



PGCPB No. 08-64(A)

File No. 4-07076

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

WHEREAS, Saddle Creek, LLC is the owner of a 278.09-acre parcel of land located on Tax Map 144 in Grid D-3, and known as Lots 44-47, 61-66 and Parcels 86, 157, 110 and 66, said property being in the 9th Election District of Prince George's County, Maryland, and being zoned R-R and R-E; and

WHEREAS, on November 21, 2007, Saddle Creek LLC filed an application for approval of a Preliminary Plan of Subdivision (Staff Exhibit #1) for 323 lots and 13 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-07076 for Estates at Pleasant Valley Conservation Subdivision was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on April 17, 2008, for its review and action in accordance with Article 28, Section 7-116, Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

WHEREAS, the staff of The Maryland-National Capital Park and Planning Commission recommended APPROVAL of the application with conditions; and

WHEREAS, on April 17, 2008, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

*WHEREAS, on or about July 1, 2008, Petitioners filed an action with the Circuit Court for Prince George's County, seeking judicial review of the Planning Board's approval of the preliminary plan of subdivision; and

*WHEREAS, on September 9, 2008, the Prince George's County Council adopted CB-33-2008 relating to public benefit and conservation subdivisions; and

*WHEREAS, the Circuit Court for Prince Georges County by order CAL-16311 dated April 1, 2011, remanded the preliminary plan of subdivision to the Planning Board to decide whether the conservation subdivision plan meets all the requirements of CB-33-2008; and

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/44/07), and further APPROVED Preliminary Plan of Subdivision 4-07076, Estates at Pleasant Valley Conservation Subdivision, including approval of Variations from Section 24-130 and disapproval of 1 Variation for Lots 1-258 and 13 parcels with the following conditions:

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~striketrough~~ indicate deleted language

1. Prior to signature approval of the preliminary plan of subdivision, the following technical corrections shall be made:
 - a. Extend the sewer easement to the property line to provide for the mainline extension.
2. Prior to signature approval the preliminary plan shall be revised in accordance with:
 - a. Priority Area #1 (Staff Exhibit A),
 - b. Priority Area #4 Floral Park Road-Public Street Q cul-de-sac (Staff Exhibit D),
 - c. Priority Area #5 Extend Church Drive in to the subject site (Staff Exhibit E).
3. Development of this site shall be in conformance with the Stormwater Management Concept Plan, #38052-2007-00 as revised in accordance with the approved preliminary plan.
4. The final plat shall delineate the sewer easement abutting the western property line to provide for the mainline extension to the west.
5. The final plat shall dedicate a 10-foot public utility easement in accordance with Section 24-128(b)(12) and 24-122 of the Subdivision Regulations along all public and private streets and easements utilized for vehicular traffic.
6. In conformance with the approved Subregion V master plan, the applicant and the applicant's heirs, successors, and/or assigns shall provide the following:
 - a. Construct the master plan trail along the subject site's entire frontage within the public right of way, unless modified by SHA, to provide a connection from Block C (adjacent to the Pleasant Valley to the west) to the Pleasant Valley Community Park (M-NCPPC).
 - b. Provide standard sidewalks along both sides of all internal roads, unless modified by DPW&T.
7. Prior to the approval of building permits, the applicant, his heirs, successors and/or assignees shall convey to the homeowners association (HOA) open space land (Parcels A, B, and C). (See Condition 9 regarding Parcel C.) Land to be conveyed shall be subject 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.

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~striktthrough~~ indicate deleted language

- 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 approved plans 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 storm drain outfalls. If such proposals are approved, a written agreement and financial guarantee shall be required to warrant restoration, repair or improvements, required by the approval process.
 - f. Storm drain outfalls shall be designed to avoid adverse impacts on land to be conveyed to a homeowners association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by DRD prior to the issuance of grading or building permits.
 - g. Temporary or permanent use of land to be conveyed to a homeowners association for stormwater management shall be approved by DRD.
 - h. The Planning Board or its designee shall be satisfied that there are adequate provisions to assure retention and future maintenance of the property to be conveyed.
8. At the time of final plat the applicant, his heirs, successors and/or assignees shall convey to M-NCPPC 13.9± acres of open space as shown on Applicant DRD Exhibit identified in the report as Applicant Exhibit 13.9 acres DPR Dedication. Land to be conveyed shall be subject the following:
- a. An original, special warranty deed for the property to be conveyed, (signed by the WSSC Assessment Supervisor) shall be submitted 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. The 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 the M-NCPPC shall be indicated on all development plans and permits, which include such property.

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

- 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, The M-NCPPC) shall be submitted to the DPR within two weeks prior to applying for grading permits.
 - e. Storm drain outfalls shall be designed to avoid adverse impacts on land to be conveyed to or owned by The M-NCPPC. If the outfalls require drainage improvements on adjacent land to be conveyed to or owned by The 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 the DPR.
 - h. The applicant shall terminate any leasehold interests on property to be conveyed to the Commission.
 - i. No stormwater management facilities, or tree conservation or utility easements shall be proposed on land owned by or to be conveyed to The M-NCPPC without the prior written consent of the DPR. The DPR shall review and approve the location and/or design of these features. If such proposals are approved by the DPR, a performance bond, maintenance and easement agreements shall be required prior to the issuance of grading permits.
9. Prior to approval of the final plat the applicant, his heirs, successors and/or assignees shall submit an executed deed of conveyance (signed by all parties) of Parcel C to the property owner of Lot 43 (SDH 3@86), Jesse L and Jean Hendrick, and shall submit recorded deeds of the conveyance prior to the approval of a grading permit which includes any lots that abut Parcel C. If Parcel C is not conveyed to the owners of Lot 43 as demonstrated with the grading permit, the applicant shall file a new record plat in accordance with Section 24-111(c) for which no preliminary plan of subdivision is required and the land area of proposed Parcel C shall be incorporated into the abutting lots and HOA Parcel B within the Estates of Pleasant Valley (after the removal of the structure). The final plat shall carry a plat note that lot line adjustments involving Parcel C shall not result in additional buildable lots without a new preliminary plan of subdivision.

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

10. Prior to signature approval of the preliminary plan, the following note shall be placed on the preliminary plan and the TCPI and the existing note shall be removed:

“In accordance with Section 24-152, the priority design elements for preservation in this conservation subdivision are: the retention of high priority woodlands and clusters of specimen trees within and adjacent to regulated areas; preserving and/or improving the scenic qualities of the views of this subdivision from surrounding properties and that of Floral Park Road and Accokeek Road; and creating visually compatible boundaries with existing adjacent development and existing and proposed parkland.”

11. Prior to signature of the preliminary plan, the NRI shall be revised to show the limits of the previously mined areas.
12. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain all of the regulated environmental features and their buffers, except for areas of approved impacts, and reviewed by the Environmental Planning Section prior to approval. The conservation easement shall not be on any proposed lots. The following note shall be placed on the final 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."

13. Prior to signature of the preliminary plan, the presence of the existing mitigation banks and their associated easements must be shown on the preliminary plan and TCPI and a note must be provided stating the disposition of the easements and the woodland conservation acreages to be transferred.

14. Prior to final plat, new woodland mitigation banks shall be secured and the existing mitigation banks and their associated easements shall be extinguished.

15. Prior to signature of the preliminary plan, the following note shall be placed on the preliminary plan and TCPI:

“Prior to approval of a final plat, new woodland mitigation banks shall be secured and the existing mitigation banks and their associated easements shall be extinguished.”

16. Prior to signature of the preliminary plan, the TCPI shall be revised to redesign the stormwater management ponds associated with proposed impacts “F”, “G”, “H”, “I”, “J”, “K” and “M” to reduce the clearing of expanded stream buffers for the construction of the stormwater management facilities to the minimum necessary for required outfalls.

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strickethrough~~ indicate deleted language

17. The following note shall be placed on the final plats:

“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.”

18. Prior to signature of the preliminary plan, the Type I tree conservation plan shall be revised to:

- a. revise the tree lines to conform to the tree lines shown on the NRI
- b. show any land to be dedicated to the Department of Parks and Recreation and include all woodland on the land as retained but not part of any woodland conservation area
- c. provide a pattern on the plan and in the legend for “woodland retained but calculated as cleared” for all woodland retained on lots
- d. remove clearing of areas where variation requests have not been approved
- e. revise the plan to conform to the approved revised stormwater management concept plan
- f. ensure that any needed off-site clearing related to the PEPCO right-of-way is accounted for
- g. revise the plan to conform to design issues as determined by the Planning Board
- h. recalculate the worksheet as needed
- i. have the revised plan signed and dated by the qualified professional who prepared the plan

19. 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/044/07), 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. This property is subject to the notification provisions of CB-60-2005. Copies of all approved Tree Conservation Plans for the subject property are available in the offices of the Maryland-National Capital Park and Planning Commission, Prince George’s County Planning Department.”

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~striketrough~~ indicate deleted language

20. Landscape buffers, a minimum of 40-foot-wide easements adjacent to the 10-foot public utility easements parallel to the land to be dedicated for Floral Park Road and Accokeek 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."

21. The following note shall be placed on the final plat:

"Development of this property shall follow the recommendations of "Subsurface Soil Investigation Report, Proposed Estates of Pleasant Valley", dated March 8, 2008, or any subsequent report approved by the Prince George's County Department of Public Works and Transportation and/or the Department of Environmental Resources."

22. **MD 5 and Brandywine Road:** Prior to the issuance of any building permits within the subject property, except for model homes, the following road improvements shall (a) have full financial assurances through either private money or full funding in the county's capital program, (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. Along the southbound MD 5 approach, provide a fourth through lane extending through the intersection, with length and taper as required by the State Highway Administration.
 - B. On the eastbound Brandywine Road approach, provide three lanes, with an exclusive left-turn lane, an exclusive through lane, and an exclusive right-turn lane.
23. **MD 5 and MD 373:** Prior to the issuance of any building permits within the subject property, except for model homes, the following road improvements shall (a) have full financial assurances through either private money or full funding in the county's capital program, (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. Along the southbound MD 5 approach, provide a fourth through lane extending through the intersection, with length and taper as required by the State Highway Administration.
 - B. On the eastbound Brandywine Road approach, provide three lanes, with an exclusive left-turn lane, an exclusive through lane, and an exclusive right-turn lane.
24. **Brandywine Road and Floral Park Road:** Prior to the issuance of any building permit, except for model homes, within the subject property, the following road improvements shall (a) have full financial assurances through either private money or full funding in the county's capital program,

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~striketrough~~ indicate deleted language

- (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. Along the westbound Brandywine Road approach, provide an exclusive left-turn lane (onto Floral Park Road) and an exclusive through lane (onto northbound Brandywine Road).
 - B. On the eastbound Floral Park Road approach, provide an exclusive left-turn lane (onto northbound Brandywine Road) and an exclusive right-turn lane (onto eastbound Brandywine Road).
 - C. The applicant shall submit an acceptable traffic signal warrant study for the intersection of Brandywine Road and Floral Park Road to the County Department of Public Works and Transportation (DPW&T). 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 DPW&T. If a signal or other traffic control improvements are deemed warranted at that time, the applicant shall bond the signal with DPW&T prior to the release of any building permits within the subject property, and install it at a time when directed by that agency.
25. At the time of final plat approval, the applicant shall dedicate right-of-way along Floral Park Road of 40 feet from centerline, as shown on the submitted plan. Improvements within the dedicated right-of-way shall include a left-turn bypass lane along westbound Floral Park Road at each access point, unless modified by DPW&T.
26. At the time of final plat approval, the applicant shall dedicate right-of-way along the C-527 facility (as shown on the 1993 Subregion V Master Plan) of 40 feet from centerline, as shown on the submitted plan.
27. The conservation area shall be owned and controlled by the homeowners' association who shall assume all responsibility for maintenance and continued protection of the conservation area. An ownership and maintenance agreement as part of the conservation easement deed shall be approved by the Planning Board, recorded among the Land Records of Prince George's County, and referenced on the record plat of subdivision.
28. The following shall be included on the final plat:
- (a) A statement that the property is approved for a conservation subdivision and that further subdivision may not be permitted; and
 - (b) The limit of the conservation easement and the legal description (liber and folio) of the conservation easement deed.

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~striketrough~~ indicate deleted language

29. An easement agreement shall be recorded in the Land Records of Prince George's County for the conservation area, prior to the approval of the final plat. The easement agreement shall be approved by the Prince George's County Planning Board (or its designee) prior to recordation. The easement shall run with the land, shall be in full force and effect in perpetuity.
30. Prior to the issuance of permits, a Type II tree conservation plan shall be approved.
31. Prior to the issuance of the first building permit for lots abutting (backing to) the Pleasant Springs Community Park (M-NCPPC) a limited detailed site plan shall be approved by the Planning Board or it's designee (with input from DPR) to ensure a consistent attractive development edge along the park property and address the following:
 - a. Landscaping,
 - b. screening,
 - c. fencing.

BE IT FURTHER RESOLVED, that the findings and reasons for the decision of the Prince George's County Planning Board are as follows:

1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.
2. The property is located on the south side of Floral Park Road, extending south to the north side of Accokeek Road and the eastern terminus of Church Drive, approximately 4,000 feet west of MD 5 (Branch Avenue).
- *3. Background-The preliminary plan was accepted on November 21, 2007. On January 13, 2008, the property was posted for the February 14, 2008, Planning Board hearing. At that hearing, the applicant granted a 70-day waiver and requested a continuance to April 3, 2008, to address issues raised by staff in the report prepared for that hearing. At that time, staff was recommending disapproval of the application due to unresolved design issues and inadequate transportation facilities. By letter dated March 21, 2008, the applicant requested a one week continuance to the Planning Board hearing of April 10, 2008. On April 3, 2008, staff requested a two week continuance to April 17, 2008, and that request was granted by the Planning Board.

*Subsequent to the February 14, 2008, Planning Board hearing, the applicant submitted additional information including a supplement to the traffic study and proposed mitigation plan, a revised soils report, preliminary plan and tree conservation plan, and other supplemental information.

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

*The subject property is located on Tax Map 144 in Grid D-3, is 278.09 acres, and is located within the Developing Tier. It is undeveloped and contains streams, wetlands and 100-year floodplains, priority woodlands and specimen trees. The property fronts on Floral Park Road to the north, Accokeek Road, a designated historic road to the south and south west, Church Drive and McKay Drive, which stub into the south west property line from the Pleasant Springs Community. A PEPCO right-of-way separates the property into two portions with the northern section gaining access from Floral Park Road while the southern section gains access from Accokeek Road. The applicant is proposing to subdivide the property into 323 lots and 13 parcels for the development of single-family dwellings utilizing the optional development technique in the Developing Tier of a conservation subdivision pursuant to Section 24-152 of the Subdivision Regulations.

*The site is a combination of record lots (Lots 44-47 and 61-66) and acreage parcels (Parcels 86,157, 110 and 66). All of the lots were recorded in land records in 1930 and are the subject of record plat SDH 3@86. Staff originally identified inconsistencies in the limit of the proposed subdivision and the existing tax map property description which may have resulted from an illegal division of a portion of this property. However, the applicant has provided additional information which demonstrates that the division of land has not resulted in additional lots that have not been incorporated into the proposed subdivision, or additional parcels which have been conveyed.

*The recorded lots that are included in this subdivision (SDH 3@86) were recorded in 1930. That record plat dedicated a 30-foot public street on which development has been authorized, and further subdivision has relied. A 340-foot portion of the right-of-way (ROW) abuts the east (rear) lot lines of proposed Lots 11 through 16, Block J. The M-NCPPC owns the property abutting the ROW to the east (opposite the subject property). This part of the ROW dedicated in 1930, serves only those lots that are a part of the proposed subdivision being re-subdivided or owned by M-NCPPC as part of the Pleasant Springs Community Park. If the lots remain, these lots would be "through" lots having both frontage on the proposed internal public street and the 30-foot-wide public street dedicated in 1930. Staff recommended that this 340-foot portion of the ROW be vacated in accordance with Section 24-112 of the Subdivision Regulations, if Lots 11-16, Block J remain as a part of the subdivision. If the lots are a part of the land to be dedicated to M-NCPPC for the fulfillment of mandatory dedication as discussed further, and includes the area of Lots 11-16, Block J, the vacation of that portion of the ROW would only be necessary if determined appropriate by M-NCPPC, as the owners of the land on both sides of this portion of the 30-foot-wide street. This portion of the ROW is a paper street and is not currently improved or used for vehicular access by any adjoining property owner. An additional portion of the ROW serves an adjacent property owner (Hendrick) and extends south bisecting the existing public park providing a connection to the existing Accokeek Road (master plan C-527). As part of the mandatory dedication of parkland that was recommended with this report, the ROW could be vacated by Department of Parks and Recreation (DPR), and a connection provided within the limits of this subdivision for adjacent property owners. The subject property is located in the Developing Tier as defined by the General Plan and is zoned R-E (102.70 acres) and R-R (175.39

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

acres). Therefore, a conservation subdivision in this instance is optional. The site could be developed under the conventional R-E and R-R Zone standards. The applicant filed an exhibit with this preliminary plan which reflects a 237 lot conventional layout for this property. The Planning Board finds that the conventional lot layout conforms with Section 24-152(1)(2), which requires that any application in the Developed or Developing Tier submit a subdivision plan reflecting a reasonable and achievable lotting pattern using conventional subdivision standards. The applicant is proposing 323 lots with this conservation subdivision application which is 86 more lots than the conventional plan.

*The Conservation Subdivision legislation was enacted on July 18, 2006, pursuant to CB-4 and CB-6-2006. In particular, CB-6 reduced the minimum lot size in the R-E and R-R Zones when filing a conservation subdivision and did not change the density of the underlying zones. For example, in the R-E Zone, the minimum lot size in a conventional subdivision is 40,000 square feet and in the R-R Zone it is 20,000 square feet. In a conservation subdivision the minimum lot sizes are reduced by half; in the R-E Zone 20,000 square feet and in the R-R Zone 10,000 square feet, and the allowable density remains the same as with a conventional development. In the R-E Zone, the allowable density is 1.08 dwelling units per acre with the estimated average being .85. In the R-R Zone, the allowable density is 2.17 dwelling units per acre with the estimated average being 1.85. In addition, the regulations governing Conservation Subdivisions was modified by the adoption of CB-33-2008.

*This reduction in half of the required lot size is intended to generally translate into the conservation of unique and important characteristics of a site that may not normally be regulated in conventional developments. Therefore, a conservation subdivision reduces lot sizes in half in these zones, and should provide greater preservation than could be realized with conventional development techniques. However, staff is finding in general that in lieu of translating that reduced lot size into open space and preservation, applicants are generally proposing an increase in lots over what could be permitted under a conventional lotting pattern, and are generally preserving that which would be preserved under conventional developments, which includes expanded buffers and areas required for woodland conservation. While the strict application of the conservation subdivision regulations does not prohibit this, understanding that the reduction in required lot sizes in this case translated into 86 more lots than what may have been obtained with a conventional development has some bearing on the evaluation of the proposed subdivision. The number of lots that may be achieved by the applicant in a conventional development is based on information filed by the applicant. It should be noted that the conventional development layout is conceptual and it does represent a reasonable and achievable lotting pattern as required by Section 24-152(1)(2).

*A conservation subdivision (323 lots proposed) is optional in the Developing Tier. Based on the applicant's conventional plan, they may be able to obtain 237 lots. The Staff recommended, and the Planning Board required, revisions to the preliminary plan based on the findings and recommendation contained in the staff report that resulted in a loss of lots to a total of 258 lots.

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

*In order to meet the mandatory dedication of parkland requirements the applicant has three options in general. The mandatory dedication of parkland is required whether the applicant proposes a conventional or conservation subdivision. Section 24-134 of the Subdivision Regulations allows for the dedication of land, the payment of a fee-in-lieu, or the development of recreational facilities. Staff and the applicant have continued to thoroughly evaluate the options on how to best meet the recreational needs of the community. After careful consideration staff recommends that the applicant fulfill the requirements of the mandatory dedication of parkland through the dedication of land. Section 24-134 establishes the amount of land to be dedicated for park purposes, which equals 13.9 acres based on the overall density of the site. While the applicant and staff agreed with the dedication of land, the configuration of the land to be dedicated was still an issue before the Planning Board and was resolved as discussed in the Parks and Recreation section of this resolution.

*Based on the preliminary plan, tree conservation plan, and information available a conventional design would not result in substantial changes to the preservation proposed with this conservation subdivision. Although the applicant meets the technical requirements for preservation, staff recommended a number of revisions to the preliminary plan that would result in a proposal which could meet the purposes of the standards for a conservation subdivision, would then achieve the best possible relationship between the development and the conservation of site characteristics and result in a plan which is clearly superior to that which could be achieved through the use of conventional development standards and clearly meets the purposes of the conservation subdivision technique.

*The following are the criteria for the Planning Board approval of a conservation subdivision preliminary plan:

***24-152 (k) Criteria for approval. The Planning Board shall find that the conservation subdivision:**

- *(1) Fulfills the purpose and conforms to the regulations and standards for a conservation subdivision.**
- *(2) Achieves the best possible relationship between the development and the conservation of site characteristics as prioritized in the sketch plan and preliminary plan.**
- *(3) Because the use of the Conservation Subdivision technique in the Developed or Developing Tier is optional, the Planning Board shall also find that the proposed plan is clearly superior to that which could be achieved through the use of conventional development standards and clearly meets the purposes of the Conservation Subdivision technique. Lot yield shall be a secondary consideration to achieving the purposes of the Public Benefit Conservation Subdivision in assessing whether a proposed plan is clearly superior.**

*Denotes Amendment

Underlining indicates new language

[Brackets] and strikethrough indicate deleted language

*4. SETTING. The property is located on the south side of Floral Park Road, extending south to the north side of Accokeek Road and the eastern terminus of Church Drive, approximately 4,000 feet west of MD 5 (Branch Avenue). The site is approximately 72 percent wooded and contains grassy fields on reclaimed sand and gravel mining areas on the other 28 percent. Significant portions of the site were mined for sand and gravel. Accokeek Road is a designated historic road and Floral Park Road is a designated scenic and historic road. Traffic-generated noise impacts are associated with the master plan arterial A-55 (Accokeek Road Relocated) in the southern portion of the site. The property is located in the Piscataway Creek watershed and the Potomac River basin and is located in the Developing Tier as reflected in the approved General Plan. The Green Infrastructure Plan shows regulated areas, evaluation areas, and network gaps in conjunction with the Butler Branch stream corridor that crosses the western portion of this property. The site adjoins undeveloped or agriculturally developed land to the north, east and south, and single-family residences to the west.

*[3]5. **Development Data Summary**—The following information relates to the subject preliminary plan application and the approved development.

	EXISTING	PROPOSED
Zone	R-R (175.39 acres) and R-E (102.70 acres)	R-R (175.39 acres) and R-E (102.70 acres)
Use(s)	Vacant	Single-family residential
Acreage	278.09	278.09
Lots	10	258
Parcels	4	13
Dwelling Units:		
Detached	0	258
Public Safety Mitigation Fee	No	No

*[4]6. **Conservation Subdivision**—The District Council enacted CB-4-2006 (Subdivision Bill) and CB-6-2006 (Zoning Bill) on July 18, 2006, and established the purposes, requirements, procedures and standards for conservation subdivisions. That legislation repealed the cluster and lot size averaging options for the subdivision of land. The conservation subdivision is required for land in the Rural Tier, saving limited exemptions, and is an optional subdivision design approach for land in the Developing Tier. The subject property is located in the Developing Tier as defined by the General Plan and is zoned R-E and R-R. Therefore, a conservation subdivision in this instance is optional. *On September 9, 2008, the County Council adopted CB-33-2008, which created the Public Benefit Conservation Subdivision and further established additional findings and requirements for a Conservation Subdivision.

Section 24-152(b) of the Subdivision Regulations establishes the purposes of the conservation subdivision as follows:

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

Purpose—The purpose of a conservation subdivision is to protect the character of land through the permanent preservation of farmland, woodland, sensitive natural features, scenic and historic landscapes, vistas, and unique features of the site in keeping with the General Plan and Countywide Green Infrastructure Plan. The standards in this Section provide for lots, open space and internal street designs that conserve woodlands, farmland, farm structures, historic structures, and the scenic and unique character of development sites. A conservation subdivision prioritizes site characteristics for conservation and is intended to create a site layout that conserves important site features such as open space networks, blocks of productive farmland, unique characteristics of a site and contiguous woodland habitats. The site design should encourage agricultural pursuits, create attractive development layouts respecting existing features of the site, and encourage connectivity between scenic, historic, agricultural, and environmental characteristics of abutting properties.

In furtherance of the purpose, Section 24-152(e) sets forth the submittal requirements for a conservation subdivision. Prior to the submittal of a preliminary plan, a “sketch plan” is required. The sketch plan is a planning tool used to establish a conceptual foundation for preservation opportunities that may exist on a site. The characteristics are set into broad categories of scenic, agricultural, environmental and historic. Through the sketch plan and preliminary plan processes, other site characteristic may be identified for preservation. Preservation may be a combination of site characteristic and may overlap. When opportunities overlap, these areas are considered high priority areas for conservation.

A sketch plan is an administrative process that is reviewed at staff level and is not, therefore, an approval of a subdivision. In fact, the legislation specifically states that “[T]he certification of the sketch plan is not to be construed as the approval of the lot yield, but the completion of the sketch plan process for planning purposes.” The sketch plan process is used as a conceptual tool to assist staff and the applicant in the evaluation of a particular site and its appropriateness for a conservation subdivision. The approval of the subdivision is left to the preliminary plan process and at the sole discretion of the Planning Board.

In this case the applicant filed Sketch Plan S-07002, and the plan was certified by the Planning Director on November 11, 2007. Staff agreed with the applicant’s assumption that the site is appropriate for a conservation subdivision and does provide opportunities for preservation that may not be obtained with a conventional subdivision. The specific site characteristics to be preserved were not identified with the sketch plan; however, review of the available information at that time provided what staff believed to be sufficient information to certify the sketch plan and therefore allow the applicant to move forward with the preliminary plan application.

With the certification of the sketch plan process, staff identified additional information that would be required with the preliminary plan, and in particular to guide the conservation subdivision preliminary plan application. Staff advised the applicant that additional information would be required relating to opportunities for preservation of the viewshed along Floral Park Road, a

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

designated scenic and historic road; Accokeek Road, a designated historic road and C-527 at its intersection. Staff also requested information regarding the priority woodland on site, and identified issues with the lotting pattern in large blocks of the site which resulted in a very dense core and suburban layout that would need to be addressed with the preliminary plan submittal.

Sketch Plan:

The result of the sketch plan process is to establish those areas of the site that are appropriate for conservation and development, and clearly identify those areas. The applicant should have a reliance on this process when planning the preliminary plan layout. Once the sketch plan is certified the preliminary plan can be filed. The evaluation of the specifics of the residential development area lotting pattern would occur with the preliminary plan and ultimately is the decision of the Planning Board.

The sketch plan (S-07002), which was certified for this site is consistent with the preliminary plan filed by the applicant. The sketch plan identified conservation areas and residential development areas which are identical to that proposed with the preliminary plan. It was not until the preliminary plan was filed that one additional area that should be placed in conservation was identified. If all of the pertinent information had been submitted and evaluated prior to the certification of the sketch plan, the additional area now required for conservation could have been identified at that time. This deficiency in the plan review understandably caused the applicant significant concern. On December 14, 2008, at the Subdivision Review Committee meeting, the staff acknowledged that oversight in the review of the sketch plan and its certification. Staff then reviewed with the applicant the justification why an additional area of conservation should occur based on unique site characteristics.

The technical standards for the approval of the conservation subdivision require a minimum of 40 percent of the gross tract area be placed in conservation. The preliminary plan proposes 45.2 percent of the gross tract area be placed in conservation parcels. The preliminary plan meets the technical requirements for the area of land to be placed in conservation. The development requirements of the land area set aside for conservation parcels should be established in concert with the purposes, and are not irrespective of one another.

The applicant was encouraged through the sketch plan certification (S-07002) process that a conservation subdivision was appropriate and suitable for this site and found the following:

“Staff believes that this sketch plan presents a proposal suitable for development pursuant to the conservation subdivision technique for the following reasons:

- “1. The submitted sketch plan results in a better layout or preservation of the site resources than would a conventional subdivision design. The sketch plan shows no expanded buffer or wetlands on lots, whereas the conventional layout has more than 20 acres of environmentally sensitive area included on lots. In

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

addition, the sketch plan shows half as much impacted square footage to the expanded and wetland buffers as does the conventional layout.

- “2. The site characteristics being preserved are above and beyond those that would be preserved as part of any subdivision. The vast majority of the development is situated well to the interior of the site, beyond the perimeter.
- “3. The sketch plan shows more than a minimum 40 percent of the gross tract area as a conservation area.
- “4. The sketch plan does an excellent job of providing a contiguous conservation parcel and woodland habitat on site, while retaining the linkages to adjoining properties.

“In this instance, the staff and applicant have identified existing woodland, sensitive natural features (wetlands, streams and floodplain), contiguous woodland habitats (both on site and connections to adjoining properties), and scenic vistas into the site as the site characteristics being preserved through the use of the conservation subdivision technique. There are no historic structures identified on the site, but staff will be recommending a Phase I archeological survey for those sections of the site which have not been disturbed by mining activity. The applicant shows a well planned, contiguous conservation area on the site with excellent connectivity to environmental characteristics on adjoining properties. All of these factors lead the staff to conclude that this sketch plan presents a proposal suitable for development pursuant to the conservation subdivision technique, as modified by the aforementioned comments in this report.”

In addition, the applicant was advised that additional information was necessary and that evaluation of the site would continue through the preliminary plan process:

“The sketch plan as submitted does not include documentation of the farm structures, historic structures, scenic vistas, cultural resources, or unique views from streets and adjoining properties. While there do not appear to be any structures on the site, an inventory of significant visual features, generally required with the review of a designated scenic historic road, would address documentation of scenic vistas or unique views from streets and adjoining properties.

“The applicant is providing a contiguous woodland habitat throughout the site which links to other permanently preserved woodland areas on adjoining properties as regulated under the Countywide Green Infrastructure Plan. Additional information regarding topography, existing tree lines, and the existing stream will be required during the preliminary plan process on the northeast and southwest side of the property in order to evaluate opportunities for connectivity.

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

“The sketch plan shows the development area of the site within that portion not encumbered by environmental features and thus least suitable for conservation. The plan retains the most of the wooded perimeter along Accokeek Road. However, the plan also shows lots within existing woodland conservation mitigation banks which were previously dedicated for conservation. This concept does not conform to the purposes of the conservation subdivision regulations. In this regard, the sketch plan does not result in a better design than a conventional subdivision because the same areas being preserved would be preserved otherwise. As discussed below, these mitigation banks need to be addressed further.

“While the applicant has generally done a good job of providing varying lot sizes, several areas of the plan (particularly the central core area of Blocks F, H and I) are laid out in a very suburban grid pattern. At the time of preliminary plan, staff would like to see a less regimented development scheme in these areas. The number of culs-de-sac has been reduced in keeping with the Planning Board policy of minimizing situations where culs-de-sac end in close proximity to one another.”

The applicant included a lotting pattern on the sketch plan. The lotting pattern is not required because the evaluation of the sketch plan is to identify opportunities for preservation and to determine if the site is appropriate for a conservation subdivision. Neither staff nor the Planning Director has the authority to approve a preliminary plan lotting pattern in an administrative process (sketch plan). By including a lotting pattern, the focus of the process becomes the lotting pattern and lot yield and not the opportunity for preservation unique to a specific site.

As discussed above, it was not until the applicant filed the preliminary plan and all the relevant information including conducting a second site visit, was it determined that in fact the south east quadrant of the site was the area of the site which had the greatest potential to provide the greatest benefit for preservation as a result of the conservation subdivision application. This area is bordered to the north east by the public park, to the south east and south by C-527 and Accokeek Road, and to the north and west by a significant environmental feature.

The Planning Board has determined with the preliminary plan that the south east quadrant of the site does contain an overlap of important opportunities for preservation which could impact the immediate and the larger community. The area contains priority woodlands (Forest Stand G), scenic viewsheds from the master plan public community park, from C-527 and Accokeek Road. When opportunities overlap, these are high priority areas for preservation.

Preliminary Plan:

In a conservation subdivision, Section 24-152(c) establishes that in R-E and R-R Zones a minimum of 40 percent of gross tract area must be designated as a conservation lot or parcel. The minimum may include areas of the site not already regulated by Section 24-130 of the Subdivision Regulations (expanded buffers and primary management areas), and depending on

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

the specific site characteristics. The Subdivision Regulations *set[s] forth that conservation areas may be made up of areas outside the regulated areas. In this case the *applicat[ion] [conforms to] exceeds the minimum technical standards of the zone by providing 45.2 percent in conservation parcels.

*As stated in the technical staff report and then presented at the Planning Board hearing on April 17, 2008, the applicant filed an exhibit with the preliminary plan which reflects a 237 lot conventional layout for this property. Generally, and consistent with the staff recommendation, the Planning Board required revision to the preliminary plan which resulted in a loss of lots and achieved a better site layout. As described throughout this resolution, the conservation subdivision is clearly superior to that which could be achieved through the use of conventional development standards and clearly meets the purposes of the Conservation Subdivision technique (CB-33-2008). The following findings support this conclusion:

***A conservation parcel was established by the Planning Board along Accokeek Road, which will preserve priority woodland, and the preliminary plan proposes conservation parcels that will protect the already regulated stream valleys and tracts of contiguous woodland in conformance with the Countywide Green Infrastructure Plan. Development of this site utilizing a Conservation Subdivision approach is considered an innovative technique, and the Conservation Subdivision approach addresses the preservation of natural assets. The preliminary plan proposes preservation of the overlapping priority area of the site along Accokeek Road. The evaluation areas have been preserved in keeping with the conservation subdivision design parameters. Preservation beyond that which would be achieved with a conventional design has been focused in the Evaluation Areas designated in the Green Infrastructure Plan. The applicant filed a priority forest analysis which was utilized in evaluating the conservation subdivision layout. A significant amount of priority forest areas are being preserved to the extent possible, and are a priority feature of this site. The preliminary plan is consistent with the certified sketch plan and shows the locations of proposed dwellings outside of the regulated features of the site. The sketch plan analysis found that the submitted sketch plan results in a better layout or preservation of the site resources than would a conventional subdivision design, and the site characteristics being preserved are above and beyond those that would be preserved as part of any subdivision. The sketch plan does an excellent job of providing a contiguous conservation parcel and woodland habitat on site, while retaining the linkages to adjoining properties. In this instance, the staff and applicant have identified existing woodland, sensitive natural features (wetlands, streams and floodplain), contiguous woodland habitats (both on site and connections to adjoining properties), and scenic vistas into the site as the site characteristics being preserved through the use of the conservation subdivision technique.**

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

*At the time of the original approval of the preliminary plan (April 17, 2008) the findings and terminology established by CB-33-2008, which was adopted by the County Council on September 9, 2008 requiring that the conservation subdivision be "clearly superior," did not exist. The record demonstrates that this preliminary plan is in fact clearly superior to a conventional subdivision design for this property.

*The applicant filed a conventional development plan which was found to represent a reasonable and achievable lotting pattern based on the minimum conventional standards for the development in the R-E Zone and which was presented to the Planning Board on April 17, 2008.

*Based on the record as contained herein and the secondary consideration of the reasonable and achievable conventional subdivision plan, now required pursuant to Section 24-152(1)(2) (CB-33-2008), the Planning Board finds pursuant to Section 24-152(k) that this conservation subdivision:

- *(1) Fulfills the purposes and conforms to the regulations and standards for a conservation subdivision.
- *(2) Achieves the best possible relationship between the development and the conservation of site characteristics as prioritized in the sketch plan and preliminary plan, and
- *(3) Because the use of the conservation Subdivision technique in the developed or developing Tier is optional, the Planning board has found that this preliminary plan for a conservation subdivision is clearly superior to that which could be achieved through the use of conventional development standards and clearly meets the purposes of the Conservation Subdivision technique.

Recommended Plan Revisions

Staff recommended revisions to the preliminary plan lot layout in five **(5) areas (Priority Areas 1-5)**.

The evaluation areas were listed in order of priority to staff: The Priority Areas were presented to the Planning Board at the April 17, 2008 hearing. The Planning Board **accepted** the staff recommendation for Priority Area #1 (**Staff Exhibit A**); **did not** accept the staff recommendation for Priority Area #2 (**Staff Exhibit B**) and accepted the applicants configuration of the parkland dedication (Applicant DPR Exhibit); **did not** accept the staff recommendation for Priority Area #3 (**Staff Exhibit C**) (central core area); **accepted** the staff recommendation for Priority Area #4 (**Staff Exhibit D**); and **accepted** the staff recommendation for Priority Area #5 (**Staff Exhibit E**). The revisions resulted in the approval of a total of 258 lots in the subdivision.

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

Priority Area #1

Accokeek Road at C-527 (Staff Exhibit A): At the Planning Board hearing on April 17, 2008, the Planning Board adopted the Staff recommendation.

This area of the site was identified as a residential development area on the certified sketch plan which is consistent with the preliminary plan filed by the applicant.

At the time of review of the sketch plan (S-07002), staff requested additional information from the applicant for the evaluation of the preliminary plan. That information included a viewshed analysis along Accokeek Road. On December 14, 2008, at the Subdivision Review Committee meeting, staff advised the applicant that because of the unique location of the site-being at the intersection of a proposed master plan community park, Accokeek Road (Historic) and collector (C-527) roadways, and the entrance to a major subdivision (subject site), staff considered this south east area of the site the highest priority area for preservation and contained the greatest opportunity for preservation in keeping with the purposes of the conservation subdivision. In particular for areas of the site not already regulated or used by the applicant to fulfill development requirements of tree conservation.

Block D is located in the north west quadrant of the intersection Accokeek Road and C-527. This area of the site contains priority woodland identified in the FSD as Forest Stand G. Forest stand G contains approximately 14.94 acres in the southeastern portion of the site. The stand is dominated by red oak, white oak, yellow poplar and American beech with an average diameter at breast height of 11.0 inches. A total of ten tree species were noted at the seven sample points. The understory species include highbush blueberry and American holly. There are few invasive plants. According to the forest stand delineation, there is very limited evidence of past logging activities, insect infestations or disease problems. Numerous specimen trees occur within this stand. This stand rates a **high priority** for preservation because of its diverse composition, age, specimen trees and adjacency to a major stream valley.

This forest stand creates an opportunity to impact the larger community if preserved; it is located at the entrance to a proposed M-NCPPC Community Park (Pleasant Valley Community Park) and is the primary focus from Accokeek Road (a designated historic road) at its intersection with the collector roadway (C-527). Preservation of the woodland extending northwest from the intersection of C-527 and Accokeek Road to the main entrance drive (Street A) and north to the expanded buffer ~~*[would]~~ consolidated the most significantly overlapping opportunities for preservation within this conservation subdivision and ~~*[would]~~ fulfills the purposes of Section 24-152.

The certified sketch plan and preliminary plan originally proposed 43 lots in this area and preserved the alignment of A-55 and C-527. The applicant was advised that staff would be recommending the dedication of A-55, a master plan arterial facility, and identified this area as the priority for this conservation subdivision for preservation. At a minimum, the applicant lotting pattern should be modified so that the rears and sides of dwellings were not facing the external road system. However, the sketch plan had been certified with this area of the site being

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

identified as a residential development area. At the hearing on April 17, 2008, the Planning Board did not require the dedication of *A-55, as discussed further.

A conservation parcel was established by the Planning Board along Accokeek Road, which will preserve priority woodlands contained in Forest Stand G and a combination of double-sided and single load streets to ensure that the dwellings in this area of the site are oriented with fronts and side yards toward the external roads and the community park. The conservation parcel should soften the views of the development during the winter months and may obscure the views during the summer. The entrance to the Community Park is proposed via the newly dedicated 80-foot-wide public street that will serve as the main entrance to this subdivision and the park from C-527.

At the Subdivision Review Committee Meeting (SRC), the applicant was encouraged to consider incorporating the entire area of Forest Stand G in to conservation. This area of the site has the greatest impact that could be realized utilizing the conservation subdivision development technique. The revision required by the Planning Board will allow the layout to orient dwellings toward the external streets, preserve high priority woodland and preserve specimen trees. Section 24-152 of the conservation subdivision regulations provides the following guidance when designing a lotting pattern:

(g)(2) Layout Design Criteria

- (B) Lots and the siting of dwellings shall be arranged and sufficiently set back to preserve views of the site characteristics from streets and abutting properties.**
- (E) Access to all lots should be from interior streets and easements.**
- (F) Dwellings and streets should be located at the edges of woodlands or situated in a manner that will maximize the amount of contiguous wooded area left intact.**

And

(g)(3) Lot specific design criteria

- (C) Dwellings should be sited to avoid the rears being oriented toward the fronts of other dwellings and external streets. A landscape plan may be required to provide for the buffer of views of the rear and sides of dwellings from all streets and easements and the fronts of other dwellings.**

The preliminary plan should be revised in accordance with Staff Exhibit A which would result in a **reduction of 27 lots**.

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

Priority Area #2

Mandatory Dedication of Parkland and Central Lotting Pattern (Exhibit B): At the Planning Board hearing on April 17, 2008 the Planning Board rejected the Staff recommendation.

As discussed in the Parks and Recreation section, there were numerous discussions between the staff and the applicant on how to best fulfill the requirements of the mandatory dedication of parkland (24-134). Originally, the proximate location of the park in relation to the development led staff and the applicant to investigate the applicant constructing public recreational facilities on the adjacent Pleasant Springs Community Park for their fulfillment of the requirements of the mandatory dedication of parkland.

However, during the conceptual design process of the public park DPR further concluded that dedication of 13.9 acres of additional parkland would greatly improve the development capability of the northern portion of the Pleasant Springs Community Park. In fact the greater community is in high need of facilities and parkland. Not often does a proposed subdivision share such a significant adjacency and be large enough to require a substantial amount of dedication (24-134) which will have such a significant impact on the size and development potential of an existing park. The current park property (67.18 acres) is divided by a significant environmental feature that extends east into the park from the western boundary (which the subdivision main entrance crosses), and limits the north west development potential of the park. The addition of the 13.9 acres to the northern area of the park will significantly improve the ultimate build out of the park. Therefore, staff advised the applicant that the mandatory dedication of parkland would be recommended and does believe that it is the most efficient way to develop the parkland. The DPR can then comprehensively plan and develop the park through Capital Improvement Program (CIP). This would result in the developing the park comprehensively rather than piece meal by developers, which under DPR development could yield a better design and more efficient layout.

DPR has proposed that \$2.2 million dollars be placed in the Parks Department's CIP budget for design and development of Pleasant Springs Community Park. DPR has proposed to place \$200,000 in the supplemental CIP, FY10 for park design and that \$2 million would be placed in the CIP over the subsequent three years for parkland development. Under this scenario, the park would be designed in 2010, under construction by 2012, and largely completed by 2013. This proposal is subject to the council approval, which staff believes will be ahead of the development of the Estates at Pleasant Valley subdivision and therefore provide the residents of this community with significant recreational facilities.

On March 14, 2008, the applicant filed "DPR Dedication Layout Option," proposing to fulfill the requirements of the mandatory dedication of parkland with the dedication of 13.9 acres of land for the expansion of the Pleasant Springs Community Park (67.18 acres), which was consistent with the decision of the Planning Board. The applicant's proposal would be reflective of a reduction of 35 lots in this pod of the development after the dedication of land.

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~striketrough~~ indicate deleted language

The configuration of the area of land (13.9 acres) approved by the Planning Board would back 16 dwellings up to the park and would orient the rear of at least four lots to the central round-about (DPR Applicant Exhibit).

Limited Detailed Site Plan

At the Planning Board hearing on April 17, 2008 issues were raised which related to the orientation of dwelling units on the lots abutting the public park dedication within the subdivision. Specifically, the rears of the dwellings will be oriented toward the public park and could result in views which are not pleasing. Therefore, the approval of a LDSP is required prior to the approval of the first building permit for a lot abutting the public park. The LDSP should include all of the lots abutting the park to develop a consistent attractive development edge along the park boundary (Pleasant Springs Community Park M-NCPPC). The trigger for the instillation of fencing or landscaping should be established with the site plan. The LDSP does not include the review of house sitings or architecture, and is to be approved by the Planning Board or its designee.

Priority Area #3

Central Core Area Lotting Pattern-Lots 55 and 56, Block J, and Lots 86, 87 and 88 Block J (Staff Exhibit C): At the Planning Board hearing on April 17, 2008 the Planning Board rejected the Staff recommendation.

Lots 55 and 56, Block J

Staff had recommended the reduction of a total of 5 lots within the central core area of the community. The Planning Board did not find that the revisions amounted to a change that would improve the layout. The applicant indicated that the majority of the lots in the subdivision had direct access to the conservation areas, and therefore the removal of the lots provided no benefit to the surrounding lots.

Priority Area #4

Floral Park Road-Public Street Q (Staff Exhibit D): At the Planning hearing on April 17, 2008 the Planning Board adopted the Staff recommendation.

Public Street Q extends into the site roughly 1,100 feet from Floral Park Road and terminates in a standard cul-de-sac. The right-of-way for the cul-de-sac is located 26 feet from the west property line of the site. That property line is the rear lot line for Lot 1 (NLP 101@35), which is improved with a single-family dwelling and is void of trees; that lot has a manicured yard to the common property line with the subject site. The dwelling on Lot 1 (off-site) will be located approximately 350 from the pavement of the cul-de-sac. Because of the grading proposed to accommodate the street and lots in this area there is a six-foot proposed grade change at the common boundary with Wilkerson Property (Lot 1 off site). Lot 12 extends from the cul-de-sac south and the lot side yard will be shared by the rear lot line of Lot 1. SWM Pond 1 is located south of Lot 12. In order to

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~struckthrough~~ indicate deleted language

accommodate a lot and the SWM pond without impacting the expanded buffer grading for the SWM pond is located on Lot 12. The grading on Lot 12 for the SWM pond results in an eight-foot grade drop on the lot to the pond. The relationship of the cul-de-sac in the rear yard of Lot 1 and the grading and constraints on Lot 12, staff recommended that the cul-de-sac be pulled back adequately to accommodate the grading for the SWM pond off Lot 12 and shift the cul-de-sac east, away from Lot 1 (the Wilkerson property), to create a more traditional cul-de-sac street end with lots radiating out around the cul-de-sac bulb.

The preliminary plan should be revised in accordance with Staff Exhibit C, which would result in the **reduction of one (1) lot**.

Priority Area #5 Church Road Extension (Staff Exhibit E): At the Planning Board hearing on April 17, 2008, the Planning Board adopted the Staff recommendation.

The preliminary plan delineates a 40-foot natural gas easement through the property from Floral Park Road to Accokeek Road. The easement extends on the west side of the lots on the west side of Street P, turns west, then south, crossing the PEPCO property continuing south along the western property line abutting the Pleasant Springs community. The sketch plan had proposed to serve this pod of 29 lots within the development solely from the Pleasant Springs community. The Planning Board, however, requires a primary access to Accokeek Road and a secondary access to Church Drive that would connect these two communities without requiring residents to use Accokeek Road to get from one community to the other.

The applicant has submitted a copy of the easement and information regarding their direct contact with the Washington Gas Company. The easement recorded in land records (Liber 6966 folio 134-149) provides for the applicant to construct private roadways over the easement. In addition, the representative from the gas company stated that the gas company "would most likely allow [the applicant] to cross the easement at Church Drive with strict conditions on installation of a road." (Shearer to Chellis)

The gas easement extends behind eleven lots in a parcel, and is proposed to be maintained by the HOA. While this area may be cumbersome for maintenance because of its long linear nature, the gas easement should not be lotted out because of the restriction contained in the easement (Liber 6966 folio 134-149). If the easement is located on individual lots the property owners could not fence their property at the rear where the easement impacts their individual lots.

With the loss of one lot for the extension of Church Road, the lot sizes that would result on each side of the extension of Church Road into the site would be more compatible in size, with the lot sizes in the Pleasant Springs Community which is zoned R-E Zone (residential estates lots). The lot sizes in the Pleasant Springs community are 40,000 square feet or roughly one-acre in size. While this portion of the proposed subdivision is zoned R-E the applicant has proposed lots in keeping with the conservation subdivision regulations with lots of roughly 20,000 square feet in size, half of what is required in conventional R-E zoning.

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

The preliminary plan should be revised in accordance with Staff Exhibit E, which would result in the **reduction of one (1) lot**, and provide a connection to Church Drive in addition to maintaining the applicants proposed connection to Accokeek Road. The single additional connection to Church Drive would be a secondary access Road to serve this pod of the development.

- *[5]7. **Environmental**—The Environmental Planning Section has reviewed the revised preliminary plan for a Conservation Subdivision, 4-07076, and the revised Type I Tree Conservation Plan, TCPI/044/07, stamped as received by the Environmental Planning Section on March 5, 2008. The Environmental Planning Section supports some of the variation requests for impacts to sensitive environmental features and recommends disapproval of one proposed impact.

The Environmental Planning Section previously reviewed portions of the subject property as Tree Mitigation Bank TCPII/154/02, Tree Mitigation Bank II/039/03 and Woodland Conservation Exemption E-035-03. A sketch plan for 175.39 acres in the R-R Zone and 102.70 acres in the R-E Zone, using the conservation subdivision approach has been certified.

There are streams, wetlands and 100-year floodplains found on this property. The site is approximately 72 percent wooded and contains grassed fields on reclaimed sand and gravel mining areas on the other 28 percent. According to the "Prince George's County Soil Survey", the principal soils on the site are in the Aura, Beltsville, Bibb, Croom, Elkton, Galestown, Leonardtown, Mattapex, Rumford and Sassafra series. Significant portions of the site were mined for sand and gravel. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program, no rare, threatened or endangered species are found to occur on this site or on adjacent properties. Accokeek Road and Floral Park Road are designated scenic or historic roads. Traffic-generated noise impacts are associated with the master plan arterial A-55 in the southern portion of the site. The property is located in the Piscataway Creek watershed and the Potomac River basin. The property is located in the Developing Tier as reflected in the adopted General Plan. The Green Infrastructure Plan shows Regulated Areas, Evaluation Areas, and Network Gaps in conjunction with the Butler Branch stream corridor that crosses the western portion of this property.

MASTER PLAN CONFORMANCE

In the approved Master Plan and Sectional Map Amendment for Subregion V (September 1993), the Environmental Envelope section contains guidelines for future development. The following guidelines have been determined to be applicable to the current project. The text in **BOLD** is the text from the master plan and the plain text provides comments on plan conformance.

1. **An open space and conservation network, based on existing soil conditions, slopes, watercourses, vegetation, natural ecological features, and estimated future population needs, should be established and maintained.**

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strike through~~ indicate deleted language

Comment: Implementation of the Countywide Green Infrastructure Plan will ensure compliance with this guideline. The preliminary plan proposes conservation parcels that will protect the already regulated stream valleys and tracts of contiguous woodland in conformance with the Countywide Green Infrastructure Plan. All of the required woodland conservation for the proposed development must be on-site and is shown on the TCPI to be provided through preservation of woodlands.

Conditions have been proposed which will address the revisions needed to find conformance with this provision.

2. **Developers shall be encouraged to utilize the Comprehensive Design Ordinance, the cluster provisions and site plan review provisions of the subdivision regulations and other innovative techniques that ensure responsible environmental consideration.**

Comment: Development of this site utilizing a Conservation Subdivision approach is considered an innovative technique.

3. **Land dedicated in accordance with the subdivision regulations for the provision of needed recreational facilities should not consist solely of floodplains or other parts of the Natural Reserve Area.**

Comment: The required mandatory dedication of 13.9 acres does not contain floodplain or sensitive environmental features.

4. **The responsibility for environmentally sound development practices should apply equally to private and public interests; decisions concerning the selection and use of properties should be based on environmental considerations.**

Comment: Section 24-130 of the Subdivision Regulations, the Woodland Conservation Ordinance and implementation of the Countywide Green Infrastructure Plan will focus development in an environmentally sound manner.

5. **Developers shall be encouraged to capitalize on natural assets through the retention and protection of trees, streams and other ecological features.**

Comment: The Conservation Subdivision approach addresses the preservation of natural assets.

6. **Woodlands associated with floodplains, wetlands, stream corridors and steep slopes shall be given priority for preservation.**

Comment: This guideline is codified in the preservation priorities of the Woodland Conservation Ordinance. The preliminary plan proposes preservation of the overlapping priority area of the site along Accokeek Road.

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

7. **To the extent practicable, large contiguous tracts of woodland should be conserved in both upland and bottomland situations in order to reduce forest fragmentation, maximize woodland interiors, and reduce the edge/area ratio.**

Comment: This guideline is codified in the preservation priorities of the Woodland Conservation Ordinance. Connectivity of preserved woodlands is discussed in detail in the Environmental section below.

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

Comment: Section 24-130 of the Subdivision Regulations ensures that only necessary impacts to sensitive environmental features are permitted. Variation requests to sensitive environmental features were submitted with this application and are discussed in detail below. Some of the requests were approved and one that is not essential to the development of the property was disapproved

9. **All development proposals should provide effective means for the preservation and protection of Natural Reserve Areas, the development plans for lands containing open space and conservation areas should specify how and by whom these areas will be maintained.**

Comment: This Conservation Subdivision proposes the creation of conservation parcels that will be owned and maintained by the future homeowners.

10. **Limited development should be permitted in Conditional Reserve Areas, based on the significant physiographic constraints and natural processes of the land.**

Comment: "Conditional Reserve Areas" in master plans were superseded by the "Evaluation Areas" designated in the Countywide Green Infrastructure Plan in 2005. The Evaluation Areas have been preserved in keeping with the conservation subdivision design parameters.

11. **In the Perceptual Liability Areas, land uses such as schools, residences, nursing homes, and libraries that are sensitive to noise intrusion, air pollution and other characteristics of excessive vehicular traffic should be protected by suitable construction techniques and by the enforcement of legally mandated standards.**

Comment: No specific Perceptual Liability Areas were identified by the master plan in this area and none are planned on the site.

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strickethrough~~ indicate deleted language

12. **Developers shall be encouraged to include careful site planning and construction techniques which are designed to reduce the adverse impact of point and nonpoint source noise that exceeds the State's current maximum allowable levels for receiving land uses.**

Comment: There are no noise generators adjacent to the subject property.

14. **Citizens, developers and others should be encouraged to seek current information on the area's sensitive environmental condition, and on all aspects of related regulatory systems and functional programs from the appropriate local, State and Federal agencies.**

Comment: Information available at PGATLAS.com provides generalized information regarding sensitive environmental features of the region and the Natural Resource Inventory provides detailed information regarding the subject property.

CONFORMANCE WITH THE COUNTYWIDE GREEN INFRASTRUCTURE PLAN

The property is proposed to be developed with the optional conservation subdivision provisions of the Subdivision Ordinance (24-152). Preservation, beyond ~~*preservation~~, that which would be achieved with a conventional design, has been focused in the Evaluation Areas designated in the Green Infrastructure Plan.

CONFORMANCE WITH THE CONSERVATION SUBDIVISION ORDINANCE

CB-4-2006 requires the completion of the sketch plan process before a preliminary plan of subdivision for a conservation subdivision is accepted. It is further required that the Planning Director or designee certify the completion of the sketch plan process prior to acceptance of the preliminary plan. The certification of the sketch plan is not the approval of a specific lot yield or layout, but the completion of the sketch plan process for planning purposes.

The following are the comments that apply to the review of the preliminary plan. The specific language of the Subdivision Ordinance regarding conservation subdivisions is shown in **bold type** and EPS comments are provided in regular type.

- (2) **The intent of the sketch plan is to clearly document the design process, and to prioritize the characteristics of the site to be preserved in a conservation parcel or lot. Priorities can be a combination of site characteristics and may include areas of the site not otherwise regulated by this Subtitle.**

- a. **The sketch plan shall document the existing features of the site. The characteristics of the site are generally categorized as follows:**

- (1) **Scenic**

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

- (2) **Agricultural**
- (3) **Environmental, and**
- (4) **Historic**

In accordance with Section 24-152, the priority design elements for preservation in this conservation subdivision are: the retention of high priority woodlands and clusters of specimen trees within and adjacent to regulated areas; preserving and/or improving the scenic qualities of the views of this subdivision from surrounding properties and that of Floral Park Road and Accokeek Road; and creating visually compatible boundaries with existing adjacent development and existing and proposed parkland.

Priority Woodland/Specimen Trees

The applicant filed a priority forest analysis which was utilized in evaluating the conservation subdivision layout. A significant amount of priority forest areas are being preserved to the extent possible, and are a priority feature of this site.

In order to find conformance with the stated preservation priorities, in addition to the modifications approved at the entrance to the subdivision, there is one area in particular that should be evaluated by the applicant to preserve more of the priority woodlands. The cul-de-sac at the end of proposed street "D" shows the elimination of a cluster of specimen trees for lot creation and home construction. The cluster of five-specimen trees is generally unique in the subdivision outside the expanded buffer. The other two locations that are similar are proposed to be cleared by the applicant. This location was identified due to the clustering and quality of the specimen trees. The proposed clearing should be reduced at the west end of proposed street "D" in order to preserve high priority woodland and the cluster of specimen trees. This would enhance the continuity of forest along stream valley and reduce creation of new edge habitat. While staff agrees that this area of the site should be evaluated for preservation of these specimen trees with in the priority woodland, staff recognizes that a request to modify the limit of disturbance may have impacts to the lotting pattern greater than the five lots indicated. In fact a revision of this nature has a radiating affect that can not be quantified without further study. This revision would cause a revision to the stormwater management layout and may effect lots in other pods of development. The applicant should evaluate every opportunity to preserve woodland in this area.

The preliminary plan shows existing grades based on two-foot contours, conceptual grading and a proposed limit of disturbance. The TCPI includes the location of woodlands, open fields and environmental features, incorporating information from the signed NRI/150/06. The NRI includes documentation of woodlands, farmland, streams, wetlands, hedgerows, and pastures.

Section 24-152 of the Subdivision Regulations sets forth the following:

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strike through~~ indicate deleted language

- (e) **The sketch plan shall propose locations for dwellings on that portion of the site determined to be least suitable for conservation.**

Comment: The preliminary plan is consistent with the certified sketch plan and shows the locations of proposed dwellings outside of the regulated features of the site, but within the designed Evaluation Areas of the Green Infrastructure Plan. The plan also shows lots within existing woodland conservation mitigation banks which are currently dedicated for conservation. This concept does not conform to the provisions of the conservation subdivision regulations. Conditions have been included which would revise the preliminary plan and require the relocation of the mitigation banks which currently exist on the site.

- (f) **The sketch plan shall locate areas of the site that have appropriate soils for septic recovery fields (community, shared and/or individual systems) if proposed and shall show areas for stormwater management facilities, if any, and the type of facility proposed.**

Comment: Individual septic recovery systems are not proposed. Eight stormwater management ponds are shown on the Type I tree conservation plan.

The sketch plan shall show conceptual locations for proposed roads, lot lines and setbacks.

Comment: The sketch plan showed proposed roads, lot lines and setbacks and is consistent with the preliminary plan proposed by the applicant.

- (g) **The sketch plan should designate existing environmental and landscape features such as groups of trees, specimen trees, hedgerows, and woodland areas.**

Comment: The preliminary plan, combined with the NRI, shows all existing environmental features and landscape features.

A signed Natural Resources Inventory (NRI/150/06) was submitted with this application and a revised NRI was received on January 15, 2008. The preliminary plan and Type I TCP show the sensitive environmental features in conformance with the NRI.

The forest stand delineation (FSD) indicates seven forest stands totaling 201.36 acres and notes the species, size and condition of 117 specimen trees. The following descriptions of the existing forest stands are based solely on the existing forest stand conditions and not on their value related to the conservation subdivision process.

Forest stand "A" contains approximately 72.30 acres and generally borders the stream valleys. The stand is dominated by American beech, red oak, white oak, yellow poplar and chestnut oak with an average diameter at breast height of 13.1 inches. A total of 14 tree species were noted at the 27 sample points. The understory species include highbush blueberry, American holly,

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strike through~~ indicate deleted language

mountain laurel and mapleleaf viburnum. There are few invasive plants. According to the FSD, there is very limited evidence of past logging activities, insect infestations or disease problems. Numerous specimen trees occur within this stand. This stand rates a **high priority** for preservation because of its location, diverse composition, age and many specimen trees.

Forest stand "B" contains approximately 67.10 acres and generally occurs within the stream valleys. The stand is dominated by yellow poplar, sweet gum and red maple with an average diameter at breast height of 12.6 inches. The understory species include spicebush, greenbrier and ferns. There are some invasive plants; however, these are generally near the edge of the woodland where past disturbance has occurred. According to the FSD, there is evidence of logging activities that took place 15-20 years ago and there are no significant insect infestations or disease problems. Numerous specimen trees occur within this stand. This stand rates a **high priority** for preservation because it is located in the stream valleys.

Forest stand "C" contains approximately 1.32 acres in the stream valley near an old beaver dam. The stand is dominated by river birch, sycamore, yellow poplar, sweetgum and red maple with an average diameter at breast height of 11.9 inches. The understory species include spicebush and false nettle. There are some invasive plants, including multiflora rose and Japanese honeysuckle. According to the FSD, there is evidence of logging activities that took place 15-20 years ago and there are no significant insect infestations or disease problems. Numerous specimen trees occur within this stand. This stand rates a **high priority** for preservation because it is within the stream valley.

Forest stand "D" contains approximately 8.72 acres in the northern portion of the site. The stand is dominated by mature Virginia pine, sweetgum and yellow poplar with an average diameter at breast height of 9.4 inches. The understory species include highbush blueberry, American holly and greenbrier. No invasive plants were found. According to the FSD, there is evidence of past logging activities. The mature Virginia pine is not a high priority for preservation because when the stand is opened during the clearing operation the remaining trees are subject to wind-throw. This stand also contains many wind-thrown trees at present making it less desirable for preservation. No specimen trees occur within this stand. This stand rates a **low priority** for preservation.

Forest stand "E" contains approximately 6.21 acres and occurs along the edge of the older woodland of stands "A" and "B". The stand is dominated by young sweetgum, yellow poplar, Virginia pine, red cedar, black walnut, red maple, boxelder and tree of heaven with an average diameter at breast height of 8.3 inches. The understory species include greenbrier, trumpet vine and false nettle. There are invasive plants, including multiflora rose, Japanese honeysuckle, oriental bittersweet and tree of heaven. According to the FSD, the stand has grown on areas that have been previously mined for sand and gravel. No specimen trees occur within this stand. This stand rates a **low priority** for preservation.

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strike through~~ indicate deleted language

Forest stand "F" contains approximately 30.77 acres of immature Virginia pines and sweetgum with an average diameter at breast height of 8.4 inches. The understory species include spicebush and false nettle. There are some invasive plants, including multiflora rose and Japanese honeysuckle. According to the FSD, there is very limited evidence of past logging activities, insect infestations or disease problems. No specimen trees occur within this stand. This stand rates a **low priority** for preservation.

Forest stand "G" contains approximately 14.94 acres in the southeastern portion of the site. The stand is dominated by red oak, white oak, yellow poplar and American beech with an average diameter at breast height of 11.0 inches. A total of ten tree species were noted at the seven sample points. The understory species include highbush blueberry and American holly. There are few invasive plants. According to the FSD, there is very limited evidence of past logging activities, insect infestations or disease problems. Numerous specimen trees occur within this stand. This stand rates a **high priority** for preservation because of its diverse composition, age, specimen trees and adjacency to a major stream valley. Some of the forest stand boundaries are incomplete.

The official file contains an exhibit titled "Priority Woodland Areas" showing the Regulated Areas (blue), priority woodlands (light green), the approximate limits of previous mining (red) and individual trees that were identified on a field visit with staff of the Development Review Division and a representative of the applicant as requiring special attention (dark green stars).

Based upon the forest stand delineation and NRI, woodland preservation should be a priority in stands "A", "B", "C" and "G". The applicant has also submitted a report titled "Priority Forest Analysis", dated January 9, 2008. The priority woodlands identified in that report are consistent with those identified by staff. The report also notes that of the approximately 127 acres identified as priority woodlands, the TCPI proposes removal of approximately 29 percent of the priority woodlands.

The plan notes woodlands that will be preserved on-site but not as part of any requirement. Most of this woodland is within an existing gas line easement and is subject to removal at any time by the holder of the easement. Additional woodland is retained on some lots, but not as part of any requirement. These areas must be calculated as cleared because retaining them but not calculating them as cleared leaves them in the status of regulated woodlands where future property owners would be required to revise the TCP if they desired to clear those areas.

The tree lines shown on the TCP are different in some places from those shown on the NRI; because of this inconsistency the total area of woodland cleared has been slightly underestimated and therefore, the total woodland conservation requirement has been slightly underestimated.

There are numerous revisions that may result in changes to the TCPI prior to signature approval, and include dedication of parkland, and the final design of the sanitary sewer lines may require additional clearing.

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~striktthrough~~ indicate deleted language

Woodland Mitigation Banks

Two woodland conservation mitigation banks exist on the site and are reflected on Tree Conservation Plans TCPII/154/02 (53.86 acres) and TCPII/039/03 (23.34 acres). The areas of these banks are shown on the signed NRI and are currently protected by restrictive easements. These mitigation banks have been encumbered to satisfy woodland conservation requirements for previously approved development for off-site projects and have allowed the maximization of density on those properties. The area within the easements has been used to meet the open space requirements of Section 24-152. If the easements are not removed in their entirety, then the areas of the tree mitigation banks within the conservation easements should not be used to calculate the conservation parcel requirements. The plans show proposed lots within the existing conservation easements but no information has been provided regarding the disposition of the easements. Prior to the approval the final plat(s) for this property the applicant should demonstrate the mitigation banks have been removed from this property. If the mitigation banks are not removed, a significant redesign of the layout would be required to layout the subdivision around the mitigation banks. The mitigation banks can not be double counted and contribute to the required conservation area for this development and be encumbered by woodland mitigation easements serving other properties which fulfill those properties woodland conservation requirements.

Expanded Stream Buffer Impacts (24-130)

The preliminary plan shows numerous proposed impacts to expanded stream buffers. It appears that to have any development on the site, some impacts to the expanded buffer will be necessary in order to provide access to isolated areas and to provide necessary infrastructure construction which includes stormwater management outfalls.

Impacts to significant environmental features that are required to be protected by Section 24-130 of the Subdivision Regulations require variation requests in conformance with Section 24-113 of the Subdivision Regulations. The design should avoid any impacts to streams, wetlands and their associated buffers unless the impacts are essential for the development of infrastructure and reasonable use of the property. The Planning Board does not support impacts to sensitive environmental features that are not associated with essential development activities. Essential development includes such features as public utility lines [including outfalls for sewer and stormwater], street crossings, and so forth, which are mandated for public health and safety; non-essential activities are those, such as grading for lots, stormwater management ponds, parking areas, and so forth, which do not relate directly to public health, safety or welfare and infrastructure development.

A variation request, dated March 2, 2008, was submitted to request impacts to significant environmental features to construct a road crossing, provide for required stormwater management facilities and to construct sanitary sewer lines. Some of these impacts are necessary and have been sufficiently reduced to develop the proposed subdivision; however, one (1) impact requested

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~struckthrough~~ indicate deleted language

is not necessary; the impacts for the stormwater management ponds are more than what is necessary for construction; and the Type I TCP illustrates numerous impacts for which no requests have been submitted.

Proposed impacts "A", "C", and "D" are for the installation of sanitary sewer lines to serve the property. Impact "E" is for a road crossing that is needed to serve the largest developable portion of the property. Impact "L" is required to remove an existing road and culvert that currently pipes the stream. Impacts "B", "F", "G", "H", "I", "J", "K" and "M" are associated with proposed stormwater management facilities. The justification submitted by the applicant for Impact "N" states that it is for a road crossing; however, it is needed only for the creation of useable rear yards on proposed lots.

Impacts "A", "B", "C", "D" and "E" are essential to develop the property in conformance with the R-R Zone. Impact "L" will serve to eliminate a potential hazard and restore a stream system. Impacts "F", "H", "I", and "M" can be reduced by providing a greater distance between the pond excavations and the slopes of the stream valleys. If the distance is increased, then the area between the excavations and the existing stream valleys will not be construed as "embankments" by the Soil Conservation District and will not need the extensive clearing shown.

Staff notes that the impacts have been combined where possible to reduce the overall impact and alternative access points were evaluated during the review.

Impacts to these buffers are restricted by Section 24-130 of the Subdivision Regulations 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 below. However, for purposes of discussion relating to Section 24-113(a) of the Subdivision Regulations the impacts were discussed collectively.

In general, staff recommended approval of impacts "A", "C", and "D" for the installation of sanitary sewer lines; impact "L" for stream restoration; and impacts "F", "H", "I", and "M" with the condition that they be redesign to reduce clearing within expanded stream buffers.

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

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

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 sanitary sewer lines, stormwater management outfalls and a public street are required by Prince George's County to provide for public safety, health and welfare. 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;**

Because of the topography, the only available locations for sanitary sewers to serve this property must be partially within expanded stream buffers and stormwater outfalls must impact expanded stream buffers. Because the property is divided into many development envelopes by streams and expanded stream buffers, a road crossing is needed to serve the largest developable portion of the property.

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

The installation of the public street, stormwater outfalls and connection the sanitary sewer 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 sanitary sewer lines and stormwater outfalls that are required to serve the development. The road crossing is required to serve the largest developable portion of the property. Without the required public street and

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strike through~~ indicate deleted language

sanitary sewer connection, the property could not be adequately developed in accordance with the R-R zone.

The Planning Board approves (5) five variations, approves modifications of (7) seven variations, and disapproves of (1) one variation.

Specifically, approval of the variation requests for proposed impacts "A", "C", "D", "E", and "L" for the reasons stated above. The approval of impacts "F", "G", "H", "I", "J", "K" and "M" with the condition that they be redesign to reduce clearing within expanded stream buffers. The disapproval of impact "N" and all impacts shown on the TCPI for which no variation request has been submitted.

Prior to signature of the preliminary plan, the TCPI should be revised to redesign the stormwater management ponds associated with proposed impacts "F", "G", "H", "I", "J", "K" and "M" to reduce the clearing of expanded stream buffers for the construction of the stormwater management facilities to the minimum necessary for required outfalls.

At the time of the review of the Type II TCP, special attention shall be placed upon the impacts to sensitive environmental features. Impacts significantly different than those approved by the Planning Board during the review of the Preliminary Plan will require review and approval by the Planning Board.

Woodland Preservation

This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because there are previously approved tree conservation plans for mitigation banks. A Type I tree conservation plan is required with a preliminary plan application. The Type I Tree Conservation Plan, TCPI/044/07, has been reviewed.

The Conservation Subdivision regulations indicate that the woodland conservation required for the site may be provided at an off-site location, only if it is necessary to preserve the rural and agricultural landscape. The plan as submitted appropriately meets all required woodland conservation on-site.

Accokeek Road is a designated historic road and Floral Park Road is a designated historic and scenic road. 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. Outside of the right-of-way, the review of development applications should consider how to protect the viewshed and/or significant visual features within the viewshed. In the review of a subdivision the placement and sizes of lots, the use of building restriction lines, and proposing conditions which relate to the size and building materials of proposed structures can be used to maintain the scenic qualities of a road. Application of the Woodland Conservation Ordinance, either at TCPI or TCPII, can often be used to preserve existing woodland along scenic/historic

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~striketrough~~ indicate deleted language

roads, or create wooded buffers along roadways. Scenic easements can also be used to protect the quality of a viewshed along a scenic/historic road.

Section 24-152 of the Subdivision Regulations [text in **bold**] provides guidance with respect to the treatment of land adjacent to scenic or historic roads:

- (h) **Scenic and historic roads. Development along a designated scenic or historic road shall conform to the following standards:**
- (1) **There should be no views of the rears of dwellings from the road.**
 - (2) **Engineered berms for screening purposes are not permitted unless they are constructed to mimic natural contours.**
 - (3) **Fencing along the road shall be rural in character.**
 - (4) **Views from scenic and historic roads shall be preserved or may be created through the installation of landscaping that mimics natural conditions.**
 - (5) **Trees and vegetation shall not be removed within the required setback unless in accordance with an approved tree conservation plan.**
 - (6) **Existing slopes and tree tunnels along the street frontage should be retained, unless required to be removed by the Department of Public Works and Transportation (DPW&T) or the State Highway Administration (SHA) for frontage improvements.**
 - (7) **Buildings that are located within two hundred (200) feet from the street should be sited such that the principal entrance is oriented toward the street.**
 - (8) **A scenic easement shall be provided along the frontage of a designated scenic or historic road abutting the 10-foot public utility easement. The scenic easement shall be a minimum of forty (40) feet and increased where appropriate to retain unique characteristics of the scenic and historic character of the road.**
 - (9) **In general, access (public and private) to a scenic or historic road should be limited to the extent possible unless for safety reasons or for some other benefit such as environmental preservation, or to implement the stated purposes of this Division.**
 - (10) **Septic recovery areas shall not be permitted within the scenic easement, unless determined appropriate.**

In the Subregion V master plan, Accokeek Road is a designated historic road.

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strike through~~ indicate deleted language

Soils/Previous Mining Operation

Significant portions of the site were previously mined for sand and gravel. Due to the unknown nature of the soils and the limitations associated with these areas, a Soils Report addressing the soil structure, soil characteristics and foundation stability was required. The soils study is required to clearly define the limits of past excavation and indicate all areas where fill has been placed. All fill areas shall include borings, test pits, and logs of the materials found. Borings and test pits in fill areas are required to be deep enough to reach undisturbed ground.

A soils report dated March 8, 2008 was submitted. The report adequately meets the requirements that were listed in the Environmental Planning Section memorandum, dated July 27, 2007, Estates of Pleasant Valley, S-07002 and the Environmental Planning Section memorandum, dated December 26, 2007, Estates of Pleasant Valley, 4-07076. The soils report defines the limits of past excavations and indicates all areas where fill has been placed. The report notes the locations and results of borings and test pits and contains logs of the materials found. A sufficient number of borings and test pits in fill areas were deep enough to reach undisturbed ground.

The report submitted with this application notes concerns caused by the presence of sandy elastic clays and lean clays within the fill areas. Additionally, the report raises concerns due to perched water tables within the fill areas. When combined these raise serious concerns about the suitability of the existing fill within the previously mined areas for foundations, roads and other infrastructure. The study contains many recommendations, including replacement of unsuitable soils for foundations, reduction of groundwater levels within the fill areas, construction of road beds and timing of work that must be addressed in the final design and construction of this site. These recommendations must be followed to remediate problems associated with existing fill in previously mined areas and ensure that foundations, streets and other infrastructure are installed in a manner that will provide long term stability.

Significant portions of the site were mined for sand and gravel; however, this is not reflected on the NRI. Because the signed NRI is required to reflect the soil conditions of the site, and the soil conditions of the site have been altered from that shown, a revised NRI is necessary. After a revised soils report has been reviewed and approved, the NRI will need to be revised to show the previously mined areas and correct the forest stand boundaries.

Water and Sewer Categories

The water and sewer categories are W-4 and S-4 according to water and sewer maps obtained from the Department of Environmental Resources dated June 2003; therefore, the property will be served by public systems. The Department of Environmental Resources indicates that water and sewer line extensions are required to serve the property and encourages the applicant to design the sewer to serve the Pleasant Springs community to the west. WSSC notes that a water and sewer main line extension will be required to serve the property. The sewer main line extension

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

will be constructed to the west within the stream valley, with the northern and southern portions of the property connecting to this extension. Sewer service as proposed does not abut the Pleasant Springs community. The proposed sewer easement should be extended to the property line to provide for the main line extension within the stream valley.

- *[6]8. **Community Planning**—The area in which this application is located is identified in the Subregion IV master plan as a suburban living area in the North Village of the Brandywine Community. The neighborhood enclaves in this village are “primarily recommended for low-suburban residential development, and should be focused around the village or neighborhood or neighborhood activity centers that are recommended in each. Single-family residential construction is emphasized throughout these areas, but extensive use of cluster and comprehensive design zone techniques is advocated to achieve diversity in construction styles and lot sizes.” This application conforms with the master plan because the development proposed is low suburban and focused around the community park and environmental features.

Pursuant to the General Plan, this application is located in a possible future neighborhood activity center in the Developing Tier. A possible future center is one that is anticipated for more intense development at some point in the future, but is not accorded any priority status for public facilities, programming, grants, loans, programs, standards, etc., until after being designated as a “center” by the District Council in some future plan (biennial, master or sector plan). In most cases, there are significant new public infrastructure facilities that need to be programmed in order for development to occur, such as an alternative to the Waldorf Bypass in Brandywine. It should be noted that the County Council has directed that the Waldorf Bypass not be considered in the new Subregion 5 master plan and concurrently, the State Highway Administration is re-evaluating the proposed Waldorf Bypass in Subregion V as part of the ongoing US 301–Waldorf Transportation Improvement Study.

Furthermore, according to the General Plan, the boundaries of existing or possible future centers “should be confirmed or revised when master plans or sector plans are prepared to implement the general plan.” (p. 47). At the same time, the scale of the center (whether classified as a Community, Regional, or Metropolitan) can be evaluated. The Brandywine future center boundaries encompass a very large area, including both Employment Area “C” and the Brandywine Special Study Area community, which are located south of the subject site on the south side of Accokeek Road (A-55) and are divided by MD 5/US 301. The size of the Brandywine General Plan Center area is large enough for several mixed-use focal points or centers with transit or pedestrian orientations and includes this property. Due to its size, the recommended scale of the Brandywine center may be reclassified from a Community to Regional scale or higher in the future.

Commercial activity centers are recommended approximately a mile to the east of this application along the MD 5 corridor: (1) near the intersection of Brandywine Road and Branch Avenue MD 5, and (2) near the intersection of new arterial road A-55 and MD 5. A single-family, detached, residential subdivision as proposed by this application conforms to the recommendations of the

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strike through~~ indicate deleted language

master plan for Suburban Estate and Low-Suburban residential development in this part of the Brandywine community.

*[7]9. **Parks and Recreation**—Staff of the Department of Park and Recreation (DPR) has reviewed Preliminary Plan 4-07076. The review considered the recommendations of the Approved Master Plan and Sectional Map Amendment for Subregion V, the Land Preservation and Recreational Program for Prince George's County, current subdivision regulations and existing conditions in the vicinity of the proposed development.

The applicant is proposing 323 new single-family residential lots. Using current occupancy statistics for single-family dwelling units leads to the conclusion that the proposed residential development will result in a population of 873 new residents. The project area is in the R-E and R-R Zones and subject to mandatory dedication of 13.9 acres of parkland suitable for both active and passive recreation, in accordance with Section 24-134 of the Subdivision Regulations.

DPR analysis shows that the subject subdivision is in a community with a "high" need for both public parkland and public recreational facilities. As the surrounding community continues to grow, the needs for both facilities and parkland in the Brandywine area are projected to increase. The subject property is adjacent to 67.18-acre Pleasant Springs Community Park, which was acquired by M-NCPPC in 2006. Pleasant Springs Community Park currently is undeveloped.

The community park is located to the east of the main entrance to the development. The proximate location of the park in relation to the development led staff and the applicant to investigate the provisions of public recreational facilities on the site. After several meetings with the applicant and a thorough examination of all options, DPR staff has ultimately come to the conclusion that development of a portion of the public park as originally proposed by the applicant, within the limits of the applicants budget, will not provide the necessary range of public recreational facilities to serve this community as required by Section 24-134 of the Subdivision Regulations and a required finding of the approval of this preliminary plan.

DPR staff has come to the final conclusion that it is premature to agree to the development of a small portion of the park when a comprehensive park design and development may change the overall layout. In addition, during the conceptual design process of the public park DPR staff further concluded that dedication of 13.9 acres of additional parkland would greatly improve the development capability of the northern portion of the Pleasant Springs Community Park. The current park property is divided by a significant environmental feature that extends east into the park from the western boundary, and limits the northern development potential of the park. The addition of the 13.9 acres to the northern area of the park will significantly improve the ultimate build out of the park. With that in mind the DPR staff has determined that the most efficient way to develop the parkland comprehensively would be to plan and develop the park through The Capital Improvement Program (CIP). Developing the park comprehensively rather than piecemeal will also yield a better design and more efficient layout opportunities.

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

DPR staff has proposed that \$2.2 million dollars be placed in the Parks Department's CIP budget for design and development of Pleasant Springs Community Park. DPR staff has proposed to place \$200,000 in the supplemental CIP, FY10 for park design and that \$2 million would be placed in the CIP over the subsequent three years for parkland development. Under this scenario, the park would be designed in 2010, under construction by 2012, and largely completed by 2013. This proposal is subject to the Council approval. Through several conversations with the applicant, staff has concluded that the applicant agrees with DPR staff recommendation of parkland dedication.

Therefore, the issue outstanding at the time of the Planning Board hearing was the configuration of the area of land (13.9 acres) to be dedicated. The applicant and staff agree to the amount of land (as required by Section 24-134 of the Subdivision Regulations) and the general location. However, the applicant proposes to back lots onto the northern edge of the park and staff believed that the configuration of the area of land area (13.9 acres) proposed by the applicant isolates the park edge from the greater community and would back 16 lots to the park and would orient the rear of several dwellings toward the core, and/or central round-about. At the Planning Board hearing on April 17, 2008 issues were raised which related to the orientation of dwelling units on the lots abutting the public park dedication within the subdivision. Specifically, the rears of the dwellings will be oriented toward the public park and could result in views which are not pleasing. Therefore, the approval of a LDSP is required prior to the approval of the first building permit for a lot abutting the public park. The LDSP should include all of the lots abutting the park to develop a consistent attractive development edge along the park boundary (Pleasant Springs Community Park M-NCPPC). The trigger for the installation of fencing or landscaping should be established with the site plan. The LDSP does not include the review of house sitings or architecture, and is to be approved by the Planning Board or its designee.

*[8]10. **Trails**—The approved Subregion V master plan recommends master plan trails along both C-527 and A-55 (Accokeek Road/Accokeek Road relocated which was not dedicated as a part of this preliminary plan). This trail will be a segment of the Accokeek Road bikeway between Accokeek and Brandywine. The master plan includes the following background on this planned trail/bikeway:

This bikeway is envisioned as part of a large loop through the lower portion of the Subregion utilizing Accokeek Road, Piscataway Creek Stream Valley Park trail and Livingston Road. This loop will provide connections to Cosca Regional Park as well as seven proposed local parks. It is also part of a second loop by way of Timothy Branch and Mattawoman Watershed Park trails (Master Plan, page 169).

The development is essentially divided into four separate sections: One main portion of the development off C-527, the portion of the development opposite Church Drive, the portion of the development off Street Q, and Street P. There is no street connectivity shown between these development pods because of steep slopes, wetlands, and other environmental constraints.

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~struck through~~ indicate deleted language

The M-NCPPC Department of Parks and Recreation owns the adjacent Pleasant Springs Community Park property.

A master plan trail along Accokeek Road would provide access from the subject site to the adjacent park property. This connection is important as it will allow residents of the proposed development pod along the sites western boundary and Pleasant Springs Community to the west to access the adjoining parkland without having to drive. Not only could the trail link the subject site with the adjacent M-NCPPC parkland, but it will also provide a major non-motorized connection to the Brandywine Special Study Area which is located south of Accokeek Road and several proposed parks to the west (as shown on the Subregion V comprehensive master plan). The provision of the master plan trail along the Accokeek Road is recommended for the subject application.

INTERNAL HOA TRAIL CONNECTIONS ACROSS THE STREAM VALLEY:

At the time of subdivision review committee, staff recommended that the feasibility of internal HOA trail connections be explored. The stream valley is currently bisected by the existing haul road that is on top of a substantial berm across the wetland. The stream flows under the haul road in two metal pipes. On the north east side of the road, there is a fairly large existing wetland filling much of the floodplain.

Initial plan submittals reflected the retention of the existing haul road and berm across the stream valley. This road serves as an existing crossing of the wetlands and appeared to be suitable as a trail connection linking the northern and southern portions of the subject site. However, subsequent discussions have indicated that the haul road will be removed through the stream valley as part of a restoration effort. Staff continued to explore the provision of trail connections between the otherwise isolated portions of the Estates at Pleasant Valley development. Staff evaluated various alternatives including boardwalk, a pre-fabricated steel bridge, and various combinations of asphalt trails, bridging and boardwalk. More specifically, staff evaluated the feasibility of trail construction into the stream valley, with a boardwalk and/or pre-fabricated bridge crossing the stream. Staff also evaluated the possibility of a bridge crossing of the stream, floodplain, and steep slopes.

In addition to the stream and associated wetlands, there are steep and severe slopes along both sides of the stream valley. The stream valley is lined by slopes of at least 15 percent, with many areas having slopes greater than 25 percent. While the wetlands are largely confined to the east side of the haul road, steep slopes extend along both sides. Extensive switchbacks would be necessary to provide ADA accessibility for any trail construction into the stream valley. These switchbacks would probably require extensive grading and clearing of the impacted slopes. Due to these impacts, as well as the costs associated with the structures required, staff concludes that a trail connection probably is not feasible at this location. Discussions with the Subdivision Section have concluded that recreational funds are better spent in other areas, and that trail connections in the vicinity of the subject site should be continued to be explored, possibly on

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

adjacent or nearby sites. Due to the constraints cited above, no trail construction is recommended across the stream valley.

*[9]11. **Transportation**—Due to the uses proposed, staff deemed that a traffic study would be necessary. The resulting study has been referred to the County Department of Public Works and Transportation (DPW&T) and the Maryland State Highway Administration (SHA), and the comments from those agencies were received. Subsequently, an addendum to the traffic study was received, and that was also referred for comment. Therefore, the findings and recommendations outlined below are based upon a review of these materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the “Guidelines for the Analysis of the Traffic Impact of Development Proposals.”

Growth Policy - Service Level Standards

The subject property is in 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 is required in the developing tier.

Unsignalized intersections: The Highway Capacity Manual procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strike through~~ indicate deleted language

Staff Analysis of Traffic Impacts

The existing conditions at the critical intersections identified for review and study are summarized below:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM & Saturday)		Level of Service (LOS, AM & PM & Sat.)	
MD 5 and Brandywine Road	1,786	1,850	F	F
MD 5 and MD 373	1,507	1,645	E	F
Brandywine Road and Floral Park Road	29.8*	23.3*	--	--
Floral Park Road and northeast site access	Future			
Floral Park Road and northwest site access	Future			
MD 373 and Becker Road	10.4*	10.4*	--	--
MD 373 and southeast site access	Future			
MD 373 and southwest site access	Future			
*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.				

There is a project funded for construction involving the two MD 5 intersections within the State Consolidated Transportation Program (CTP). This project would widen MD 5 from four lanes to six lanes through the MD 373 and the Brandywine Road intersections. This is the initial phase of a plan to eventually provide an interchange to serve both existing intersections. There are also improvements that have been bonded by Lakeview at Brandywine; since these improvements are approved, funded, and scheduled for construction, they have the status of background improvements. Twenty-three approved but unbuilt developments that would directly affect the critical intersections that were identified. Annual through traffic growth of 3.0 percent per year was added to account for development and traffic growth in the general area. With background growth and funded improvements added, the following results are obtained:

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~striketrough~~ indicate deleted language

BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM & Saturday)		Level of Service (LOS, AM & PM & Sat.)	
MD 5 and Brandywine Road	1,974	2,131	F	F
MD 5 and MD 373	1,432	1,573	D	E
Brandywine Road and Floral Park Road	351*	614*	--	--
Floral Park Road and northeast site access	Future			
Floral Park Road and northwest site access	Future			
MD 373 and Becker Road	10.9*	11.5*	--	--
MD 373 and southeast site access	Future			
MD 373 and southwest site access	Future			
*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.				

A residential subdivision consisting of 336 lots was evaluated based on the traffic study submitted. Subsequent revisions to the plan result in 323 lots proposed. The proposed development would generate 252 AM (50 in, 202 out) and 302 PM (198 in, 104 out) peak-hour vehicle trips as determined using the "Guidelines for the Analysis of the Traffic Impact of Development Proposals." With the site added to the local roadway network, the following results are obtained:

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM & Saturday)		Level of Service (LOS, AM & PM & Sat.)	
MD 5 and Brandywine Road	2,024	2,177	F	F
MD 5 and MD 373	1,544	1,672	E	F
Brandywine Road and Floral Park Road	366*	666*	--	--
Floral Park Road and northeast site access	11.8*	10.6*	--	--
Floral Park Road and northwest site access	12.0*	9.9*	--	--
MD 373 and Becker Road	11.1*	11.7*	--	--
MD 373 and southeast site access	14.2*	16.1*	--	--
MD 373 and southwest site access	11.3*	12.2*	--	--
*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.				

Given these analyses, the MD 5/Brandywine Road, MD 5/MD 373, and the Brandywine Road/Floral Park Road intersections all would operate unacceptably in at both peak hours.

MD 5 and Brandywine Road

In response to the inadequacy at this intersection, the applicant has proffered mitigation. This intersection is eligible for mitigation under the fourth criterion in the Guidelines for Mitigation Action (approved as CR-29-1994). The traffic study recommends the following improvements:

- A. Along southbound MD 5 approach, provide a fourth through lane.
- B. On the eastbound Brandywine Road approach, provide three lanes, with an exclusive left-turn lane, an exclusive through lane, and an exclusive right-turn lane.

DPW&T and SHA reviewed this proposal. DPW&T did not oppose the mitigation given that SHA has jurisdiction for permitting modifications at this location. SHA concurred with the recommendations. The impact of the mitigation actions at this intersection is summarized as follows:

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~striketrough~~ indicate deleted language

IMPACT OF MITIGATION				
Intersection	LOS and CLV (AM & PM)		CLV Difference (AM & PM)	
MD 5 and Brandywine Road				
Background Conditions	F/1974	F/2131		
Total Traffic Conditions	F/2024	F/2177	+50	+46
Total Traffic Conditions w/Mitigation	F/1673	F/1766	-351	-411

The options for improving this intersection to LOS D, the policy level of service at this location, are very limited. The western and eastern legs of the intersection have right-of-way issues, and the mitigation proposal widens MD 5 to the greatest extent feasible. The only identifiable improvement that would result in LOS D operations at this location would be the construction of the planned MD 5 and Brandywine Road interchange. This interchange was included in an environmental study of the MD 5 corridor by SHA, and design of the interchange is virtually complete, but there has been no funding to date for construction of the needed ramps, overpass, and connector roadways.

As the CLV at the critical intersection is above 1,813 during both peak hours, the proposed mitigation actions must mitigate at least 100 percent of the trips generated by the subject property, and the actions must reduce the CLV to no worse than 1,813 during either peak hour, according to the "Guidelines." The above table indicates that the proposed mitigation action would mitigate at least 100 percent of site-generated trips during each peak hour. This table also indicates that the resulting CLV under total traffic with the mitigation improvements is 1,813 or less in each peak hour. The table indicates that the proposed mitigation action would mitigate nearly 700 percent of the trips generated by the subject property in the AM peak hour, and an even higher percentage during the PM peak hour. **Therefore, the applicant's proposed mitigation at MD 5 and Brandywine Road meets the requirements of Section 24-124(a)(6)(B)(i) of the Subdivision Ordinance in considering traffic impacts.**

As noted earlier, SHA does concur with the mitigation that is proposed, and DPW&T offered no comment on the mitigation action. Given past actions by the Planning Board regarding mitigation proposals in this area, this appears to be a circumstance in which the Planning Board would seriously consider the use of mitigation, and the recommendation will include the applicant's proffer of the mitigation actions as a condition of approval for this application.

MD 5 and MD 373

In response to the inadequacy at this intersection, the applicant has proffered mitigation. This intersection is eligible for mitigation under the fourth criterion in the Guidelines for Mitigation Action (approved as CR-29-1994). The traffic study recommends the following improvements:

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~striktthrough~~ indicate deleted language

A. Along southbound MD 5 approach, provide a fourth through lane.

It is noted that significant improvements to the side street approaches have already been bonded by Lakeview at Brandywine, which was reviewed and approved (4-04072), and are correctly assumed to be a part of the background scenario. In all likelihood, these improvements will be implemented before development begins on the subject site.

DPW&T and SHA reviewed this proposal. DPW&T did not oppose the mitigation given that SHA has jurisdiction for permitting modifications at this location. SHA concurred with the recommendations. 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 5 and MD 373				
Background Conditions	D/1432	E/1573		
Total Traffic Conditions	E/1544	F/1672	+112	+99
Total Traffic Conditions w/Mitigation	D/1412	E/1471	-132	-201

The options for improving this intersection to LOS D, the policy level of service at this location, are very limited to accomplish in both peak hours. The western and eastern legs of the intersection are being improved by another developer, and the mitigation proposal widens MD 5 to the greatest extent feasible. The only identifiable improvement that would result in LOS D operations at this location would be the construction of the planned MD 5 and Brandywine Road interchange. This interchange was included in an environmental study of the MD 5 corridor by SHA, and design of the interchange is virtually complete, but there has been no funding to date for construction of the needed ramps, overpass, and connector roadways.

As the CLV at the critical intersection is between 1,450 and 1,813 during both peak hours, the proposed mitigation actions must mitigate at least 150 percent of the trips generated by the subject property in each peak hour or reduce the service level to D, according to the "Guidelines." The above table indicates that the proposed mitigation action would accomplish this. The table indicates that the proposed mitigation action would mitigate nearly over 200 percent of the trips generated by the subject property in the PM peak hour, and would accomplish LOS D during the AM peak hour. **Therefore, the applicant's proposed mitigation at MD 5 and MD 373 meets the requirements of Section 24-124(a)(6)(B)(i) of the Subdivision Ordinance in considering traffic impacts.**

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

As noted earlier, SHA does concur with the mitigation that is proposed, and DPW&T offered no comment on the mitigation action. Given past actions by the Planning Board regarding mitigation proposals in this area, this appears to be a circumstance in which the Planning Board would seriously consider the use of mitigation, and the recommendation will include the applicant's proffer of the mitigation actions as a condition of approval for this application.

Brandywine Road and Floral Park Road

In response to the inadequacy at this intersection, the applicant has not provided any recommendation in the traffic study even though this intersection is shown to operate unacceptably as an unsignalized intersection. 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 if it is deemed warranted by the appropriate operating agency. The warrant study is, in itself, a more detailed study of the adequacy of the existing unsignalized intersection. As a result, the transportation planning staff would recommend that a signal warrant study be completed at this location. In addition, DPW&T has indicated that the westbound Brandywine Road and the eastbound Floral Park Road approaches be widened to two lanes to provide exclusive turn lanes at this "Y" intersection. The Planning Board finds that completing the signal warrant study, and installing a traffic signal if warranted, is in accordance with the Guidelines for the Analysis of the Traffic Impact of Development Proposals and, with the improvements recommended by DPW&T, will satisfy the requirements of Section 24-124.

Plan Comments

The site is adjacent to Floral Park Road, which is shown as a master plan collector facility on the Subregion V master plan. The plan shows adequate dedication of 40 feet from centerline along Floral Park Road. DPW&T recommends that bypass lanes be provided along Floral Park Road at each site access point which can be accommodated within the right-of-way proposed.

The site is adjacent to MD 373 (Accokeek Road), which is shown as two separate master plan facilities on the Subregion V master plan. The portion of MD 373 along the easternmost 300 linear feet of this site is shown as C-527, which is intended to be a roadway that will connect this area to the planned MD 5/Brandywine Road interchange. Dedication for C-527 along this site's frontage is acceptable as shown.

On the Subregion V Master Plan the remainder of the MD 373 frontage is proposed to be replaced by A-55, which is intended to be a major roadway connecting Accokeek with the Brandywine town center/community center, as reflected on the Subregion V master plan and the Prince George's County General Plan. Along the frontage of this plan, the right-of-way is mostly on a new alignment as a means of straightening the tight curves that exist and avoiding adjacent environmental features.

Staff had recommended that the Planning Board require the applicant to dedicate A-55 where it impacts this property due to safety. At the Planning Board hearing on April 17, 2008 regarding a

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~striketrough~~ indicate deleted language

traffic safety the applicant provided evidence that refuted the need for the dedication of A-55 due to safety issues.

In general:

1. The majority of the applicant's traffic, due to the configuration of subdivision, would not use the section of MD 373 under discussion.
2. The alignment issue exists and would continue to exist whether the development was built or not.
3. There was no adequacy or access requirement that would have necessitated the construction of the A-55 (MD 373 Relocated) facility within the subject site.
4. There was no commitment on the part of SHA to make the applicant build the relocated section of MD 373, and no commitment to assist in providing a safe transition to the existing road; therefore, despite any dedication made by the applicant, the safety issues within the subject site that were identified would have continued to be present.

*Therefore, the Planning Board did not require the right-of-way dedication for A-55.

Site Access

There are two issues:

- A. Site access is proposed via two separate access points onto Floral Park Road, a major access point onto MD 373, and two secondary access points onto MD 373. Both access points along Floral Park Road have been determined to be acceptable in concept. While an earlier plan had proposed a third access point along MD 373, the plan has since been modified, and the two remaining access points along MD 373 have conceptual SHA approval at this time.
- B. At the time that the sketch plan was reviewed, it was strongly suggested that access to the residences in the southwestern portion of the site explore access to MD 373 while retaining an access point via existing Church Drive into the Pleasant Springs community. It was stated at that time that "an extension of Church Drive is clearly functional and would improve access within the overall community." Yet the current plan eliminated that connection. At the Planning Board hearing on April 17, 2008 the Planning Board required the connection to Church Road (see Priority Area #5).

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strike through~~ indicate deleted language

Planning Board Conclusions

Based on the preceding findings, adequate access roadway and adequate transportation facilities will 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 concluded the following:

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 5	Middle School Cluster 3	High School Cluster 3
Dwelling Units	333	333	333
Pupil Yield Factor	.24	.06	.12
Subdivision Enrollment	79.92	19.98	39.96
Actual Enrollment	3,898	5,968	9,696
Completion Enrollment	148.8	90	181
Cumulative Enrollment	37.2	9.3	18.6
Total Enrollment	4,163.92	6,087.28	9,935.56
State Rated Capacity	3,771	6114	10,392
Percent Capacity	110.41	99.56	95.60

Source: Prince George's County Planning Department, M-NCPPC, January 2007

County Council bill CB-31-2003 establishes a school facilities surcharge in the amount of \$7,000 per dwelling if a building is located between I-495 and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$12,000 per dwelling for all other buildings. Council bill CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts are \$7,870 and \$13,493 to be paid at the time of issuance of each building permit. The school surcharge may be used for the construction of additional or expanded school facilities and renovations to existing school buildings or other systemic changes.

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

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

- *[14]13. **Fire and Rescue**—The Historic Preservation and 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 Subdivision Ordinance and concluded the following:

The Prince George's County Planning Department has determined that this preliminary plan is within the required seven-minute response time for the first due fire station, Company 40, Brandywine, using the Seven-Minute Travel Times and Fire Station Locations Map provided by the Prince George's County Fire Department.

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

- *[12]14. **Police Facilities**—The preliminary plan is located in Police District V. The response standard is 10 minutes for emergency calls and 25 minutes for nonemergency calls. The times are based on a rolling average for the proceeding 12 months. The preliminary plan was accepted for processing by the Planning Department on November 21, 2007. Staff concluded at that time that the response standards for priority calls of 10 minutes and 25 minutes for nonpriority calls were met on December 3, 2007.

Reporting Cycle	Previous 12-Month Cycle	Priority Calls	Nonpriority Calls
Acceptance Date 04/09/2007	10/06-10/07	10 minutes	13 minutes
Cycle 1	11/06 – 11/07		
Cycle 2	12/06 -12/07		
Cycle 3	1/07 - 1/08		

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

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

- *[13]15. **Health Department**— On January 14, 2007, the Health Department requested a copy of the Phase I environmental site assessment that was being conducted on the site including a detailed summary of the previous sand and gravel operation. The Health Department received that report and was satisfied with its findings. The Health Department has no objection to the preliminary plan and no further comments.

- *[14]16. **Stormwater Management**—The Department of Public Works and Transportation (DPW&T) has determined that on-site stormwater management is required. A stormwater management concept

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~striketrough~~ indicate deleted language

plan, 38052-2007-00, has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding.

The approved stormwater concept is for the use of closed-section roads and providing quality management of run-off with ponds for development of this site. Because the layout of the ponds may change a full review of the stormwater management design and layout should occur during future reviews of more detailed designs for the development.

*The stormwater concept plan is required to be designed in conformance with any approved Watershed Management Plan, pursuant to Subtitle 32 Water Resources and Protection, Division 3 Stormwater Management, Section 172 Watershed Management Planning. As such, the requirements of Section 24-130(b)(4), which require that a subdivision be in conformance with any watershed management plan, have been addressed with the approval of the SWM concept plan by the Department of Public Works and Transportation.

*[45]17. **Historic**—A Phase I archeological survey was completed on the 278.09-acre Estates of Pleasant Valley property in September 2007. Three twentieth-century archeological sites were identified—18PR915, 18PR916, and 18PR917. All of these sites were disturbed by their subsequent demolition and no intact archeological deposits or features were noted in the Phase I survey. Therefore, no further work was recommended on the Estates of Pleasant Valley property. Staff concurs with the report's conclusion that no further work is necessary on sites 18PR915, 18PR916, and 18PR917. Four copies of the final report, "A Phase I Intensive Archaeological Survey of the Estates of Pleasant Valley Residential Subdivision, Floral Park and Accokeek Roads, Brandywine, Prince George's County, Maryland, Preliminary Plan 4-07076," have been received by the Historic Preservation Section and were accepted on November 26, 2007. All archeological conditions for the county have been met for the Estates of Pleasant Valley property.

However, Section 106 review may require an archeological survey for state or federal agencies. Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effects of their undertakings on historic properties to include archeological sites. This review is required when state or federal monies or federal permits are required for a project. The site has no effect on historic resources.

*[46]18. **Existing Haul Road**—An existing haul road crosses the property. This road was originally located within the easement which has been demonstrated by the applicant to be abandoned. This information is now reflected on the preliminary plan of subdivision. Originally staff recommended that this haul road be utilized to provide a public trail crossing between development located on the south side of Floral Park Road and the southern section of the proposed development. However, a trail construction in this location could be costly, and staff believes that other opportunities may exist in the future east on Floral Park Road to provide a trail connection to the Pleasant Springs Community Park (M-NCPPC) which would not necessitate a major stream crossing.

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

The haul road currently extends over the stream valley, via an earthen dam road that is approximately 18 feet tall, 150 feet long, and 100 feet wide. This is a major stream crossing and pipes the stream at the base. The applicant has proposed to convey this area of the site to the homeowners association (HOA), which will make it responsible for the maintenance of this facility. The dam is not a part of the stormwater management plan or public/private road network. Staff originally recommended that the applicant provide current information on the dam construction to ensure its integrity. Conveyance of this facility to the HOA could create a liability not proportional to the resources of the homeowners.

On March 4, 2008 the applicant filed a revised variation request which now includes a proposal to remove the haul road and restore the stream to a natural state, as discussed further in the Environmental Planning Section of this report. On April 17, 2008, the Planning Board approved the variation for this impact to the expanded buffer.

- *[17]19. **Hendrick Property**—Parcels C (27,467± square feet)—The applicant is proposing to convey Parcel C to the owners of Lot 43 to the east. There is an apparent encroachment of accessory structures associated with the dwelling on Lot 43 onto the subject property. The applicant, at the request of staff, provided a copy of a letter dated December 21, 2007 (Shearer to Hendrick), requesting that Mr. and Mrs. Jesse Hendrick sign a letter of intent that they will accept the conveyance of these two parcels. A copy of the signed letter has not been provided to staff, and staff is unaware of any further correspondence with the Hendricks.

Staff is recommending that prior to approval of the final plat the applicant submit an executed deed of conveyance (signed by all parties) of Parcel C to the property owner of Lot 43 (SDH 3@86), Jesse L and Jean Hendrick, and should submit recorded deeds of the conveyance prior to the approval of a grading permit. If Parcel C is not conveyed to the owners of Lot 43 as demonstrated with the grading permit, then the applicant should file a new record plat in accordance with Section 24-111(c) for which no preliminary plan of subdivision is required and the land area of proposed Parcel C incorporated into the abutting lots and HOA Parcel B within the Estates of Pleasant Valley (after the removal of the structure). The final plat should carry a plat note that lot line adjustments involving Parcel C may not result in additional buildable lots without a new preliminary plan of subdivision. The current access to the Hendrick Property bisects the existing Pleasant Springs Community Park (M-NCPPC) via a dedicated right-of-way (SDH 3@86).

- *[18]20. **Conservation Parcels**—This conservation subdivision proposes two conservation parcels (A and B) which total 125 acres. Section 24-152 of the Conservation Subdivision regulations sets forth the following:

- (l) **Final plat notation.** The following shall be included on the final plat:
 - (1) A statement that the property is approved for a conservation subdivision and that further subdivision may not be permitted; and

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

- (2) The limit of the conservation easement and the legal description (liber and folio) of the conservation easement deed.
- (m) **Ownership/maintenance.** The conservation area shall be owned and controlled by an individual, homeowners' association, public or private organization, land trust, or corporation. The owner shall assume all responsibility for maintenance and continued protection of the conservation area. An ownership and maintenance agreement as part of the conservation easement deed shall be approved by the Planning Board, recorded among the Land Records of Prince George's County, and referenced on the record plat of subdivision.
- (n) **Easements.** An easement agreement shall be recorded in the Land Records of Prince George's County for the conservation area, prior to the approval of the final plat. The easement agreement shall be approved by the Prince George's County Planning Board (or its designee) prior to recordation. The easement shall run with the land, shall be in full force and effect in perpetuity, and shall describe and identify the following:
 - (1) The location and size of the conservation areas.
 - (2) Existing improvements on the conservation areas.
 - (3) Provisions that prohibit future development of the conservation areas.
 - (4) The purpose of the conservation area.
 - (5) Provisions for a prohibition on future subdivision of the conservation area.
 - (6) Provisions for maintenance and ownership of the conservation area.
 - (7) Responsibility for enforcement of the easement.
 - (8) Provisions for succession in the event that one of the parties to an easement agreement should be dissolved; and
 - (9) Regardless of who the owner of a conservation area is or will be, there shall be an additional party to the easement in addition to the property owner:
 - (A) A land conservation organization that is:
 - (i) A not-for-profit, tax-exempt organization within the meaning of Section (501)(c)(3) of the Internal Revenue Service Code;
 - (ii) Established to promote the preservation and protection of natural, historic and agricultural resources; and
 - (iii) Party to a cooperative agreement with the Maryland Environmental Trust committing to follow the Land Trust Alliance's Standards and Practices in any easement it holds; or
 - (B) A local governmental agency, upon the demonstration by the applicant that they have exhausted all reasonable efforts to obtain an agreement with a private non-profit organization.

The governmental agency may determine that the servient tenant provides for equal protection and therefore, should retain all rights of the conservation easement in its entirety, if determined appropriate at the time of final plat.

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~striketrough~~ indicate deleted language

Appropriate conditions have been included in the recommendation section of this report to address the above requirements.

*[19]20. The recorded lots that are included in this subdivision (SDH 3@86) were recorded in 1930. That record plat dedicated a 30-foot public street on which development has been authorized, and further subdivision has relied. A 340-foot portion of the right-of-way (ROW) abuts the east (rear) lot lines of proposed Lots 11 through 16, Block J. The M-NCPPC owns the property abutting the ROW to the east (opposite the subject property). This part of the ROW dedicated in 1930, serves only those lots that are a part of the proposed subdivision being re-subdivided or owned by M-NCPPC as part of the Pleasant Springs Community Park. In accordance with Section 24-112 of the Subdivision Regulations, the vacation of that portion of the ROW would only be necessary if determined appropriate by M-NCPPC, as the owners of the land on both sides of this portion of the 30-foot-wide street. This portion of the ROW is a paper street and is not currently improved or used for vehicular access by any adjoining property owner. An additional portion of the ROW serves an adjacent property owner (Hendrick) and extends south bisecting the existing public park providing a connection to the existing Accokeek Road (master plan C-527).

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strike through~~ indicate deleted language

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 date of notice of the adoption of this Resolution.

* * * * *

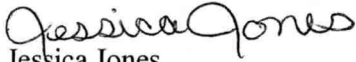
~~*[This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland National Capital Park and Planning Commission on the motion of Commissioner Squire, seconded by Commissioner Clark, with Commissioners Squire, Clark, Vaughns and Parker voting in favor of the motion, and with Commissioner Cavitt absent at its regular meeting held on Thursday, April 17, 2008, in Upper Marlboro, Maryland.]~~

~~*[Adopted by the Prince George's County Planning Board this 29th day of May 2008.]~~

*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 Bailey, seconded by Commissioner Squire, with Commissioners Bailey, Squire and Hewlett voting in favor of the motion, and with Commissioners Shoaff and Washington absent at its regular meeting held on Thursday, March 22, 2012, in Upper Marlboro, Maryland.

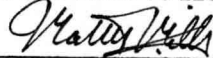
*Adopted by the Prince George's County Planning Board this 22nd day of March 2012.

Patricia Colihan Barney
Executive Director

By 
Jessica Jones
Planning Board Administrator

PCB:JJ:WC:arj

APPROVED AS TO LEGAL SUFFICIENCY.



M-NCPPC Legal Department

Date

3/26/12

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strike through~~ indicate deleted language