

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board is charged with approval of Final Development Plans pursuant to Part 10, Division 2 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on June 6, 2002, regarding Final Development Plan FDP-0201, the Planning Board finds:

1. The 1,057.69-acre Fairwood site is located on the south side of MD 450, east of the intersection with MD 193, north of US 50 and east and west of the intersection with Church Road. The Fairwood Turf Farm was rezoned to the M-X-C Zone by the District Council on May 24, 1994, when it approved Zoning Map Amendment A-9894-C (Zoning Ordinance No. 24-1994) and the accompanying Preliminary Development Plan.
2. Previously approved Comprehensive Sketch Plans include CP-9504 (Phase I) and CP-0101 (Phase II). CP-9504, Phase I, included 478.11 acres of the site located in the northwestern corner, and CP-0101, Phase II, includes the remaining 579.68 acres of Fairwood. CP-9504 was approved by the District Council on February 24, 1997, and CP-0101 was approved by the Planning Board on January 17, 2002 (Resolution No. 02-17).
3. Previously approved Final Development Plan FDP-9701 constitutes Part One of Phase I and encompasses 223.7 acres (a little less than half) of the land area approved under Comprehensive Sketch Plan CP-9504. FDP-9701 was approved by the District Council on May 11, 1998. Final Development Plan FDP-0001 constitutes Part Two of Phase I and encompasses 211.40 acres of the land approved under Comprehensive Sketch Plan CP-9504. FDP-0001 was approved by the Planning Board on January 4, 2001 (Resolution No. 01-09). It should be noted that previous approvals state that Phase I encompassed 476.8 acres. However, due to the realignment of Church Road, Phase I encompasses 478.11 acres and Phase II encompasses 579.68 acres for a total of 1,057.79 acres for the entire Fairwood site.
4. DSP-99034 (comprehensive signage program for the entire Fairwood development) was approved by the Planning Board on January 6, 2000 (Resolution No. 99-243).
5. DSP-99052, an Infrastructure Plan for Part One of Phase I, was approved by the Planning Board on April 13, 2000 (Resolution No. 00-37); DSP-02001, an Infrastructure Plan for Part II, *A* of Phase I, DSP-01031, was approved by the Planning Board on November 15, 2001 (Resolution No. 01-221). An Infrastructure Plan, DSP-02015, has been submitted for Phase I Part II *B* and is currently under review.

6. The subject Final Development Plan, FDP-0201, constitutes Part Three of Phase I and encompasses 8.70 acres of the land area approved under Comprehensive Sketch Plan CP-9504; also included is Part I of Phase II encompassing 254.55 acres (a little less than half) of the land area approved under Comprehensive Sketch Plan CP-0101. The site data development chart represents the running tabulations for Part I, Part II and Part III of Phase I and Part I of Phase II of the subject site (see Attachment A).
7. FDP-0201 is located in the southwest part of the project, excepting the portion of Phase I, Part III, which is a portion of Fairwood Parkway which connects to realigned Church Road, and two small portions, one nonresidential and the other community use, located in the northeast part of the site. The main access to the development, Fairwood Parkway, enters the site from MD 450 and continues through Phase I, Parts I, II, and III of the subject site and terminates at the proposed realigned Church Road.

An approximate 8-acre parcel located in the western part of Phase II adjacent to Marleigh will be set aside as park land. This park parcel will be dedicated to M-NCPPC Department of Parks and Recreation as a public park. (See Finding 14 for further discussion.)

Nine distinct areas of residential development are identified in the Final Development Plan. Two of the nine areas have been identified as ■Other Residential• areas. Both of these areas are located north of Fairview Drive, south of Fairwood Parkway and west of the Potomac Electric Power Company (PEPCO) power lines. Section 27-546.02 of the Zoning Ordinance defines ■Other residential areas• as ■An area . . . consisting primarily of the following types of residential dwellings: multifamily dwellings, semi-detached dwellings, three-family dwellings, triple-attached dwellings, two-family dwellings, townhouses, or any combination of the foregoing• and ■Single Family - Low Density• area as ■An area, utilized in the M-X-C Zone, which consists primarily of one-family detached dwellings.• The applicant does not state in FDP-0201 how the 300 ■Other Residential• units proposed will be distributed among the allowed unit types.

Four areas are dedicated to ■Single-Family - Low Density• detached homes. Three of these areas, A (12.96 acres), B (54.80 acres), and C (3.09 acres), are located in Phase II and area D (5.38 acres) is located in Phase I, Part II. Area A is located north of the historic cemetery site. Area B is located south and east of the Fairview Historic Site. Area C is a portion of Fairview Drive which extends to Church Road. Area D in Phase I, Part II, includes the extension of Fairwood Drive and the re-aligned portion of Church Road in Phase I.

Three areas, A, B, and C, are located in Phase II, and are dedicated to ■Single-Family - Medium Density• detached homes. Area A (41.89 acres) is located east of the PEPCO power line and south of Fairview Drive. Area B (0.20 acres) and Area C (1.50 acres) are areas dedicated to the re-alignment of Church Road.

8. FDP-0201 is in substantial conformance with the layout and design concepts expressed in the approved Preliminary Development Plan and with all applicable conditions of approval

of Zoning Map Amendment A-9894-C, with one minor exception. Condition 21 states the following:

Throughout the development review process and especially at the time of the Final Development Plan, the applicant shall incorporate concepts and techniques which will encourage the use of transit and other non-vehicular modes to reduce reliance upon single occupancy vehicle trips.

The FDP contains a significant amount of information concerning how pedestrian and bicycle travel will be fostered, but there does not appear to be any information supplied on concepts and techniques which will encourage the use of transit. The Planning Board is of the opinion that compliance with the above-referenced condition must be an ongoing process. The Urban Design Section will continue to monitor the feasibility of mass transit through the Detailed Site Plan process as more information becomes available about bus routes.

9. FDP-0201 is in compliance with the requirements of the Zoning Ordinance governing development in the M-X-C Zone. It should be noted that on p. 38 of the Final Development Plan text (Section 6.7 - Buffering Incompatible Uses), a statement is made that ■The landscape program for Fairwood will fully comply with the buffer requirements specified in the *Landscape Manual*.• The applicant may comply voluntarily with the standards of Section 4.7 of the *Landscape Manual* (■Buffering Incompatible Uses•) and the staff would encourage such voluntary compliance. However, Section 27-546.04(f) explicitly states that Section 4.7 does not apply within the boundaries of the M-X-C Zone. It only applies ■along the exterior boundaries of the M-X-C Zone where a use within the M-X-C Zone is contiguous to a use which is outside the zone.•

Findings Required by Section 27-546.06(d) of the Zoning Ordinance (Findings 10-12 below)

10. ■**The proposed plan generally conforms to the Comprehensive Sketch Plan.**•
 - (a). FDP-0201 is in substantial conformance with the layout and design concepts expressed in approved Comprehensive Sketch Plans CP-9504 and CP-0101 with the applicable conditions of approval, with the following qualifications:

Conditions of CP-9504

Condition 2.e.: ■Preliminary Plats of subdivision and Final Development Plans which include land area adjacent to the existing Church Road shall include special design techniques which will minimize the impacts to the scenic and historic nature of Church Road.•

While the subject application does include re-aligned Church Road, it does not include any land area adjacent to Church Road. Therefore, this application is not subject to the above condition.

Condition 3.a.: ■ . . The FDP shall also include a description and show a general location of the projected unit type(s) and the approximate density or intensity for each land use area . . .•

The applicant has provided a tracking chart within the FDP text which specifies the number of units in each land use area. In the Other Residential Areas, where a wide variety of attached and multifamily unit types is allowed, the applicant states on page 14 of the FDP text that they are seeking approval of a possible 760 townhouse units. However, they also state they would like ■ . . the flexibility to distribute the townhouses in Phase I, Parts One and Two, and Phase II, Part One, in its discretion to the limitation that the maximum permitted yield of 449 units cannot be exceeded.•

Condition 3.a.: ■ . . In addition, the text shall include sections on the following:

...Circulation and Parking•

The FDP text (pp. 22-24) contains substantial language in fulfillment of this condition.

Condition 3.a.: ■ . . In addition, the text shall include sections on the following:

Recreational Facilities•

The FDP states that no ■pocket parks• are proposed in this portion of Phase II. However, a ■pocket park• is proposed just north of the subject application. This pocket park will provide active and passive recreational uses. Located in the southwest of the subject application adjacent to an approximately six-acre park located in Marleigh is a proposed ten-acre park. This ten-acre park is to be dedicated to M-NCPPC. See Finding 14 for further discussion.

Condition 3.a.: ■ . . In addition, the text shall include sections on the following:

Signage•

The Fairwood Community Signage Program was approved by the Prince George's County Planning Board on January 27, 2000 (Resolution No. 99-243), in accordance with Subtitle 27, Part 3, Division 9 of the Prince George's County Code.

The above-referenced signage program will ensure that a consistent sign treatment is provided throughout the development . Three sign categories were approved which include Community-Wide, Residential and Nonresidential signage. Community-wide signage includes gateway signs, street signs, directional signs, traffic regulatory signs and recreational signs. Residential signage includes neighborhood gateway treatments and

landscaping. Nonresidential signage consists of both commercial and office/institutional signs and is further divided into gateway, freestanding, identification and building-mounted signage.

Condition 3.b.: ■A tracking table shall be submitted with each Final Development Plan which shows the cumulative number of dwelling units approved on the Preliminary Plat of Subdivision and the maximum permitted under the approved Plan.●

Because the Preliminary Plat of Subdivision (4-02023) is not scheduled for Planning Board action until May 16, 2002, the same day as the Final Development Plan, it is not possible yet to provide final numbers of approved units from the Preliminary Plat of Subdivision. Phase I contains four parts, with Part I being approved with 412 residential units; Part II approved with 530 residential units; Part III does not propose any residential units; for a projected combined total of 942 residential units approved to date for Phase I. Phase II contains two parts; the subject application proposes 586 residential units. In totality, at this time Phase I and Phase II will approve 1,528 residential units. The maximum permitted townhouses allowed per CB-56-1996 (■In no event shall the number of townhouses exceed 25% of the total number of dwellings in the [M-X-C] Zone . . . ●) for the entire development is 25 percent of 1,799 or 449 units. It should be noted that in Phase I, Part I, 243 townhouse units were approved; Phase I, Part II, approved 217 townhouse units; and Phase II, Part I, proposes 300 townhouse units; for a total of 760 units. The footnote on page 14 of the FDP clarifies that the applicant shall not build more than 449 units. The applicant seeks the flexibility to float the location of the townhouses in order to achieve the best possible layout for the development.

The FDP provides running cumulative density figures for all of the Single-Family - Low Density, Single-Family - Medium Density, and Other Residential areas approved to date in relation to the maximum density allowed for each of those categories in Sec. 27-546.04(b).

Condition 4: The feasibility of the realignment of Church Road through the subject property shall be determined prior to Preliminary Plat approval for the eastern portion of Phase I. If the construction of the C-48 connection across the Westwood property and the primary street connecting the site to Church Road identified in rezoning condition 20 (d), are determined not feasible, the applicant shall amend the Comprehensive Sketch Plan to eliminate the Street C link north of the eastern most activity area and revise the text to address these changes. The revision shall be approved by the Planning Board or its designee.

The Planning Board has found the proposed realignment of Church Road acceptable as submitted. At the time of approval of Comprehensive Sketch Plan CP-0101, the applicant presented the proposed realignment to the Planning Board. Therefore, the Planning Board believes that the applicant needs only to submit to the Urban Design Section the revised

alignment for Church Road for approval. This will constitute a staff level revision to CP-9504.

- (b) FDP-0201 is in substantial conformance with the layout and design concepts expressed in approved Comprehensive Sketch Plan CP-0101 and with the applicable conditions of approval, with the following qualifications:

Condition 2.c: As part of the Preliminary Plan of Subdivision application, a viewshed analysis, as defined by the Design Guidelines and Standards for Scenic and Historic Roads (pages 4 and 5), for all residential areas of this application that abut Church Road shall be provided.

While the subject application includes the realigned Church Road it does not include any residential areas that abut Church Road. Therefore, the above condition is not applicable at this time.

Condition 2.d: Provisions for how appropriate notice may be provided to any prospective future residents of areas impacted by airport operations.

This condition is being addressed in the review of the Preliminary Plan of Subdivision 4-02023. For further discussion see Finding 15.

Condition 2.e: To ensure compatibility with the historic site, Fairview, those lots directly contiguous to the Fairview parcel or the Community Use areas surrounding the Fairview parcel which may affect sight lines from Fairview shall be identified.

The subject application does not include lotting. Therefore, this condition cannot be fulfilled at this time. Condition 2 in the Recommendation section of this report addresses this concern.

Condition 2.f: The shape of the 10-acre park land shall be determined at the time of Preliminary Plan. The parkland shall not be used for stormwater management facilities, tree conservation areas or utility easements. The dedicated parkland shall be usable for active recreation. Adequate vehicular access shall be provided to the parkland to be determined at the time of Preliminary Plan of subdivision.

See Finding 14 for further discussion pertaining to the above condition.

Condition 7: Prior to Certificate Approval of the CP for Phase II of Fairwood, the Comprehensive Sketch Plan, for Phase I (CP-9504), of Fairwood, shall be revised to graphically indicate the final alignment of Church Road, in accordance with the revised plans dated November 16, 2001, with the Planning Board's designee having final approval authority.

The Comprehensive Sketch Plan for Phase II, CP-0101, at the time of the writing of the staff report, has not been certified. CP-0101 was appealed to the District Council and is scheduled for hearing on May 13, 2002. At the time of approval of CP-0101 by the District Council the applicant should revise CP-9504 to graphically indicate the final alignment of Church Road. Condition 1.f in the Recommendation section of this report addresses the above concern. It should be noted that CP-0101 was certified on Wednesday May 5, 2002.

Condition 8: At the time of approval of the Preliminary Subdivision Plan for the affected areas of Phase II, the applicant shall demonstrate to the Planning Board that the safety and compatibility of any proposed residential development with airport operations has been specifically addressed.

The subject application does not include residential areas that will be affected by the operation of Freeway airport.

11. **■The overall design, mix of uses, and other improvements reflect a cohesive development of continuing quality and stability, while allowing for effective integration of subsequent phases.●**

The Planning Board finds the application in conformance with the above condition.

12. **■Transportation facilities (including streets and public transit), which are existing; which are under construction; or for which one hundred percent (100%) of the construction funds are allocated within the adopted County Capital Improvement Program, within the current State Consolidated Transportation Program, or will be otherwise provided, will be adequate to carry anticipated traffic.●**

The Transportation Planning Section, in a memorandum dated May 3, 2002 (Masog to Whitmore), offered the following comments:

■For reasons discussed further below, the applicant did not prepare a traffic impact study, and the transportation staff did not request one. The findings and recommendations outlined below are based upon a review of the 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*.

■Summary of Traffic Analysis

■Issues regarding transportation adequacy along MD 450 for the entire Fairwood site were addressed during the review of previous applications associated with Phase

I of Fairwood. While Phase I was reviewed as Comprehensive Sketch Plan CP-9504, the definitive findings were associated with Preliminary Plan of Subdivision 4-97024 and Final Development Plan FDP-9701. The applicant submitted considerable material in this regard when CP-0101, the underlying sketch plan for this site, was reviewed. The 4-97024 and FDP-9701 applications included a condition requiring the applicant to make contributions of roadway improvements and cash payments totaling \$5.5 million, and the condition states that this contribution constitutes the entire financial responsibility of Fairwood toward MD 450, with Fairwood consisting of 1,799 dwelling units and 350,000 square feet of nonresidential uses. This is Condition 10 of the Planning Board's resolution approving 4-97024 and Condition 4 of the District Council's order approving FDP-9701. The bearing of these conditions upon the findings required for the subject application was a matter of appeal to the Circuit Court. In reviewing the testimony provided and the studies conducted, the Circuit Court determined that there was substantial evidence to support a finding of adequacy for the entire project, and the Court let stand all previous decisions. The applicant and State Highway Administration in 2001 executed an agreement that will provide the funding as described in the condition. Therefore, the condition has been satisfied.

■Therefore, the transportation staff did not anticipate reviewing a comprehensive study as a part of the subject application, and did not request one. Sufficient materials were reviewed in connection with past preliminary plans/final development plans. Issues specific to on-site traffic issues were reviewed under CD-0101. With the review of past decisions and materials, staff believes that all needed findings can be made without benefit of a new traffic study. For these reasons, staff believes that adequate transportation facilities will exist to support the proposed development at intersections along MD 450 as well as at the major intersections along Church Road within Fairwood. Major capacity improvements along MD 450 are in the initial stages of construction, and the applicant is providing significant funding to ensure that these improvements are built as development of the Fairwood site begins.

■Plan Issues

■All uses would receive access via streets or driveways to Fairview Drive, the major street connecting Fairwood Parkway, the southwestern quadrant of the site, and Church Road. This phase will be connected to Church Road. The improvements to Church Road within the site will particularly improve connections for the entire Fairwood development to the south along Church Road.

■Proposed dedication along Church Road is adequate. The right-of-way and proposed cross-section along Fairview Drive are consistent with prior approvals.

■The transportation staff initially raised concerns concerning two local streets and excessive development on them (i.e., Goodloes Promise Drive and Lees Progress Drive/Hatties Progress Drive). Transportation staff generally has great concerns about long cul-de-sacs which are accessed by many lots. This concern was further heightened by the fact that an active public park will be placed along Goodloes Promise Drive. Discussions with the applicant indicated that the applicant is reluctant to create a situation where excessively wide streets create a potential for speeding. However, transportation staff notes that the standard cross-section within a 50-foot right-of-way, with parking on both sides, does not permit easy two-way traffic operations. Furthermore, a public park does not have a fixed trip generation, and so for the facilities within that park to be developed to full potential, good and safe two-way access must exist. The transportation staff and the Planning Board cannot recommend waiving public street standards without concurrence from the operating agency (in this case, the County Department of Public Works and Transportation (DPW&T)).

■Another concern would be access to the *other residential* area which is Area B within Phase II, Part 1 of the FDP and Parcels F, G, and H on the preliminary plan. To the extent possible, access to this area should be accomplished through joint-use easements or roadways rather than by means of separate driveways within a short distance. Access to this area should be reviewed further at the time of Detailed Site Plan.

■A-9894 and CP-0101 contain a number of transportation-related conditions. It is also important to note three earlier applications, CP-9504, 4-97024, and FDP-9701, and indicate that the plan is consistent with these approvals. With regard to the preliminary plan condition in 4-97024, staff would note that the condition is proposed to be repeated as a condition of approval for the subject plan; however, staff also takes notice that the required agreements between the applicant and the responsible agencies have been fully executed. The status of other related conditions is summarized below:

■A-9894:

Condition 2: This condition concerns traffic calming to potentially lower the speed of traffic along C-48 through the community. This issue was discussed extensively during review of CP-0101, and will be addressed during Detailed Site Plan review.

■Condition 3: This condition concerns the staging of the connection of Church Road between the subject property and MD 450. Traffic analyses provided by the applicant during review of CP-0101 have shown that the connection of Church Road between Phase II and Westwood is not needed for the development of Phase II. Existing Church Road, along with Fairwood Parkway, provide adequate connections between the Fairwood project and surrounding roadways.

■Condition 20: This condition requires that alignments for several Master Plan roadways be established at the time of Comprehensive Sketch Plan. These alignments, to the extent applicable, were satisfactorily established upon approval of CP-0101.

■Condition 21: This concerns the use of site design to encourage usage of transit and other non-vehicular modes. While the subject application uses good principles of arranging land uses, the potential for accessibility to transit and other modes should be further examined in regard to street layout, lotting patterns, pedestrian and bicycle facility locations, and building locations at the time of Detailed Site Plan.

■CP-0101:

■Condition 3: This condition requires an improvement at the existing MD 450/Church Road intersection in the event that construction on Phase II begins prior to Fairwood Parkway being constructed. This condition should be carried over to the subject plans to ensure that it is enforced.

■Condition 4: This condition is similar to condition 3 above, and also should be carried over to the subject plans to ensure that it is enforced.

■Condition 5: This condition requires dedication and construction along Church Road. The submitted plans reflect adequate dedication. However, this condition should be carried over to the subject plans to ensure that it is enforced.

■Condition 6: This condition is the response to condition 2 of the Basic Plan. As it would be addressed as a part of the Detailed Site Plan, and as the subject plans are concerned with Church Road, this condition should be carried over to the subject plans to ensure that it is enforced.

■In summary, the staff believes that these plans conform to A-9894, Comprehensive Sketch Plan CP-0101, and all other plans.●

Comment: It should be noted that Preliminary Plan of Subdivision 4-02023 addresses the majority of the above referenced concerns. However it should be noted that Conditions 3, 4, 5 and 6 have been incorporated into the Recommendation Section of FDP-0201 for the sake of consistency.

Referral Responses

13. The Environmental Planning Section in a memorandum dated April 10, 2002 (Markovich to Whitmore), offered the following comment:

■...A review of the available information indicates that streams, wetlands, 100-year floodplain, severe slopes, and areas of steep slopes with highly erodible soils are

found to occur on the property. Transportation-related noise impacts have been found to impact this property. The soils found to occur according to the Prince George's County Soil Survey include Adelphia fine sandy loam, Bibb silt loam, Collington fine sandy loam, Monmouth clay loam, Monmouth fine sandy loam, Mixed alluvial land, Shrewsbury fine sandy loam, and Westphalia fine sandy loams. Some of these existing soils have limitations which would have some impact on the development of this property. According to available information, Marlboro clay is not found to occur on this property. The sewer and water service categories are S-3 and W-3. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program publication titled "Ecologically Significant Areas in Anne Arundel and Prince George's Counties," December 1997, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. Church Road is a designated scenic and historic road. This property is located in the Collington Branch and Northeast Branch subwatersheds of the Patuxent River watershed and in the Developing Tier as reflected in the adopted Biennial Growth Policy Plan.

Basic Plan, A-9894-C

■ The Basic Plan approval does not include any environmental conditions to be addressed during the review of the Final Development Plan.

Comprehensive Sketch Plan, CP-9504

■ 2.a A detailed Forest Stand Delineation (FSD) shall be submitted for review and approval in conjunction with each Preliminary Plat of Subdivision and Final Development Plan.

■ The FSD is being reviewed in conjunction with Preliminary Plan of Subdivision 4-02023.

■ 2.b A noise study shall be submitted for each Preliminary Plat of Subdivision and Final Development Plan which contains land area adjacent to MD 450 and the realigned Church Road. The analysis shall include typical cross sections with the location of the 65 dBA noise contour.

■ The only portion of this application adjacent to MD 450 or realigned Church Road is the portion of the application including the Church Road realignment. There is no development proposed by this application which would be impacted by the noise from MD 450 or realigned Church Road and the FDP does not, by its nature, contain sufficient information to review for full conformance with this condition. The condition will be fully addressed with each Preliminary Plan of Subdivision.

■2.c The Type I Tree Conservation Plan (TCPI/27/96) shall be revised in conjunction with each Preliminary Plan of Subdivision and Final Development Plan to provide for on-site afforestation in priority planting areas (PMA), expand the tree save areas where possible, and refine the location of afforestation along US 50 to preserve the viewshed along that road. The Department of Parks and Recreation shall review and approve all Tree Conservation Plans which contain any land to be dedicated for public purposes. Proposed afforestation areas of the site to be dedicated for public park use shall address the guidelines and practices of the Department of Parks and Recreation for afforestation on parkland.

■The Preliminary Plan of Subdivision application includes a Type I Tree Conservation Plan, TCPI/27/96, which was approved in conjunction with CP-9504 and is being revised as necessary in conjunction with Preliminary Plan of Subdivision 4-02023. The review of the Type I Tree Conservation Plan with the Preliminary Plan of Subdivision will address this condition in full.

■2.e Preliminary Plats of Subdivision and Final Development Plans which include land area adjacent to the existing Church Road shall include special design techniques which will minimize the impacts to the scenic and historic nature of Church Road.

■The Preliminary Plan of Subdivision, 4-02023, is being reviewed for consistency with this condition. The FDP does not, by its nature, contain sufficient information to review for full conformance to this condition.

■2.g A conceptual Sewer Plan shall be submitted to the Natural Resources Division which shows all proposed off-site sewer alignments for each Preliminary Plat of Subdivision and Final Development Plan. This plan shall include property boundaries, topography, anticipated size of easements and approximate locations of stream and wetland impacts.

■This condition is being addressed in the review of Preliminary Plan of Subdivision 4-02023.

■Comprehensive Sketch Plan, CP-0101

■The Comprehensive Sketch Plan, CP-0101, approval does not include any environmental conditions to be addressed during the review of the Final Development Plan. There are several conditions that are required to be complied with on the Preliminary Plan of Subdivision.

■Environmental Review

- 1. A Simplified Forest Stand Delineation (FSD) was reviewed in conjunction with the Comprehensive Sketch Plan, and a Detailed Forest Stand Delineation is being reviewed in conjunction with the Preliminary Plan of Subdivision, to address the requirements for an FSD in accordance with the Prince George's County Woodland Conservation and Tree Preservation Technical Manual.
 - 2. Woodland Conservation requirements were previously addressed during the review and approvals of the Comprehensive Sketch Plans and Type I Tree Conservation Plans (TCPI). The approved TCPIs are revised as necessary during the review and approval of the Preliminary Plans of Subdivision, as more detailed information becomes available. Preliminary Plan of Subdivision application 4-02023 includes a revised TCPI for review.●
14. The Department of Parks and Recreation (DPR) in a memorandum dated April 29, 2002 (Asan to Whitmore), offered the following comments:
- Zoning Ordinance 24-1994 includes the following development conditions regarding public parkland in Phase II development area:
 - Condition 18.b Dedicate to the M-NCPPC, 10 acres for public parkland to be located along the southwestern border of the site in accordance with Master Plan recommendations for Collington West Community Park. The proposed location of this park shown on the submitted PDP dated March 30, 1993, should be relocated about 2,000 feet to the north (of the southwest corner of the site.)**
 - Planning Board Resolution PGCPB No. 02-17 Condition 2.f of the Comprehensive Sketch Plan for Phase II, CP-0101 states:
 - The shape of the 10-acre parkland shall be determined at the time of Preliminary Plan. The parkland shall not be used for stormwater management facilities, tree conservation areas or utility easements. the dedicated parkland shall be usable for active recreation. Adequate vehicular access shall be provided to the parkland to be determined at the time of Preliminary Plan of Subdivision.**
 - Discussion:
 - The applicant has designated 10 acres (Parcel D) as an addition to Collington West Community Park along the southwestern border of the site for the park..

■A 6.11-acre portion of Collington West community Park has been dedicated from the adjacent community and will be developed with two tennis courts, a playground and a sitting area in accordance with an RFA recorded at Liber 10570, Folio 508.

■The 10-acre portion of the community park to be dedicated as part of the subject subdivision will provide acreage, which could be used for athletic fields, picnic areas, and a parking lot. The proposed parkland is offset to the north from the existing parkland on the west. This offset and the proposed layout of the park parcel create a pocket of land on the north which is in steep slopes and not usable for active or passive recreation. This area should be added to the adjacent residential lots. Staff recommends that the area shown on the plans as Lots 50 and 52 be added to the park to provide a more continuous parcel that is better suited for the development of recreation facilities.

■The applicant proposes grading on the dedicated parkland to accommodate residential lots and the access road. These proposed improvements preclude the use of parkland for active recreation.

■The applicant proposes access to the parkland via a secondary residential street within a 50-foot right-of-way. This type of roadway will not provide adequate two-way vehicular access to the public parkland. The secondary residential street should be replaced with primary residential street (60-foot right-of-way) to provide two-way vehicular access to the community park. Another option for the provision of two-way access would be to obtain a variation from the Prince George's County Department of Public Works and Transportation standards to provide a wider pavement in the proposed 50-foot right-of-way.

■Conclusion

■The proposed parkland does not meet requirements of the approved Comprehensive Sketch Plan, CP-0101, and it is not suitable for active recreation. The layout of the parkland should be revised as shown on attached Exhibit A. The proposed grading of the site should be revised to eliminate grading that will preclude the development of the park. An adequate two-way street should be provided which will provide safe access to the Community Park.

Comment: At the time of the hearing the applicant presented an analysis of dedicated parkland for the following three (3) subdivisions:

	FAIRWOOD	WESTWOOD	MARLEIGH
GROSS TRACT SIZE	1,058 acres	254.55 acres	164.63 acres
ZONE	M-X-C	R-E	R-L

YIELD	1,799 D. U.	221 D. U.	231 D. U.
DENSITY	1.7 D. U. per acre	0.87 D. U. per Acre	1.4 D. U. per acre
PARK DEDICATION	110 acres/10.4%	0 Acres/0%	6.1121 Acres/3.71%

Westwood is located north of Fariwood and shares a common property line with the subject site. Marleigh is located to the southeast of Fariwood and the dedicated parkland in Marleigh abuts the parkland to be dedicated by Fairwood to the Department of Parks and Recreation.

The Department of Parks and Recreation proffered that the park land to be dedicated, as represented by the applicant's exhibit, was acceptable. However, it should also be noted that the Parks Department did not want the portion of land located behind Lots 50 and 51 to be dedicated to M-NCPPC. The Parks Department is of the opinion that this area has too steep of slopes to be beneficial for parkland, therefore, the portion of Parcel D located behind Lots 50 and 51 of Block BB should be lotted out to be included in the afore mentioned single-family lots.

15. The Community Planning Division, in a memorandum dated April 29, 2001 (D'Ambrosi and Rovelstad to Whitmore), offered the following comments:

■ This proposed Final Development Plan for Fairwood is in conformance with the master plan recommendations for Large-Lot Alternative Low-Density development. With regard to airport compatibility the following determination applies:

■ Phase II of the Fairwood proposal is located under the aircraft traffic pattern associated with Freeway Airport. Freeway Airport is a small, privately owned, public use, general aviation airport located directly across US 50 to the south. This airport has been in operation since the mid-1950s. Aircraft associated with flights to and from Freeway Airport are primarily small, light-weight, single-engine aircraft. The subject property is located underneath the runway approach/departure area of the standard airport traffic pattern area at the north end of Freeway Airport. The area most subject to negative impacts by aircraft operations is located east of the PEPCO power lines that bisect the property from north to south, north of US 50. Because of the height of these power lines, aircraft do not fly in a traffic pattern over the property located west of the power line.

■ There are presently no county regulations that specifically address development of this property for residential land use relative to the impact of air traffic in this area. The Planning Department staff has been engaged in a project to evaluate the need for regulations to enhance land use compatibility and safety in the vicinity of general aviation airports. To provide expert information about airport compatibility planning and related

issues, an aviation consultant was engaged. The consultant produced a study entitled *Airport Land Use Compatibility and Air Safety Study for The Maryland-National Capital Park and Planning Commission*, November 1, 2000, by William V. Cheek and Associates. This report indicates that the land area underneath small airport traffic patterns has a slightly elevated risk of exposure to aircraft accidents and noise. On the basis of recommendations contained in the consultant report, the Planning Department prepared a proposal for airport land use compatibility regulations. The Planning Board transmitted the proposal to the District Council in 2001. The District Council has held several work sessions on the proposed regulations in 2002 and may introduce legislation to revise the Zoning Ordinance during the current legislative session.

■The consultant study indicates that residential land use may be compatible in the areas around the periphery of airport flight traffic pattern areas if density is low and there is adequate disclosure to residents. Closer to the ends of the runway, where aircraft are very low to the ground, residential land uses are not compatible and should be minimized or avoided. To mitigate whatever risk exists, one strategy that is cited is to provide areas of open space that would allow pilots to land aircraft in an emergency such as parking lots, streets, or open fields.

■This application addresses primarily the areas west of the PEPCO power line which is designated as Part One of Phase II. East of the power line, the application only pertains to primary roads proposed in both Phases I and II: Fairwood Parkway and Church Road. No land use proposals east of the power line (except the two roads) are addressed in this application. Thus, there is no direct impact from aircraft operations at Freeway Airport on the proposals in this application.

■Assuming regulations addressing airport land use compatibility are approved in the near future, they may indirectly affect the ability of the applicant to achieve their approved development yield. The ability to shift intended residential units away from the areas underneath the flight path east of the PEPCO power line in order to mitigate the negative impacts of aircraft operations may be restricted (or facilitated) by the development pattern proposed in this application. However, since final development plan proposals have not been submitted for the area east of the PEPCO power line (except for two roads), it is impossible to determine the significance of this issue at this time.

■Although not located directly under the flight path or the reduced traffic pattern area, low-flying aircraft will be noticeable in and around the area encompassed by this application. Therefore, appropriate notification should be provided to prospective purchasers. This additional requirement

will be addressed in detail at the time of preliminary subdivision application.●

The Preliminary Plan of Subdivision, being presented concurrently with the subject application, will address the timing of appropriate notification to prospective purchasers.

16. The Transportation Planning Section, in a memorandum dated November 22, 2000 (Shaffer to Whitmore), offered the following comments pertaining to trails:

■ . . Numerous feeder trails are shown on previously submitted 4-02023. Two additional feeder trails are recommended from the end of Newmans Toil Court and Harleys Toil Court in Parcels B and C, respectively. These recommended connections will more directly link these courts to the planned pedestrian system to the north and west.●

Comment: The Preliminary Plan of Subdivision 4-02023 presented concurrently with the subject application addressed the above referenced concern.

17. The Department of Public Works and Transportation provided comments for designated roadway improvements within the right-of-way. The plans should address these comments at the time of the review of permits.
18. The Department of Environmental Resources (DER) has no objection to the plans as submitted.
19. Finding 12, among other issues, addresses the required finding pertaining to transportation adequacy. The following is being provided for informational purposes only.

The Growth Policy and Public Facilities Planning Section has reviewed the final development plan for impacts on public facilities. The following is provided for information purposes only. The data was taken from our referral on Preliminary Plan of Subdivision 4-02023.

Fire and Rescue Services

The existing fire engine service at Bowie Fire Station, Company 39, located at 15454 Annapolis Road, has a service response time of 6.44 minutes, which is beyond the 5.25-minute response time guideline.

The existing ambulance service at Bowie Fire Station, Company 39, located at 15454 Annapolis Road, has a service response time of 6.44 minutes, which is beyond the 6.25-minute response time guideline.

The existing paramedic service at Glenn Dale Fire Station, Company 18, located at 11900 Glenn Dale Boulevard, has a service response time of 8.76 minutes, which is beyond the 7.25-minute response time guideline.

The above information is in accordance with the *Adopted and Approved Public Safety Master Plan 1990* and the *Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities*.

Police Service

The proposed development is within the service area of District II- Bowie.

Public Schools

The Growth Policy and Public Facilities Planning Section has reviewed the final development plan for adequacy of public facilities in accordance with CB-40-2001 and the *Adequate Public Facilities Regulations for Schools* (CR-23-2001).

Impact on Affected Public School Clusters

Affected School Clusters #	Dwelling Units	Pupil Yield Factor	Subdivision Enrollment	Actual Enrollment	Completion Enrollment	Wait Enrollment	Cumulative Enrollment	Total Enrollment	State Rated Capacity	Percent Capacity	Funded School
Elementary School Cluster 3	291 sfd, 300 mfd	0.24	141.84	5864	339	128	0	6472.84	5054	128.07%	Bowie, Whitehall
Middle School Cluster 2	291 sfd, 300 mfd	0.06	35.46	4397	201	189	6.19	4828.65	3648	132.36%	East Central
High School Cluster 2	291 sfd, 300 mfd	0.12	70.92	12045	412	377	12.36	12917.28	10811	119.48%	Frederick Douglass addn.

Source: Prince George's County Planning Department, M-NCPPC, January 2002

The affected elementary, middle, and high school cluster percent capacities are greater than 105 percent. Bowie and Whitehall are the Funded Schools in the affected elementary school cluster. East Central is the Funded School in the affected middle school cluster. The Frederick Douglass addition is the Funded School in the affected high school cluster.

Comment: The Growth Policy and Public Facilities Planning Section in a revised memorandum dated May 28, 2002 (Izzo to Chellis) offers the following finding:

■After further review of the information provided in our Memo dated May 6, 2002, the Growth Policy and Public Facilities Planning Section has concluded that the entire development is beyond the recommended response times from ambulance and paramedic service. Therefore, Section 2 of the development will not be adequately

served by ambulance and paramedic services. This finding was based on using the existing road system.

■ Staff finds that if Phase I, Part 2 is completed with Fairwood Parkway and Fairview Vista Drive fully constructed (as shown in Phase I, Part 2) then ambulance and paramedic service will be adequate to serve Section 2 within the recommended response time. Fairview Drive does connect to Church Road, but using that route into this project would not meet response time standards, therefore the Fairwood Parkway access is critical in meeting ambulance and paramedic recommended response times...•

The Preliminary Plan of Subdivision 4-02023 which is being presented concurrently with this application addresses the above concern.

20. The Maryland Department of Transportation, State Highway Administration, had not responded to the referral request at the time of the writing of the staff report.
21. The City of Bowie and the Enterprise Road Corridor Development District had not responded to the referral request at the time of the writing of the staff report.

Additional Urban Design Concerns

22. The Planning Board has identified several provisions in the FDP text which require minor revision to improve the clarity and consistency of the FDP standards, as follows:
 - a. On page 35 of the FDP text, the applicant states the following:
 - . . Landscaping proposed shall generally exceed applicable standards (including quantity and size) of the *Landscape Manual*, where determined to be appropriate. •

At the time of approval of FDP-0001 the following language was approved:

■ Landscaping proposed shall exceed applicable standards (including quantity and size) of the *Landscape Manual*, where determined to be appropriate. •

- b. On page 37 of the FDP text, the applicant states the following:

■ Telephone and utility boxes along the roadside shall be located as sensitively as possible to minimize their visibility from the street. •

At the time of approval of FDP-0001 the following language was approved:

■ Telephone and utility boxes along the roadside shall be effectively screened. •

Conditions 1.b(1) and 1.b(2) in the Recommendation Section of this report address the above concerns.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Final Development Plan for the above-described land, subject to the following conditions:

1. Prior to certificate approval of the Final Development Plan, the following shall be accomplished or the following information shall be supplied.
 - a. The plans shall be revised to show a 60-foot-wide right-of-way for access to the public parkland or the applicant shall obtain approval of a variation from the Department of Public Works and Transportation standards to provide a pavement width which will accommodate two-way vehicular access to the planned parkland.
 - b. The following revisions shall be made to the text of the FDP in Section 6.0 (Landscape Design):
 - (1) On p. 38 of the FDP , in the second sentence the word *generally* shall be struck. The second sentence shall read as follows:

Landscaping proposed shall exceed applicable standards (including quantity and size) of the *Landscape Manual*, where determined appropriate.
 - (2) On p. 37 of the FDP text under Residential Streets the last sentence shall read as follows:

Telephone and utility boxes along the roadside shall be effectively screened.
 - c. CSP-9504 shall be revised to graphically indicate the final alignment of Church Road, in accordance with the revised plans dated November 16, 2001.
 - d. The FDP shall be revised to make the configuration of all parks and of all other parcels identical to those on the approved Preliminary Plan of Subdivision, except as is necessary to delineate the division of land uses along the center of streets and otherwise observe the conventions of the FDP as an indicator of the division of land uses among the various categories unique to the M-X-C Zone.
 - e. The area located behind Lots 50 and 51 that was originally intended to be dedicated to the Parks Department shall be lotted out to be included in Lots 50 and 51. The area of parkland to be dedicated to the Department of Parks and Recreation shall be recalculated and the text as well as the plans shall be revised to reflect the correct

amount of acreage to be dedicated to the Department of Parks and Recreation. This park land shall be of the same shape and acreage as shown of the Preliminary Plan of Subdivision 4-02023.

2. At the time of submittal of any Detailed Site Plan that impacts the historic site the applicant shall identify the lots that are directly contiguous to the Fairview Parcel of the Community Use areas surrounding the Fairview parcel which may impact the sight lines from Fairview.
3. The plan shall be revised to show Lees Progress Drive as a 60-foot- right-of-way between Fairview Drive and Hatties Progress Drive.
4. Access to the ■other residential• area which is Area B within Phase II, Part 1 of the FDP and Parcels F, G, and H on the preliminary plan shall be accomplished through joint-use easements or roadways rather than by means of separate driveways within a short distance. Access to this area shall be reviewed further at the time of Detailed Site Plan.
5. If Fairwood Parkway is not constructed in its entirety from Church Road to MD 450 at the time that Phase II of Fairwood begins to discharge traffic onto Church Road, the applicant shall extend the existing right-turn lane along existing Church Road at existing MD 450. The extended lane shall be constructed to DPW&T requirements to a length of no less than 250 feet with taper.
6. If Fairwood Parkway is not constructed in its entirety from Church Road to existing MD 450 at the time that Phase II of Fairwood begins to discharge traffic onto Church Road, and if MD 450 has been relocated onto a new alignment by the State Highway Administration, the applicant shall widen existing MD 450 (which would be functioning as a service road at that time) to accept a double left-turn from northbound Church Road. This widening shall be constructed to the standards of the responsible operating agency.
7. At the time of the applicable Detailed Site Plans, brick or stamped asphalt crosswalks, raised pavement markings, and/or other strategies which are appropriate to the function of the roadway shall be considered at two or three key locations along Church Road within the Fairwood property subject to the approval of the County Department of Public Works and Transportation and acceptance of maintenance responsibility by the same agency.

Land Use	FDP Acreage				Proposed Use			
Single Family Low Density (SF-LD)								
	Phase I, Part I	Phase I, Part II	Phase I, Part III	Phase II, Part I	Phase I, Part I	Phase I, Part II	Phase I, Part III	Phase II, Part I
Area A	34.6 acres	42.15 acres		12.96 acres	72 residential lots	35 residential lots		28 residential lots
Area B		0.73 acres		54.80 acres				102 residential lots
Area C		0.66 acres		3.09 acres				Future R.O.W.
Area D			5.38 acres					Future R.O.W.
Subtotal	34.6 acres	43.54 acres	5.38 acres	70.85 acres				
Single Family Medium Density (SF-MD)								
Area A	38.0 acres			41.89 acres	97 residential lots	0 residential lots		123 residential lots
Area B				0.20 acres				Future R.O.W.
Area C				1.50 acres				Future R.O.W.
Subtotal	38.0 acres			43.59 acres				
Other Residential (OR)								
Area A	22.8 acres	25.39 acres		10.05 acres	168 dwelling units (max.)	214 multi-family dwelling units (max.)		38 residential lots
Area B	9.9 acres	13.43 acres		28.64 acres	75 dwelling units (max.)	86 single-family attached* dwelling units		Max. of 300 single-family attached or multi-dwelling units
Area C		18.62 acres				40 single-family		

Land Use	FDP Acreage				Proposed Use			
						detached units		
Area D		27.25 acres				28 single-family detached lots and 131 single-family attached* dwelling units (max.)		
Area E		2.86 acres				Public street right-of-way		
Subtotal	32.7 acres	87.55 acres		38.69 acres				
Non-Residential (NR)								
Area A	30.2 acres	6.11 acres	0.46 acres		Max. 100,000 sf Retail and 125,000 sf Institutional/ office/other permitted uses	Max. 125,000 sf Institutional/ Office and other permitted uses.	This parcel will be developed in combination with a larger contiguous parcel of NR, contained within Phase I, Part II.	
Area B	5.6 acres	2.36 acres			Future R.O.W.			
Area C	7.5 acres	7.44 acres			Future R.O.W.			
Subtotal	38.3 acres	15.91 acres	0.46 acres					
Community Use (CU)								
Area A	3.7 acres	18.30 acres		2.03 acres	Park Land	Open Space to be dedicated to Maryland National Capital Park and Planning Commission		
Area B	5.9 acres	15.00 acres		7.39 acres	Open Space	School Site		

Land Use	FDP Acreage				Proposed Use			
Area C	32.5 acres	3.04 acres		0.99 acres	Open Space	Open Space		
Area D	34.4 acres	2.25 acres		6.91 acres	Open Space	Open Space		
Area E	2.7 acres	6.32 acres		0.73 acres	Open Space	Open Space		
Area F	0.9 acres	1.52 acres		1.73 acres	Open Space	Open Space		
Area G		1.94 acres		10.01 acres		Park Land		Open Space to be dedicated to Maryland National Capital Park and Planning Commission
Area H		12.11 acres		71.48 acres		Open Space		
Area I		0.78 acres		.13 acres		Open Space		
Area J		0.43 acres		.02 acres		Open Space		
Area K		0.90 acres	1.20 acres			Open Space	Open Space	
Area L		1.32 acres	1.66 acres			Open Space	Open Space	
Area M		0.49 acres				Open Space		
Subtotal	80.1 acres	64.40 acres	2.86 acres	101.42 acres				
Grand Total	223.7 acres	211.40 acres	8.70 acres	254.55 acres				

* (attached units are limited to townhouses)

* * * * *

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 Lowe, seconded by Commissioner Scott, with Commissioners Lowe, Scott, Brown and Hewlett voting in favor of the motion, and with Commissioner Eley absent, at its regular meeting held on Thursday, June 6, 2002, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 27th day of June 2002.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:LW:rmk