.”
25. The following note shall be placed on the final plat of subdivision:

“Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/26/05), 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 Ordinance.”

26. As part of the detailed site plan, the landscaping in the 40-foot-wide scenic easement adjacent to the 10-foot public utility easement (parallel to the land to be dedicated for Piscataway Road) shall be reviewed. The landscaping shall be sufficient to preserve the historic character of Piscataway Road.
27. A minimum 40-foot-wide easement adjacent to the 10-foot public utility easements parallel to the land to be dedicated for Piscataway Road, shall be shown on the final plats as scenic easements and the following note shall be placed on the plats:

“Scenic easements described on this plat are areas where the installation of structures 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 permitted.”
28. The final plat shall carry a note providing reference to the recorded covenants that were approved by the District Council and that guarantee perpetual maintenance of the recreation facilities and the right of retirement community residents to use the facilities.
29. Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances, or (b) have been permitted for construction through the operating agency’s access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency:
  - a. MD 223/Old Branch Avenue/Brandywine Road: Reconstruct the intersection to provide two through lanes, an exclusive right-turn lane, and an exclusive left-turn lane on both the eastbound and westbound approaches, and provide an exclusive through lane, an exclusive right-turn lane, and an exclusive left-turn lane on both the northbound and southbound approaches. Modify traffic signal, signage, and pavement markings as needed.
  - b. MD 223/Temple Hill Road: Construct a second through lane along the south/westbound MD 223 approach. Modify signals, signage, and pavement markings as needed.
  - c. MD 223/Steed Road: Reconstruct the intersection to provide a shared through/right-turn lane and a shared through/left-turn lane on the southbound MD 223 approach; a shared through/right-turn lane, an exclusive through lane, and an exclusive left-turn lane on the northbound MD 223 approach; and an exclusive left-turn lane and shared through/right-turn lane on the Steed Road approach. Modify signals, signage, and pavement markings as needed.
  - d. MD 210/Old Fort Road North: Modify the eastbound and westbound Old Fort Road approaches to provide an exclusive through lane, a shared through/left-turn lane, and an exclusive right-turn lane. Modify signals, signage, and pavement markings as needed.



30. Prior to the approval of the initial detailed site plan within the subject property, the applicant shall submit a revised acceptable traffic signal warrant study to SHA and/or DPW&T for signalization at the intersection of MD 223 and Floral Park Road and a determination shall be made if the signal is warranted. The applicant should utilize a new 12-hour count and should analyze signal warrants under total future traffic as well as existing traffic at the direction of the operating agencies. If a signal is deemed warranted at that time, the applicant shall bond the signal with the appropriate agency prior to the release of any building permits within the subject property and install it at a time when directed by that agency. Installation shall include the modification of the southbound approach to provide exclusive left-turn and right-turn lanes, and the modification of the eastbound approach to provide exclusive through and left-turn lanes. If it is determined at the time of detailed site plan review that certain geometric modifications are not needed for adequacy, the Planning Board may waive the requirement during approval of the detailed site plan.
31. Prior to the approval of the detailed site plan within the subject property, the applicant shall submit a revised acceptable traffic signal warrant study to SHA and/or DPW&T for signalization at the intersection of MD 223 and Windbrook Drive and a determination shall be made if the signal is warranted. The applicant should utilize a new 12-hour count, and should analyze signal warrants under total future traffic as well as existing traffic at the direction of the operating agencies. If a signal is deemed warranted at that time, the applicant shall bond the signal with the appropriate agency prior to the release of any building permits within the subject property, and install it at a time when directed by that agency.
32. Prior to the approval of the detailed site plan within the subject property, the applicant shall submit a revised acceptable traffic signal warrant study to SHA and/or DPW&T for signalization at the intersection of MD 223 and the site entrance and a determination shall be made if the signal is warranted. The applicant should utilize a new 12-hour count and should analyze signal warrants under total future traffic as well as existing traffic at the direction of the operating agencies. If a signal is deemed warranted at that time, the applicant shall bond the signal with the appropriate agency prior to the release of any building permits within the subject property, and install it at a time when directed by that agency. Installation shall include the construction of the minor street approaches to include exclusive right-turn and shared through/left-turn lanes on each, and the modification of the eastbound approach to provide exclusive through and left-turn lanes along with a second through lane that can be shared with right turns. If it is determined at the time of detailed site plan review that the second eastbound through lane is not needed for adequacy, the Planning Board may waive the requirement during approval of the detailed site plan.
33. The detailed site plan for this site will reflect right-of-way for dedication of 100 feet along Old Fort Road in the approximately location shown on subject plan. The expansion of the right-of-way shall not be to the south of the location shown on the subject plan. During detailed site plan review, the requirement may be generally reduced to a lesser amount (80 feet minimum) in consultation with the Transportation Planning Section and DPW&T, with wider sections at the three intersections (the emergency site access point, the traffic circle, and the access to the King

Gallahan subdivision), if it is determined that the lesser right-of-way remains consistent with the future function of the roadway.

34. At the time of final plat approval, the applicant shall dedicate right-of-way along MD 223 of 60 feet from centerline, as shown on the preliminary plan.
35. Prior to conveyance of the parkland to M-NCPPC, which includes a stormwater management pond, the applicant shall enter into a joint Multiuse Stormwater Management System Maintenance Agreement between the applicant, the county Department of Environmental Resources and M-NCPPC, Department of Parks and Recreation for the construction, operation and maintenance of the stormwater management facility.
36. The applicant shall construct a stormwater management pond on dedicated parkland in accordance with DPR applicable standards. The pond shall be a wet pond and designed as a recreational amenity. For public safety and aesthetic reasons, the slope around the pond shall be gentle, generally 5:1 or less. Attractive landscaping shall be provided around the pond.
37. The detailed site plan shall provide a minimum 75-foot-wide buffer between Old Fort Road and Elizabeth Ida Drive and a 35-foot wide buffer as required by the Landscape Manual between the rears of residential dwellings to the south and Old Fort Road. The Type II Tree Conservation Plan should demonstrate the use of larger stock of two to two and a half inch caliber trees and should be incorporated into the proposed plans within this buffer.
38. Review of the Detailed Site Plan for this site shall include conceptual details of the proposed roundabout along A-65 at the site entrance by the County Department of Public Works and Transportation (DPW&T). Conceptual approval of the roundabout by DPW&T shall be required in writing prior to the approval of the Detailed Site Plan.

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 northwest side of Piscataway Road, north of Elizabeth Ida Drive, east of the terminus of Old Fort Road and the Tinkers Creek stream valley.

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

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone	R-E	R-E
Use(s)	Residential	Residential
Acreage	275.83	275.83
Lots	0	467
Parcels	3	30
Total Dwelling Units:		818
Detached	1 (to be removed)	197
Townhouse	0	270
Multifamily	0	351

4. **CB-53-2005**-Section 27-441(b), Table of Uses of the Zoning Ordinance, provides the following criteria in Footnote 79 for the development of a Planned Retirement Community in the R-E Zone. Footnote 79 has been cited in its entirety. Staff comments have been provided addressing each requirement.

**Footnote 79: [A Planned Retirement Community is]**

**Permitted in the R-E Zone, without a Special Exception, provided that the subject property meets the following criteria:**

- (A) **Has area of at least 250 acres; and**

**Comment:** The subject property is approximately 275.83 acres.

- (B) **Has at least 250 feet of frontage on a State highway of arterial classification or higher.**

**Comment:** The subject property has 297.41 linear feet of frontage on Piscataway Road (MD 223), a state right-of-way of arterial classification.

**For a Planned Retirement Community permitted in accordance with the standards listed below, the applicant must obtain approval of a Detailed Site Plan as provided in Part 3, Division 9. In site plan review, the Planning Board shall find that the proposed use and subject property meet all Division 9 requirements (except as provided below) and will:**

**Comment:** Part 3 Division 9 of the Zoning Ordinance contains the standards of review for detailed site plans, which includes an order of approvals, requiring the review of a detailed site plan prior to the approval of final plats.

- (A) **Include at least 750 but not more than 942 residential units, and a clubhouse of at least 12,000 square feet gross floor area;**

**Comment:** The applicant proposes 818 residential dwelling units with a combination of townhouses, single-family, and multifamily dwelling units.

The preliminary plan reflects adequate open space to provide a 12,000-square-foot clubhouse. The details of the clubhouse and review for conformance to the square-footage requirement will be determined at the time of review of the required detailed site plan.

- (B) **Have a traffic study approved by DPW&T showing on-site circulation patterns, access points on and off site, and impacts on major highways and intersections, impacts mitigated in accordance with the Guidelines for the Analysis of the Traffic Impact on Development Proposals and the General Plan;**

**Comment:** The applicant submitted a traffic study dated September 23, 2005, with the preliminary plan of subdivision. The applicant will be required to provide evidence of the approval of the traffic study by Department of Public Works and Transportation at the time of review of the detailed site plan.

- (C) **Incorporate reasonable regulations for height of structures, architectural design, lot size and coverage, frontage, setbacks, density (as restricted below), dwelling unit types, percentages of uses, and other dimensional requirements, in place of conventional requirements;**

**Comment:** The applicant has proposed the following standards for development:

## DEVELOPMENT STANDARDS

### SINGLE FAMILY DETACHED LOT STANDARDS

MINIMUM LOT SIZE	6,000 SQUARE FEET
MAXIMUM LOT COVERAGE	80%
MAXIMUM HEIGHT	36'
MINIMUM FRONT YARD	15 FEET
MINIMUM SIDE YARD	6 FEET
MINIMUM REAR YARD *	10 FEET *

\* DECKS AND PATIOS MAY EXTEND UP TO 4 FEET BEYOND REAR BUILDING RESTRICTION LINE

### TOWNHOMES LOT STANDARDS

MINIMUM LOT SIZE	1,800 SQUARE FEET
MAXIMUM LOT COVERAGE	80%
MAXIMUM HEIGHT	36'
MINIMUM FRONT YARD	*
MINIMUM SIDE YARD	*
MINIMUM REAR YARD	*

\* EACH LOT SHALL HAVE A MINIMUM YARD AREA OF 350 SF

### APARTMENT/CONDOMINIUM LOT STANDARDS

MAXIMUM LOT COVERAGE	80%
MAXIMUM HEIGHT	70'
MINIMUM FRONT YARD ***	15 FEET**
MINIMUM SIDE YARD ***	15 FEET**
MINIMUM REAR YARD	15 FEET**
MINIMUM PARKING SETBACK TO PUBLIC ROW	20 FEET *

Through the review of the detailed site plan these standards may be modified, if determined appropriate by the Planning Board. The density, however, cannot be increased above that approved with this application.

**(D) Have residential densities not exceeding 8 units per gross tract acre;**

**Comment:** The applicant proposes 2.93 dwelling units per gross tract area.

**(E) Have interior private roads only where appropriate for and in furtherance of community purposes, and approved by DPW&T; and**

**Comment:** The applicant has proposed a combination of public and private streets, and alleys. In general, staff supports the applicant's concept. The proposal is in conformance with the regulations of Section 24-128 of the Subdivision Regulations that restrict the use of private streets and alleys in the R-E Zone. A more detailed review of the street layout and type will be evaluated with the review of the detailed site plan.

- (F) Include a community center or meeting area, and recreation facilities that the District Council finds are appropriate, as follows:**
- (i) Recreation facilities should serve the planned retirement community fully and completely;**
  - (ii) The Council may permit larger recreation facilities, to serve the community and surrounding residential areas, only if the recreation facilities are harmoniously integrated with both the retirement community and the surrounding neighborhood; and**
  - (iii) The recreation facilities shall be constructed prior to or concurrently with the residential units within the retirement community, or as stated in a construction schedule approved by the District Council.**

**Comment:** Review of the above should occur with the review of the detailed site plan.

**Before the Planning Board, the applicant shall include proof of the following, in addition to the Detailed Site Plan requirements stated above:**

- (A) Age restrictions in conformance with the Federal Fair Housing Act shall be set forth in covenants submitted with the application and shall be approved by the District Council and filed in the Land Records at the time the final subdivision plat for the property is recorded.**
- (B) Covenants guaranteeing perpetual maintenance of the recreation facilities and the right of retirement community residents to use the facilities shall be submitted with the application. The covenants shall be approved by the District Council and filed in the Land Records when the final subdivision plat for the property is recorded.**
- (C) For the planned retirement community generally, the proposed community and its site plan:**
  - (i) Are in harmony with the purposes of this Subtitle;**
  - (ii) Conform to all applicable requirements of this Subtitle;**
  - (iii) Will not substantially impair the integrity of the applicable Master Plan, any applicable Functional Master Plan, or the General Plan;**
  - (iv) Will not adversely affect the health, safety, or welfare of residents or workers in the neighborhood;**
  - (v) Will not be detrimental to the use or development of adjacent properties or**

**the neighborhood generally; and**

**(vi) Conform to an approved Tree Conservation Plan.**

**Comment:** Review of the above should occur with the review of the detailed site plan. Of note is that the review and approval of the Type I tree conservation plan occurs with the review of the preliminary plan of subdivision. A Type II tree conservation plan will be required as part of the review of the detailed site plan. Further, discussion of the review and recommendation of the Type I tree conservation plan is found in Finding 3 of this report.

5. **Environmental**—The Environmental Planning Section has reviewed the revised preliminary plan of subdivision for Bevard North, 4-05049, and the revised Type I tree conservation plan, TCPI/26/05, stamped as accepted for processing on December 20, 2005. The Environmental Planning Section supports the variation requests for impacts to sensitive environmental features for the reasons stated in this memorandum. The Environmental Planning Section recommends approval of TCPI/26/05 subject to the conditions.

There are streams, wetlands, and 100-year floodplains and associated areas of steep slopes with highly erodible soils and areas of severe slopes on the property. Piscataway Road is an adjacent source of traffic-generated noise. The proposed development is not a noise generator. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program publication entitled “Ecologically Significant Areas in Anne Arundel and Prince George’s Counties,” December 1997, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. Piscataway Road is a designated historic road. This property is located in the Tinkers Creek watershed in the Potomac River basin.

According to the “Prince George’s County Soil Survey,” the principal soils on the site are in the Aura, Beltsville, Bibb, Butlertown, Chillum, Croom, Galestown, Howell, Iuka, Keyport, Marr,

Matapeake, Ochlockonee, Sassafras and Sunnyside soils series; however, portions of the site were mined for sand and gravel after the publication of the “Prince George’s County Soil Survey.” Marlboro clay occurs on this property.

A soils report dated July 26, 2005, was submitted. The report includes a map showing the locations of 23 boreholes/test pits, includes logs for each site, has laboratory analyses of representative samples, and includes slope stability analyses for critical slopes. Additionally, the report contains recommendations for the future development of the site based upon the soils described in the report. One area of potential slope failure due to Marlboro clay was identified and is clearly shown on the TCPI.

Staff have reviewed the report in detail and determined that with the layout proposed none of the proposed residential lots or active recreation areas will be affected by any of the existing areas of potentially unsafe lands on the property.

This site contains natural features that are required to be protected under Section 24-130 of the

Subdivision Regulations. The Subregion V Master Plan indicates that there are substantial areas designated as Natural Reserve on the site. As noted on page 136 of the Subregion V Master Plan:

“The Natural Reserve Area is composed of areas having physical features which exhibit severe constraints to development or which are important to sensitive ecological systems. Natural Reserve Areas must be preserved in their natural state.”

The Subregion V Master Plan elaborates on page 139:

“The Natural Reserve Areas, containing floodplain and other areas unsuitable for development should be restricted from development except for agricultural, recreational and other similar uses. Land grading should be discouraged. When disturbance is permitted, all necessary conditions should be imposed.”

For the purposes of this review, the Natural Reserve includes all expanded stream buffers and isolated wetlands and their buffers. All streams shown as perennial or intermittent on the plans will require minimum 50-foot stream buffers that shall be expanded in accordance with Section 24-130(b)(6) of the Subdivision Regulations.

A Natural Resources Inventory (NRI), NRI-045-05, has been signed for this property. The NRI contains a wetlands report, forest stand delineation and delineates the expanded stream buffers and isolated wetland buffers. The expanded stream buffers are correctly shown on the Preliminary Plan and the Type I Tree Conservation Plan.

Because small residential lots are proposed, no conservation easements should encumber and restrict further any residential lot, to ensure its protection. Prior to signature of the Preliminary Plan, the Preliminary Plan and Type I Tree Conservation Plan should be revised to ensure that no part of any conservation easement will be on any residential lot.

Impacts to significant environmental features that are required to be protected by Section 24-130 of the Subdivision Regulations are proposed. The design should avoid any impacts to streams, wetlands or their associated buffers unless the impacts are essential for the development as a whole. Staff does not generally support impacts to sensitive environmental features that are not associated with essential development activities. Essential development includes such features as public utility lines (including sewer and stormwater outfalls), road crossings, and so forth, which are mandated for public health and safety; nonessential activities are those, such as grading for lots, stormwater management ponds, parking areas, and so forth, which can be designed to eliminate the impacts. Impacts to sensitive environmental features require variations to the Subdivision Regulations.

Variation requests, dated December 15, 2005, with exhibits were submitted for ten impacts. Two of the proposed impacts are for connections to existing sanitary sewer lines that are wholly within expanded stream buffers. Four proposed impacts are for outfalls associated with stormwater management facilities. Four proposed impacts are for street crossings. Because the property contains several streams, the expanded stream buffers account for 23.8 percent of the entire project site. Staff has examined the proposal in detail and determined that the proposed impacts



are necessary and sufficient for the overall development.

Section 24-130 of the Subdivision Regulations restricts impacts to these buffers unless the Planning Board grants a variation to the Subdivision Regulations in accordance with Section 24-113. Even if approved by the Planning Board, the applicant will need to obtain federal and state permits prior to the issuance of any grading permit. Each variation is described individually above. However, for purposes of discussion relating to Section 24-113(a) of the Subdivision Regulations the impacts were discussed collectively.

Section 24-113(a) of the Subdivision Regulations sets forth the required findings for approval of variation requests. Section 24-113(a) reads:

**Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon evidence presented to it in each specific case that:**

The approval of the applicant's request does not have the effect of nullifying the intent and purpose of the Subdivision Regulations. In fact, strict compliance with the requirements of Section 24-130 could result in practical difficulties to the applicant that could result in the applicant not being able to develop this property.

- (1) The granting of the variation request would not be detrimental to public safety, health or welfare and does not injure other property;**

The installation of the stormwater management outfalls are required by the Prince George's County Department of Environmental Resources to provide for public safety, health and welfare. County Code requires that the proposed development be served by sanitary sewer and public water. The street layout has been carefully analyzed by the Transportation Section and Department of Public Works and Transportation and determined to be necessary for the safe travel of emergency vehicles. All designs of these types of facilities are reviewed by the appropriate agency to ensure compliance with the regulations. These regulations require that the designs are not injurious to other property.

- (2) The conditions on which the variations are based are unique to the property for which the variation is sought and are not applicable generally to other properties;**

The specific topography of the site requires the use of the stormwater management outfalls shown on the plans to adequately serve the proposed development. Because of the multiple streams and subwatersheds, more than one outfall is required. The existing sanitary sewer is wholly within the expanded stream buffer. The street layout is necessary to serve the development as proposed.

**(3) The variation does not constitute a violation of any other applicable law, ordinance or regulation; and**

The installation of stormwater management outfalls, connections to the existing sanitary sewer and public streets are required by other regulations. Because the applicant will have to obtain permits from other local, state and federal agencies as required by their regulations, the approval of this variation request would not constitute a violation of other applicable laws.

**(4) Because of the peculiar physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulation is carried out.**

The topography provides no alternative for the location of the stormwater outfalls that are required to serve the development. The only existing sanitary sewers to serve this property are wholly within the expanded stream buffer. Without the required stormwater management facilities, sanitary sewer connections or public streets, the property could not be properly developed.

Staff recommends approval of the requested ten variations.

The property is subject to the requirements of the Prince George's County Woodland Conservation and Tree Preservation Ordinance because the site is more than 40,000 square feet in size and contains more than 10,000 square feet of existing woodland. A Type I Tree Conservation Plan is required.

A Type I Tree Conservation Plan, TCPI/26/05, was submitted with this application. The plan proposes clearing 122.54 acres of the existing 176.04 acres of upland woodland and the clearing of 2.50 acres of the existing 19.73 acres of woodland within the 100-year floodplain. The woodland conservation threshold for this site is 60.60 acres. Based upon the proposed clearing, the woodland conservation requirement is 98.00 acres. The plan proposes to meet this requirement by providing 52.18 acres of on-site woodland conservation, 43.88 acres of on-site planting and payment of a fee-in-lieu for 1.94 acres.

The layout of the proposed woodland conservation is in conformance with the goals of the Woodland Conservation Ordinance and the Green Infrastructure Plan. In addition to preserving sensitive environmental features and the expanded stream buffers, the addition of upland woodlands abutting these areas that are to be planted creates large contiguous woodlands and woodland corridors.

There are some technical issues with the TCPI. Only a small area between the area to be dedicated for Old Fort Road and areas containing sensitive environmental features is proposed for planting. Increasing the planting will reduce or eliminate the proposed fee-in-lieu and create more contiguous woodlands. Because there are significant areas that will need to be planted, the

timing of planting these areas is a concern. These issues can be addressed with the Type II TCP that is required with the mandatory detailed site plan.

Piscataway Road is designated in the Subregion V Master Plan as a historic road. Although the master plan designates this road as an arterial with an ultimate right-of-way of 120 feet, there are historic characteristics that should be identified and preserved as part of the proposed subdivision.

The “Design Guidelines and Standards for Scenic and Historic Roads” provides guidance for the review of applications that could result in the need for roadway improvements. The manual currently states that when a scenic or historic road is adjacent to a proposed subdivision “...a team [to include M-NCPPC staff] will complete a study of the scenic or historic roads around or within the subject site which will include an inventory of scenic and historic features and an evaluation of features most worthy of preservation.”...A visual inventory was prepared and submitted with the application. The inventory noted that most of the existing road frontage is currently devoid of trees; however, these areas should be reforested at stocking levels to meet the requirements of the Woodland Conservation Ordinance..

The Preliminary Plan provides a 40-foot-wide landscape buffer adjacent to the 10-foot public utility easement along Piscataway Road (MD 223). This area is currently devoid of trees. No specific treatment of this area has been proposed. As part of the detailed site plan, the landscaping in the 40-foot-wide scenic easement adjacent to the 10-foot public utility easement should be reviewed. The landscaping should be sufficient to preserve the historic character of Piscataway Road.

Piscataway Road is a master plan arterial roadway. Section 24-121(a)(4) requires that residential lots adjacent to existing or planned roadways of arterial classification or higher be platted to a minimum depth of 150 feet and that adequate protection and screening from traffic nuisances be provided by earthen berms, plant materials, fencing, and/or the establishment of a building restriction line. The noise model used by the Environmental Planning Section predicts that the 65 dBA Ldn ground level noise contour is located 168 feet from the centerline of Piscataway Road. The centerline of Piscataway Road and an unmitigated 65 dBA Ldn ground level noise contour are shown on the Preliminary Plan and the TCPI.

No proposed structures or associated outdoor activity areas will be affected by traffic-generated noise, and no lots are proposed within 150-feet of Piscataway Road.

### **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.

6. **Community Planning**—The subject property is located within the limits of the 1993 Subregion V Approved Master Plan, Planning Area 81B in the Tippet Community. The master plan land use recommendation is for suburban estate and low-density planned neighborhoods. To the

extent that the plan recommends a planned residential development at this location, this proposal is for a planned retirement community, and therefore consistent with the plan recommendation. Although the master plan recommends this site be developed at a lower density than is proposed (1.0–1.5 dwelling units per acre), the proposed density (2.9 dwelling units per acre), is allowed in the zone in which it is located pursuant to CB-53-2005. The proposed preliminary plan is to be development as a planned retirement community and conforms to the recommendations of the master plan as set forth in the findings of this staff report.

The 2002 General Plan locates the property in the Developing Tier. One of the visions for the Developing Tier is to maintain a pattern of low-to moderate-density suburban residential communities. The preliminary plan is consistent with the recommendations of the General Plan as set forth in the findings of this staff report.

The site is impacted by Aviation Policy Areas 3, 4 and 6 as discussed further in Finding 17 of this staff report.

7. **Parks and Recreation**—The staff of the Department of Parks and Recreation (DPR) has reviewed the above referenced preliminary plan application for conformance with the requirements and recommendations of the *Approved Master Plan and Sectional Map Amendment for Subregion V*, Planning Area 81B, the Land Preservation and Recreation Program for Prince George’s County and current zoning and subdivision regulations as they pertain to public parks and recreation.

## FINDINGS

The subject property is approximately 275 acres in size and includes 25.46 acres of the floodplain along the Tinkers Creek stream valley. The 25.46 acres of dedication is located solely on the north side of proposed Old Fort Road and creates a gap in the dedication along the southern portion of the stream valley park (SVP). The applicant proposes developing the site as a planned retirement community. The applicant proposes to develop 818 dwelling units, which will result in population of approximately 2,536 new residents.

The Subregion V Master Plan recommends dedication of the Tinkers Creek stream valley and hiker/biker trail construction along the stream. The applicant proposes a combination of public and private recreational facilities to meet the requirements of the Section 24-134 of the Subdivision Ordinance.

DPR staff recommends dedication of 53 acres of open space area to M-NCPPC for Tinkers Creek stream valley park in accordance with DPR Exhibit A, and construction of the hiker/biker trail in the stream valley. The additional acres are recommended along the Tinkers Creek stream valley on the south side of Old Fort Road extended and will complete the conveyance of the SVP, providing the connection envisioned by the master plan for the dedication of the entire SVP. The proposed dedication will preserve the stream valley as public open space available to all Prince George’s County residents and will provide trail linkages to existing and future recreational facilities in the public park system to the north

and south of the subject site.

In addition, the applicant is proposing the provision of private recreational facilities including: a community center with indoor activity rooms, indoor and outdoor swimming pools and playground in the vicinity of the community center.

In summary, staff believes that the dedication of 53 acres of parkland, the provision of hiker/biker/equestrian trails on dedicated parkland and the provision of a private recreational facilities on homeowners association (HOA) land as discussed above will satisfy master plan recommendations, and the requirements of the mandatory dedication of parkland requirements (24-134) of the subdivision regulations as they pertain to public and private parks and recreation.

The Department of Parks and Recreation recommends approval of the above preliminary plan subject to conditions.

8. **Trails**—The following master plan trail facilities impact the subject site:

- A proposed stream valley trail along Tinkers Creek
- A proposed trail along Old Fort Road

Decisions regarding the master plan trail and trail along Old Fort Road including construction, location, and alignment will be made with the review of the detailed site plan.

The trail along Old Fort Road will be completed at the time of road construction. It appears that Old Fort Road east, as shown on the submitted preliminary plan, will function as this road connection in the vicinity of the subject site. Staff recommends the provision of an eight-foot wide Class II trail along the subject site's entire frontage of Old Fort Road east.

Due to the density of the subject application, staff recommends standard sidewalks along both sides of all internal roads. Lots are smaller than 10,000 square feet, with many lots being less than 5,000 square feet. On the original preliminary plan submittal, trail connections were recommended from the end of both Public Road "B" and Public Road "C" to Old Fort Road east. The revised preliminary plan now shows emergency access roads at these locations. Staff recommends the provision of sidewalks along both sides of these roads to accommodate direct pedestrian access from the site to the master plan trail along Old Fort Road east.

9. **Transportation**—The Transportation Planning Section has reviewed the subdivision plan application referenced above. The subject parcel consists of approximately 276 acres of land in the R-E Zone. The property is located between Tinkers Creek and MD 223, approximately 1,200 feet to the northeast of Mary Catherine Drive. The applicant proposes 818 elderly housing units in a variety of unit types.

The applicant prepared a traffic impact study dated July 2005, which was prepared in accordance

with the methodologies in the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*. A minor revision was submitted dated September 2005. Both studies have been referred to the county Department of Public Works and Transportation (DPW&T) and the State Highway Administration (SHA). Both agencies provided comments on the earlier study; SHA slightly revised their comments on the later study while DPW&T did not provide new comments. The findings and recommendations outlined below are based upon a review of all materials received and analyses conducted by the staff and are consistent with the Guidelines.

It must be noted that the traffic impact studies cover the impact of the subject site along with two other sites having the same ownership interest. It is likely that all three sites will be considered on the same Planning Board date. The analyses presented in this memorandum are roughly the same for each site, and each site will receive the same off-site transportation conditions.

#### **Growth Policy Service—Level Standards**

The subject property is located 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 traffic controls) if deemed warranted by the appropriate operating agency.

#### **Staff Analysis of Traffic Impacts**

The traffic impact study prepared and submitted on behalf of the applicant analyzed the following intersections:

MD 223 and Old Branch Avenue/Brandywine Road (signalized)

Brandywine Road and Surratts Road (signalized)  
Brandywine Road and Thrift Road (signalized)

Floral Park Road and Windbrook Drive (unsignalized)

MD 223 and Floral Park Road (unsignalized)

MD 223 and Gallahan Road (unsignalized)

MD 223 and Windbrook Drive (unsignalized)

MD 223 and site access (future/unsignalized)

MD 223 and Tippet Road (unsignalized)

MD 223 and Steed Road (signalized)

MD 223 and Temple Hill Road (signalized)

Old Fort Road South and Gallahan Road (unsignalized)

Old Fort Road South and Old Fort Road North/site access (unsignalized)

Old Fort Road North and Allentown Road (unsignalized)

MD 210 and Old Fort Road North (signalized)

The traffic counts were completed in January 2005. It is noted that a few concerns have been raised about the timing of the traffic counts, and there were direct concerns by DPW&T. The following points are noted:

- All traffic counts were taken on a Tuesday, Wednesday, or Thursday in accordance with the Guidelines.
- The traffic study of record was submitted in September 2005. The old counts in the study are dated November 2004. In accordance with the Guidelines, all counts were less than one year old at the time of traffic study submittal.
- All counts were taken on days when schools were open.
- Two counts, the counts at MD 223/Old Branch Avenue/Brandywine Road and MD 223/Steed Road, were taken on the day prior to a national holiday. Because Veterans Day in 2004 occurred midweek, and the counts were taken on the Wednesday prior, the counts were allowed. The primary reason for the Guidelines to discourage counts on the day before or after national holidays is to allow counts taken before or after a long weekend to be rejected.

It is noted that most of the counts causing concern are along state highways, and SHA did not express a concern with the timing of the counts.

Existing conditions in the vicinity of the subject property are summarized below:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 223 and Old Branch Avenue/Brandywine Road	1,275	1,796	C	F
Brandywine Road and Surratts Road	1,398	1,248	D	C
Brandywine Road and Thrift Road	1,043	908	B	A
Floral Park Road and Windbrook Drive	10.6*	10.3*	--	--
MD 223 and Floral Park Road	21.4*	20.8*	--	--
MD 223 and Gallahan Road	10.9*	14.7*	--	--
MD 223 and Windbrook Drive	25.3*	37.6*	--	--
MD 223 and site access	future		--	--
MD 223 and Tippet Road	47.8*	19.0*	--	--
MD 223 and Steed Road	1,319	1,145	D	B
MD 223 and Temple Hill Road	892	1,177	A	C
Old Fort Road South and Gallahan Road	11.6*	10.9*	--	--
Old Fort Road S and Old Fort Road N/site access	future		--	--
Old Fort Road North and Allentown Road	12.4*	15.1*	--	--
MD 210 and Old Fort Road North	1,582	1,905	E	F
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.				

The applicant conducted a review of background development, and the area of background development includes over 20 sites encompassing over 2,000 approved residences. The traffic study also includes a growth rate of 2.0 percent per year along the facilities within the study area to account for growth in through traffic.

Background conditions also assume the widening of Surratts Road between Beverly Drive and Brandywine Road. Given that the project is shown in the current county Capital Improvement Program (CIP) with 100 percent funding within six years, staff has allowed the traffic study to include this improvement as a part of the background condition. While this improvement has an unusually long history of full funding in the CIP without being constructed, there are actions being taken to commit county and developer funding to get this improvement constructed soon. This improvement is particularly important to traffic circulation in the area. Widening the link of Surratts Road eastward from Brandywine Road is anticipated to provide an outlet for traffic using Brandywine Road. Also, the intersection improvements at Brandywine Road/Surratts Road that are a part of this CIP project are important because this intersection currently operates poorly in both peak hours.

It is noted that Woodburn Estates, Preliminary Plan 4-04016, was not included in the background



scenario in the traffic study. It is possible that a list of approved development was provided to the applicant prior to approval of Woodburn Estates. Also, an added complexity has arisen as another site, Silver Farm (Preliminary Plan 4-05075, for 22 lots) will be reviewed prior to consideration of the three Bevard properties. The Silver Farm site provides needed public street access to one of the Bevard sites (not the subject site). Staff has added the impact of Woodburn Estates (122 detached lots) and Silver Farm to the results in the traffic study to determine the background traffic presented herein.

Background traffic is summarized below:

<b>BACKGROUND TRAFFIC CONDITIONS</b>				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 223 and Old Branch Avenue/Brandywine Road	1,689	2,322	F	F
Brandywine Road and Surratts Road	1,162	1,025	C	B
Brandywine Road and Thrift Road	1,261	1,087	C	B
Floral Park Road and Windbrook Drive	12.2*	12.0*	--	--
MD 223 and Floral Park Road	49.9*	46.3*	--	--
MD 223 and Gallahan Road	14.1*	23.8*	--	--
MD 223 and Windbrook Drive	92.6*	116.1*	--	--
MD 223 and site access	future		--	--
MD 223 and Tippet Road	516.9*	213.3*	--	--
MD 223 and Steed Road	1,673	1,432	F	D
MD 223 and Temple Hill Road	1,170	1,579	C	E
Old Fort Road South and Gallahan Road	13.1*	12.1*	--	--
Old Fort Road S and Old Fort Road N/site access	future		--	--
Old Fort Road North and Allentown Road	29.6*	107.2*	--	--
MD 210 and Old Fort Road North	1,970	2,165	F	F
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.				

The site is proposed for development with 818 elderly housing units in a variety of unit types. The proposal would generate 171 AM (65 in, 106 out) and 225 PM (137 in, 88 out) peak-hour vehicle trips. As noted earlier, the traffic study was conducted for three separate properties. All three sites, including the subject site, are being reviewed as preliminary plans on the same date. In all likelihood, the subject site will be reviewed as a preliminary plan on the same hearing date as the other two sites. While, indeed, each application must stand on its own, it is also fair and proper that each site receive the same off-site transportation conditions. This will allow each site to share in the construction of the off-site transportation improvements if they are approved. Therefore, rather than recalculating service levels for the subject site alone, the total traffic situation presented will summarize the impact of all three sites together. Once again, it is anticipated at this time that all three preliminary plans of subdivision will be reviewed on the same date, and that all three, if approved, would receive the same set of off-site transportation conditions.

The other two sites are proposed for residential development as well. The Bevard East property is

Preliminary Plan 4-05050, and includes 827 detached and attached residences. The Bevard West property is Preliminary Plan 4-05051, and includes 242 detached single-family residences. Trip generation of the three sites is summarized below:

Site Trip Generation—All Three Sites Included in Traffic Study						
Use	AM Peak Hour			PM Peak Hour		
	In	Out	Total	In	Out	Total
Bevard East—827 residences	123	490	613	476	252	728
Bevard North—818 senior residences	65	106	171	137	88	225
Bevard West—242 residences	37	145	182	143	75	218
Total Trips	225	741	966	756	415	1171

Total traffic (for the three sites, including the subject site) is summarized below:

<b>TOTAL TRAFFIC CONDITIONS</b>				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 223 and Old Branch Avenue/Brandywine Road	1,816	2,464	F	F
Brandywine Road and Surratts Road	1,185	1,101	C	B
Brandywine Road and Thrift Road	1,336	1,129	D	B
Floral Park Road and Windbrook Drive	14.9*	13.8*	--	--
MD 223 and Floral Park Road	83.3*	60.9*	--	--
MD 223 and Gallahan Road	15.2*	26.3*	--	--
MD 223 and Windbrook Drive	+999*	+999*	--	--
MD 223 and site access	+999*	+999*	--	--
MD 223 and Tippet Road	+999*	721.9*	--	--
MD 223 and Steed Road	2,009	1,820	F	F
MD 223 and Temple Hill Road	1,372	1,922	D	F
Old Fort Road South and Gallahan Road	13.3*	12.2*	--	--
Old Fort Road S and Old Fort Road N/site access	10.4*	9.7*	--	--
Old Fort Road North and Allentown Road	69.9*	286.0*	--	--
MD 210 and Old Fort Road North	2,156	2,165	F	F
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.				

Traffic Impacts: The following improvements are determined to be required for the development of the subject property in the traffic study:

- A. MD 223/Old Branch Avenue/Brandywine Road: Reconstruct the intersection to provide two through lanes, an exclusive right-turn lane, and an exclusive left-turn lane on both the eastbound and westbound approaches, and provide an exclusive through lane, an exclusive right-turn lane, and an exclusive left-turn lane on both the northbound and southbound approaches. Modify traffic signal, signage, and pavement markings as needed.
- B. MD 223/Temple Hill Road: Construct a second through lane along the south/westbound MD 223 approach. Modify signals, signage, and pavement markings as needed.
- C. MD 223/Steed Road: Reconstruct the intersection to provide a shared through/right-turn lane and a shared through/left-turn lane on the southbound MD 223 approach; a shared

through/right-turn lane, an exclusive through lane, and an exclusive left-turn lane on the northbound MD 223 approach; and an exclusive left-turn lane and shared through/right-turn lane on the Steed Road approach. Modify signals, signage, and pavement markings as needed.

- D. MD 210/Old Fort Road North: Modify the eastbound and westbound Old Fort Road approaches to provide an exclusive through lane, a shared through/left-turn lane, and an exclusive right-turn lane. Modify signals, signage, and pavement markings as needed.
- E. Unsignalized Intersections: The traffic study includes signal warrant studies at four unsignalized intersections in the study area. It is determined in the traffic study that signalization would not be warranted at the MD 223/Windbrook Drive intersection, the MD 223/Tippett Road intersection, and the Old Fort Road North/Allentown Road intersection. It is determined that signalization would be warranted at the MD 223/Floral Park Road intersection.

Traffic Impacts—Staff Review: In general, staff finds that the improvements recommended in the traffic study to the signalized intersections are acceptable.

At the MD 210 and Old Fort Road North intersection, the applicant has proposed the use of mitigation in accordance with Section 24-124(a)(6). The Subdivision Ordinance indicates that “consideration of certain mitigating actions is appropriate...” in accordance with the Guidelines for Mitigation Action and the requirements of that portion of Section 24-124. The applicant proposes to employ mitigation by means of criterion (d) in the Guidelines for Mitigation Action, which was approved by the District Council as CR-29-1994. Criterion (d) allows mitigation at intersections along MD 210 outside of the Beltway (among other facilities), and was not superseded by the approval of the 2002 *Prince George’s County Approved General Plan*.

At the MD 210 and Old Fort Road North intersection, the applicant recommends several improvements described above to mitigate the impact of the applicant’s development in accordance with the provisions of Sec. 24-124(a)(6).

The impact of the mitigation actions at this intersection is summarized as follows:

IMPACT OF MITIGATION				
Intersection	LOS and CLV (AM & PM)		CLV Difference (AM & PM)	
MD 210/Old Fort Road North				
Background Conditions	F/1970	F/2165		
Total Traffic Conditions	F/2156	F/2165	+186	+0
Total Traffic Conditions w/Mitigation	E/1805	D/1812	-351	-353

As the CLV at MD 210/Old Fort Road North is greater than 1,813 during both peak hours, the proposed mitigation action must mitigate at least 100 percent of the trips generated by the subject property during each peak hour and bring the CLV to no greater than 1,813, according to the Guidelines. The above table indicates that the proposed mitigation action would mitigate more than 100 percent of site-generated trips during each peak hour, and it brings the CLV below 1,813 in each peak hour as well. Therefore, the proposed mitigation at MD 210 and Old Fort Road North meets the requirements of Section 24-124(a)(6)(B)(i) of the Subdivision Ordinance in considering traffic impacts.

With regard to the unsignalized intersections, staff has several comments:

- Staff accepts that the Old Fort Road/Allentown Road intersection will not meet warrants under future traffic. Because a traffic signal warrant study is, in itself, a more detailed study of the traffic operations at an intersection, it is accepted that the in-depth analysis shows that the intersection will operate acceptably under future traffic.
- The MD 223/Floral Park Road intersection is shown to meet signal warrants under total traffic. SHA accepts this result and will also require that separate right-turn and left-turn lanes be installed at the time of installation. Given that the provision of this lane geometry is essential to the safe and effective operation of the signal, staff will recommend this improvement. Also it is noted in reviewing the future LOS of this intersection that with a one-lane approach on the eastbound leg of the intersection, the intersection will fail in the AM peak hour. Separate eastbound through and left-turn lanes are needed to resolve this inadequacy.
- It is noted that the MD 223/Windbrook Drive intersection is shown to meet at least one warrant for signalization during the PM peak hour. While the traffic study indicates that the signal would not be required, it is recommended at this time that a follow-up study be done.

- The MD 223/Tippett Road intersection is shown to not meet warrants under future traffic. Because a traffic signal warrant study is, in itself, a more detailed study of the traffic operations at an intersection, it is accepted that the in-depth analysis shows that the intersection will operate acceptably under future traffic. Nonetheless, it is noted that the Wolfe Farm (Preliminary Plan 4-04099) has a similar condition to study signal warrants. The impact of the Wolfe Farm on turning movements (as opposed to through movements) is much greater than the impact of the subject site on this intersection.
- The site access point at MD 223 has not been addressed by the traffic study given that the site access point has been moved to be located opposite the access point to another pending subdivision (Bevard East, Preliminary Plan 4-05050). It is recommended that signal warrants be studied prior to specific design plan in consideration of the development planned on the two sites together. Also with a signal in place, the intersection will not operate adequately in the AM peak hour with the lane configuration shown in the traffic study. It is suggested that a second eastbound through lane be provided at this location; the eastbound approach can operate as an exclusive through and shared through/right-turn approach.
- Staff accepts that the Old Fort Road/Allentown Road intersection will not meet warrants under future traffic. Because a traffic signal warrant study is, in itself, a more detailed study of the traffic operations at an intersection, it is accepted that the in-depth analysis shows that the intersection will operate acceptably under future traffic.

Total Traffic Impacts: Total traffic with the improvements described in the two sections above are summarized below:

<b>TOTAL TRAFFIC CONDITIONS WITH IMPROVEMENTS</b> (Intersections with conditioned improvements are highlighted in bold)				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
<b>MD 223 and Old Branch Avenue/Brandywine Road</b>	<b>1,210</b>	<b>1,450</b>	<b>C</b>	<b>D</b>
Brandywine Road and Surratts Road	1,185	1,101	C	B
Brandywine Road and Thrift Road	1,336	1,129	D	B
Floral Park Road and Windbrook Drive	12.2*	12.0*	--	--
<b>MD 223 and Floral Park Road</b>	<b>950</b>	<b>779</b>	<b>A</b>	<b>A</b>
MD 223 and Gallahan Road	14.1*	23.8*	--	--
<b>MD 223 and Windbrook Drive</b>	<b>1,134</b>	<b>921</b>	<b>B</b>	<b>A</b>
<b>MD 223 and site access</b>	<b>996</b>	<b>1,250</b>	<b>A</b>	<b>C</b>
MD 223 and Tippet Road	+999*	721.9*	--	--
<b>MD 223 and Steed Road</b>	<b>1,215</b>	<b>1,420</b>	<b>C</b>	<b>D</b>
<b>MD 223 and Temple Hill Road</b>	<b>1,307</b>	<b>1,388</b>	<b>D</b>	<b>D</b>
Old Fort Road South and Gallahan Road	13.1*	12.1*	--	--
Old Fort Road S and Old Fort Road N/site access	10.4*	9.7*	--	--
Old Fort Road North and Allentown Road	Adequate per traffic signal warrant study			
<b>MD 210 and Old Fort Road North</b>	<b>1,805</b>	<b>1,812</b>	<b>F</b>	<b>F</b>
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.				

It is noted that all intersections meet the current policy level-of-service standard, and the one intersection proposed for mitigation, MD 210 and Old Fort Road North, meets the standards set out in the Guidelines for Mitigation Action (CR-29-1994).

DPW&T expressed several concerns with the study. Several concerns have been discussed earlier, however, remaining concerns are discussed below:

- At the Floral Park Road and Windbrook Drive intersection, DPW&T requests provision of an exclusive right-turn lane along the westbound Floral Park Road approach. It is noted, however, that the intersection is determined to operate acceptably as an unsignalized intersection in its current configuration, and no exclusive right-turn lane was



assumed in the traffic study. Therefore, the Planning Board would not have the authority to impose such a condition.

- At the MD 223 and Temple Hill Road intersection, DPW&T requests provision of a double left-turn lane along the eastbound MD 223 approach, with consequent widening of northbound Temple Hill Road to accept the double left-turn movement. It is agreed that the high AM hourly left-turn volume would utilize the intersection more efficiently if the double left-turn lane were provided. SHA has not requested this modification, however, even though the primary operational impact would be within SHA-maintained roadway. Also, right-of-way is very restricted at this location. Furthermore, the applicant has proffered an improvement that relieves the inadequacy shown; the dual left-turn lane would not, on its own, relieve the inadequacy. Therefore, the Planning Board would not have the authority to impose such a condition.
- At the Old Fort Road South and Gallahan Road intersection, DPW&T requests provision of a southbound left-turn bypass lane along the southbound Old Fort Road South approach. It is noted, however, that the intersection is determined to operate acceptably as an unsignalized intersection in its current configuration, and no bypass lane was assumed in the traffic study. Therefore, the Planning Board would not have the authority to impose such a condition.
- At the Old Fort Road South and site access intersection, DPW&T requests provision of a southbound left-turn bypass lane along the southbound Old Fort Road South approach. It is noted, however, that the intersection is determined to operate acceptably as an unsignalized intersection in its current configuration, and no bypass lane was assumed in the traffic study. Therefore, the Planning Board would not have the authority to impose such a condition.
- The labeling of exhibits G1 through G10 of the traffic study has been duly noted.

SHA noted several minor issues with the traffic study, but concurred with most of the recommendations. That agency's added recommendation included separate southbound left-turn and right-turn lanes at the MD 223/Floral Park Road intersection, which has already been addressed above. SHA concurred with the proposed mitigation at MD 210 and Old Fort Road North.

### **Plan Comments**

MD 223 is a master plan arterial facility. The right-of-way consistent with the master plan recommendations is indicated on the plan and must be reflected on the final plat.

The Subregion V Master Plan includes A-65, a master plan arterial facility that is proposed to cross the entire subject property. The subject plan shows three elements of this facility as described below:

1. The extension of A-65 from Tinkers Creek to the primary site access is shown as an 80-foot right-of-way. This alignment is similar in location to the master plan alignment.
2. The primary site access occurs at a two-lane roundabout along the proposed A-65 alignment. A conceptual drawing of this roundabout was received during the review process.
3. The extension of A-65 from the roundabout to MD 223 is shown as a 60-foot right-of-way. This provides a full connection between Tinkers Creek and MD 223. This access intersects MD 223 opposite to the primary access point into the Bevard East property (Preliminary Plan 4-05050).

At the time of the initial Subdivision Review Committee meeting on August 26, 2005, the Transportation Planning Section provided the following comments:

- A. The location of A-65 is substantially moved, as the master plan alignment crosses the center of the site. Although the original intent of A-65 was to connect a future employment center at Hyde Field with the major transportation facilities, the 2002 General Plan reduced the future importance of Hyde Field, effectively ensuring the intensive employment would not be achieved. The result of this has been that right-of-way preservation strategies for two major properties to the south have not been supported, and while reservation on the adjacent 4-05050 site is being requested, unless policies suddenly change, the right-of-way might not exist south of MD 223. That leaves A-65 north of MD 223 free to change locations, except that access from Hyde Field was, in the master plan, directed onto this road via an industrial roadway. Given the reduced future importance of Hyde Field as an employment center, combined with consideration of the environmental factors involved in retaining the master plan location, the transportation staff has tentatively determined that the general location of A-65 is acceptable.
- B. It has been documented in the Henson Creek-South Potomac Master Plan that there is a need for a major collector facility from MD 210 to MD 223. Therefore, the applicant must revise the plan to show dedication of 100 foot right-of-way along A-65. This will allow four lanes plus a median.

At this time, the Henson Creek-South Potomac Master Plan stands as adopted by the Planning Board, and that plan recommends that Old Fort Road North be reclassified as a major collector with a 100-foot right-of-way. This recommendation is based upon the need for a facility of two lanes in each direction (a total of four through lanes) between MD 210 and MD 223. The 100-foot right-of-way is more desirable than the 80-foot right-of-way because it will allow the implementation of a median and left-turn lanes at intersecting streets—the typical collector facility includes no median and insufficient pavement width to implement exclusive left-turn lanes at intersections while allowing four through lanes. The applicant has argued that the traffic study indicates that no more than 2,000 vehicles per day would use this roadway upon

completion. However, the traffic study has not truly studied the traffic potential of this roadway:

- The traffic study is not intended to model buildout, and it has not examined the overall impact of vacant zoned land within the study area.
- The traffic study assumes that all approved development uses the distributions and assignments approved for those developments. But because none of them have been concerned with A-65 or have proffered to construct any part of Old Fort Road Extended, none of them use the future road in their assignments.
- The traffic study has not performed a redistribution of existing traffic to the A-65 facility.

It is recommended that the detailed site plan reflect the use of a 100-foot right-of-way along the A-65 alignment between MD 223 and Tinkers Creek. Nonetheless, it is duly noted that there are only three access points along this roadway over this section—all to the east. Therefore, it is possible that four lanes with a separation can be provided within the 80-foot right-of-way over most of this section, with flaring to a wider right-of-way at the emergency site access point, the traffic circle, and the access to the King Gallahan subdivision. For that reason, a determination may be made at the time of detailed site plan, in consultation with the Transportation Planning Section and DPW&T, that the right-of-way may be generally reduced to 80 feet with wider sections at the three intersections consistent with the future function of the roadway.

The applicant was originally advised on August 26, 2005, at the Subdivision Review Committee meeting that the right-of-way of Old Fort Road through the property should be provided at a width of 100 feet. This was a reduction from the 120-foot right-of-way width that was required for A-65. Staff acknowledged the change in the future need of A-65 and agreed to the realignment and reduction in the ultimate width. However, the applicant has continued to submit plans of development with only the 80-foot right-of-way shown for A-65.

As indicated above, and required by CB-53-2005, the Department of Public Works and Transportation will be required to approve the applicant's proposal with the review of the DSP. Staff would note that if an increase to the right-of-way width is required with the review of the DSP, a loss of lots could occur. In addition, impacts to environmental features that would require

approval by the Planning Board (Section 24-130), not anticipated with this application could result in the requirement for a new preliminary plan of subdivision. The expansion of the right-of-way if required shall not occur to the south side of the alignment shown on the preliminary plan.

The circulation plan has been modified several times during review of this subdivision and prior applications. The current plan is acceptable regarding the function of the public and private internal streets.

The primary site access occurs at a two-lane roundabout along the proposed A-65 alignment. A conceptual drawing of this roundabout was received during the review process. It was presumed

that this drawing was provided to the County Department of Public Works and Transportation (DPW&T), which has the ultimate review authority for improvements and traffic controls within all public roadway rights-of-way to be dedicated to the County.

However, it has been determined that DPW&T has not seen this conceptual drawing. This poses an issue for this plan in that the roundabout is a primary element in the access and circulation pattern shown on the preliminary plan, and as such is a major component of the overall layout. If the roundabout must be modified through DPW&T review, there may be impacts on other elements of the plan. Therefore, it should be required that DPW&T must review the conceptual elements of the roundabout during review of the Detailed Site Plan, and provide conceptual approval in writing prior to approval of the Detailed Site Plan.

### **Transportation Staff Conclusions**

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

10. **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 concludes that the subdivision is exempt from the review for school impacts because it is a planned retirement community.
11. **Fire and Rescue**—The Historic Preservation & Public Facilities Planning Section has reviewed this subdivision plan for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(B)-(E) of the Zoning 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 Clinton, Company 25, using the 7 Minute Travel Times and Fire Station Locations Map provided by the Prince George's County Fire Department.

The Fire Chief has reported that the current staff complement of the Fire Department is 704 (101.73 percent), which is above the staff standard of 657 or 95 percent of authorized strength of 692 as stated in CB-56-2005.

The Fire Chief has reported by letter, dated 11-01-2005, that the department has adequate equipment to meet the standards stated in CB-56-2005.

12. **Police Facilities**—The Prince George's County Planning Department has determined that this preliminary plan is located in Police District IV. The standard for emergency calls response is 10 minutes and 25 minutes for non-emergency calls. The times are based on a rolling average for the preceding 12 months beginning with January 2005.

Preliminary Plan 4-05049 was accepted for processing by the Planning Department on 08-01-05.

Reporting Cycle	Date	Emergency Calls	Non-emergency
Acceptance Date	01/05/05-06/05/05	11.00	23.00
Cycle 1	01/05/05-07/05/05	11.00	23.00
Cycle 2	01/05/05-08/05/05	11.00	23.00
Cycle 3	01/05/05-09/05/05	11.00	24.00

The Police Chief has reported that the current staff complement of the Police Department is 1,302 sworn officers and 43 student officers in the Academy for a total of 1,345 (95 percent) personnel, which is within the standard of 1,278 officers or 90 percent of the authorized strength of 1,420 as stated in CB-56-2005.

The response time standards of 10 minutes for emergency calls for police was not met on the date of acceptance or within the following three monthly cycles. In accordance with Section 24-122.01 of the Subdivision Regulations, Preliminary Plan 4-05049 fails to meet the standards for police emergency response time. The Planning Board may not approve a preliminary plan until a mitigation plan between the applicant and the county is entered into and filed with the Planning Board in accordance with the County Council adopted *Guidelines for the Mitigation of Adequate Public Facilities for Public Safety Infrastructure*. In accordance with CR-78-2005 the applicant has entered into a mitigation agreement and chosen to pay solely the mitigation fee.

13. **Health Department**—The Health Department has no comment.
14. **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, #27879-2005-00 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.
15. **Historic**- Phase I (Identification) archeological investigations were completed on the subject property and the draft report (which included Bevard East, West, and North) was received on July 13, 2005, and comments were sent to the archeology consultant, URS, by Donald Creveling, Archeology Program Manager, M-NCPPC Natural and Historic Resources Division, Department of Parks and Recreation in a letter dated October 17, 2005. Four copies of the final report should be submitted to the Planning Department. Four historic and two prehistoric archeological sites (18PR774, 18PR775, 18PR776, 18PR777, 18PR778, 18PR779) were identified on the entire Bevard property (North, West, and East). All the archeological sites were determined to be disturbed or too minor to be considered significant. No further archeological work is required on the subject property. However, the Maryland Historical Trust as part of the Section 106 process may require additional work.
16. **Aviation Policy Area(s)**-Pursuant to Part 10B, Division 1 Aviation Policy Areas the subject site is impacted by aviation policy areas (APAs) for two existing aviation airports licensed by the Maryland Aviation Administration. The APA areas impact the western portion of the property for the Potomac Airfield, APA 3 and 6, and the APA areas for the Washington Executive Airport,

APA 4 and 6 impact the eastern portion of the property. Both airports are designated as medium size airports.

Section 27-548.33. sets forth the purposes for the aviation policy areas as follows:

- (a) **The purposes of the Aviation Policy Areas are to provide special regulations for the development of land that may be affected by operations at airports in order to:**
- (1) **Encourage compatible land use around airports;**
  - (2) **Mitigate nuisances and hazards associated with airport operations;**
  - (3) **Protect people and structures in critical areas surrounding airports;**
  - (4) **Ensure the protection of airspace around airports, in accordance with Federal Aviation Regulations (FAR) Part 77, Surfaces;**
  - (5) **Allow owners around airports reasonable use of their property; and**
  - (6) **Provide property owners with flexibility in meeting applicable regulations.**

Development within the APA 3 requires the review of a detailed site plan. The applicant is not proposing any structures within APA 3. Section 27-548.03(d) restricts uses in APA 3 specifically, assisted living and day care facilities, hospitals, nursing and care homes, and public and private schools are prohibited. The applicant is proposing a planned retirement community and is not subject to the use restriction. Development within APA 4 and 6 is permitted with the same densities as the underlying zones. The applicant is proposing development within APA 4 and 6 and is proposing density permitted in the underlying zone pursuant to CB-53-2005.

Section 27-548.43 of the Zoning Ordinance requires notification of an airport environment to future homeowners. Specifically, in all APAs after September 1, 2002, the General Aviation Airport Environment Disclosure Notice, in a form approved by the Planning Board, shall be included as an addendum to the contract for sale of any residential property. Every zoning, subdivision, and site plan application that requires approval by the Planning Board, Zoning Hearing Examiner, or District Council for a property located partially or completely within an Aviation Policy Area shall be subject to the following condition:

- (1) Developments with a homeowners' association: Prior to final plat approval, the Declaration Of Covenants for the property, in conjunction with the formation of a homeowners' association, shall include language notifying all future contract purchasers of homes in the community of the existence of a general aviation airport within approximately one mile of the community. The Declaration of Covenants shall include the General Aviation Airport Environment Disclosure Notice. At the time of purchase contract with homebuyers, the contract purchaser shall sign an acknowledgment of receipt of the Declaration. The liber and folio of the recorded Declaration of Covenants shall be noted on the final plat.

Staff is recommending an appropriate condition to ensure notification to future homeowners in accordance with Section 27-548.43 of the Zoning Ordinance.

Development of the portion of this property located within APA 4 and 6 is subject to height restrictions. Section 27-548.42(a) states that except as necessary and incidental to airport operations, no building, structure, or natural feature shall be constructed, altered, maintained, or allowed to grow so as to project or otherwise penetrate the airspace surfaces defined by Federal Aviation Regulations Part 77 or the Code of Maryland, COMAR 11.03.05, Obstructions to Air Navigation, and (b) of that Section states that the height of structures within the APA-4 and APA-6 may not be approved for a structure higher than 50 feet unless the applicant demonstrates compliance with FAR Part 77. Review for conformance to the height restriction of this section should occur with the review of the detailed site plan.

17. **Urban Design**—The applicant proposes to subdivide the subject property for the purpose of developing a planned retirement community consisting of single-family detached lots and single family attached lots in the R-E Zone. Based on the Urban Design Section's review of the above mentioned preliminary plan, we offer the following comments:

On July 26, 2005, the District Council approved CB-53-2005, which allows the permitting Planned Retirement Communities in the R-E Zone, subject to Detailed Site Plan but not Special Exception review, under certain circumstances. The criteria required is discussed in Finding 2 of this report.

The plan shows the proposed layout of a master planned roadway known as A-65. This roadway is shown to be located near the southern border of the site and in close alignment to a residential subdivision and an existing street shown on the plans as Elizabeth Ida Drive. The re-alignment of the master plan roadway in such a manner so that there is ample distance between the two parallel roadways and the rear of adjacent lots, and the planting of a substantial buffer between them, is appropriate. This is important to protect the integrity of the existing neighborhood. The staff recommends a condition that ensures that road layout be such that a minimum 100-foot-wide buffer be provided between the two roadways and that a 50-foot-wide buffer be provided at the rear of the residentially zoned property. The Type II Tree Conservation Plan should demonstrate the use of larger stock of two to two and a half inch caliber trees and should be incorporated into the proposed plans within this buffer.

The proposed development standards are shown on the preliminary plan, but pursuant to CB-53-2005 they will be approved at the time of detailed site plan.

18. **Outlot A (WWW96@56)** A triangular piece of property known as Outlot A on WWW 96@56, recorded in land records in 1968 extends into the alignment of Old Fort Road extended through this subdivision. Outlot A is located between the Mary Catherine Estates subdivision to the north and the existing right-of-way of Elizabeth Ida Drive. Originally the triangular piece of property was known as Outlot A (WWW 96@56). Current tax assessment records indicate that Prince George's County owns the land. It is not clear if the property has been dedicated to public use as

a public right-of-way; however, there is no connection proposed to Old Fort Road extended. In review of the alignment of Old Fort Road, the Urban Design Section has raised concerns regarding buffering for the Mary Catherine Estates Subdivision. At the time of review of the detailed site plan the applicant should demonstrate the disposition of Outparcel C, or shift the alignment of Old Fort Road to provide a bufferyard as discussed in Finding 15 of this report.

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 Eley, with Commissioners Squire, Eley and Hewlett voting in favor of the motion, and with Commissioner Vaughns absent at its regular meeting held on Thursday, January 19, 2006 in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 16<sup>th</sup> day of February 2006.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

TMJ:FJG:WC:bjs