PGCPB No. 04-95 File No. FDP-0301

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 April 29, 2004, regarding Final Development Plan FDP-0301, the Planning Board finds:

1. **Previous Approvals:** 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.

   In addition to Zoning Map Amendment A-9804-C, two detailed site plans that cover the entire Fairwood project were also approved so far. On January 6, 2000, a comprehensive signage program for the entire Fairwood project, DSP-99034**,** was approved by the Planning Board (Resolution PGCPB No. 99-243). On December 20, 2001, an umbrella architecture scheme, DSP-01046, was approved by the Planning Board (Resolution PGCPB No. 01-258).

   The entire Fairwood project is staged into two phases, Phase I and Phase II:

   Phase I. Phase I of Fairwood development consists of four parts and is covered by Comprehensive Sketch Plan CP-9504, which is composed of 471 acres of land, approximately 1,000 units and 350,000 square feet of nonresidential uses. CP-9504 was approved by the District Council on February 24, 1997. Following the approval of CP-9504, two final development plans, FDP-9701 (and accompanying 4-97024) for Phase I, Part 1, of 223.7 acres and FDP-0001 (and accompanying 4-00057) for Phase I, Part 2, of 211.4 acres, were approved for Phase I west of the PEPCO easement. Until the writing of this report, 11 detailed site plans, or revisions thereto, for Phase I covering single-family detached houses, infrastructure, landscaping and recreational amenities, the community recreational center, condominiums and townhouses were also approved. Portions of Phase I west of the PEPCO easement are currently under construction.

   Phase II. Phase II of the Fairwood development consisting of two parts is covered in Comprehensive Sketch Plan CP-0101, which is composed of 586.69 acres of land and approximately 1,000 units. The District Council approved CP-0101 on June 3, 2002. One final development plan, FDP-0201 (and accompanying 4-02023), for Phase II, Part 1, and Phase I, Part 3, of 263.25 acres was approved for Phase II west of the PEPCO easement and Phase I east of the PEPCO easement. To date three detailed site plans, DSP-03015, DSP-03068 and DSP-03070, have been approved for Phase II.

The subject application, FDP-0301, is a final development plan (and accompanying 4-03128) for the remaining portions of Phase II (Part 2 of 325.16 acres) and Part 4 of Phase I (23.11 acres), a total of 348.27 acres, east of the PEPCO easement.

2. **The Proposal:** The subject Final Development Plan, FDP-0301, constitutes Part 2 of Phase II and Part 4 of Phase I and encompasses 348.27 acres of the land areas approved under both Comprehensive Sketch Plans, CP-9504 and CP-0101. Site data for FDP-0301 are as follows:

Land Use	FDP Acreage	Proposed Use
1. Single Family-Low Density (SF-LD)		
Area A	9.76	11 single-family detached lots
Area B	26	Open space
Area C	58.23	159 single-family detached lots
SF-LD in Phase II, Part 2	93.99	
Area D	3.16	7 single-family detached lots
Area E	12.62	39 single-family detached lots
SF-LD in Phase I, Part 4	15.78	
Subtotal SF-LD	109.77	
2. Single Family- Medium Density (SF-MD)		
Area A	14.3	28 single-family detached lots
Area B	116.66	216 single-family detached lots
SF-MD in Phase II, Part 2	130.96	
SF-MD in Phase I, Part 4	0	
Subtotal SF-MD	130.96	
3. Community Use (CU)		
Area A	1.53	Open space
Area B	27.64	Open space
Area C	9.04	Open space
Area D	23.76	Open space
Area E	21.6	Open space
Area F	16.64	Open space
Community Use in Phase II, Part 2	100.21	
Area G	2.77	Open space
Area H	4.56	Open space
Community Use in Phase II, Part 2	7.33	
Subtotal Community Use		
Total Land Use	**348.27**	

Fairwood Tracking Table

	SF-LD			SF-MD			Other Residential Use			Townhouse
	DUs	Acreage	DUs/Ac	DUs	Acreage	DUs/Ac	DUs	Acreage	DUs/Ac	
Approved FDPs (including Phase I, Parts 1,2,& 3; and Phase II, Part 1)	237	154	1.539	220	80.58	2.736	1042	158.4	6.578	760**
The subject application (Phase I, Part 4 and Phase II, Part 2)	216	109.77	1.968	243	130.96	1.856	0	0	0	0
Cumulative	505*	263.77	1.922	463*	211.54	2.189	867*	158.4	5.473	
Max. Density			2			4			15	

Notes: * Condition 6 of Zoning Ordinance No. 24-1994 for approval of A-9894-C has limited the total development of Fairwood to 1,799 units. But both CP-9504 and CP-0101 approved 1,000 units for each phase that contribute to a total of 2,000 units in order to provide flexibility to the development. The actual units must be within the approval unit cap of 1,799 units that should be tracked with the preliminary plan of subdivision when the bulk parcels are resubdivided.

** Pursuant to CB-56-1997, the percentage of townhouses cannot be more than 25 percent of the total dwelling units. A maximum of 449 townhouse units is permitted for the entire Fairwood project. Up till now, the total approved number of townhouse units is 760 in order to allow flexibility in allocation of townhouses within the development. But once again, the actual units shall remain within the townhouse unit cap.

3. **The Site and Vicinity:** The subject final development plan covers the remaining Fairwood development east of the PEPCO easement. To the west of the site is the PEPCO easement; to the north of the site are existing properties in the R-R and R-E Zones; to the east of the site is the existing subdivision in the R-R Zone; and to the south of the site is the right-of-the way of John Hanson Highway (US 50). Across John Hanson Highway are Freeway Airport and properties in the R-A and R-E Zones.

COMPLIANCE WITH EVALUATION CRITERIA

4. **Zoning Map Amendment A-9894-C and the Accompanying Preliminary Development Plan:** On May 24, 1994, the District Council approved Zoning Map Amendment A-9894-C and the accompanying preliminary development plan to rezone the 1,057.69-acre Fairwood site from the R-E

to the M-X-C Zone, subject to 22 conditions. FDP-0301 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; the following conditions warrant discussion:

18. The applicant shall take the following actions regarding parkland:

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 the 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.

Comment: At the time of Preliminary Plan of Subdivision 4-02023, a specific Parcel D of 10 acres was plotted along the west boundary line of Phase II of the Fairwood project, between Portia Promise Court and Quanders Promise Court in Block BB. As the result of the adoption of CB-51-2002, an ordinance concerning general aviation airports and aviation policy areas, most of the Fairwood project east of the PEPCO easement is within the aviation policy areas (APAs) and is subject to the requirements of CB-51-2002 because of the presence of Freeway Airport south of John Hanson Highway (US 50). The applicant has made many revisions to the previously approved plans in order to meet the APA purposes and requirements. One of the revisions shown in Infrastructure Detailed Site Plan DSP-03068 is to plot out Parcel D. The applicant and the Department of Parks and Recreation (DPR) have agreed to relocate the park to the east of the PEPCO easement close to the airport, labeled as "Community Use Area D" on this FDP. According to the review comments of DPR, the new location of the parkland will be more accessible to the community and will be twice the size of the originally designated one.

21. 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.

Comment: 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. Staff 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.

5. **Comprehensive Sketch Plan CP-9504:** On February 24, 1997, the District Council approved Comprehensive Sketch Plan CP-9504, which contains approximately 471 acres of land for Phase I of Fairwood in an order affirming the Planning Board's decision in PGCPB Resolution No. 96-241, subject to ten conditions. The following conditions are applicable to the subject Final Development Plan review:

2. The following information shall be included with each submission for a Preliminary Plat of Subdivision and Final Development Plan for land areas contained within Phase I of Fairwood. Special attention shall be given, but not limited to the following information:

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.

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.

…

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.

Comment: The above three issues have been reviewed and addressed with the Preliminary Plan of Subdivision, 4-03128. Appropriate conditions of approval have been recommended to ensure the conformance of the above conditions at the time of detailed site plan review.

3. The following information shall be included with each submission for a Final Development Plan for land areas contained within Phase I of Fairwood. Special attention shall be given, but not limited to the following information:

a. A descriptive text with design standards shall be submitted as part of each Final Development Plan (FDP). The text shall describe and/or illustrate the design concepts to be employed in each FDP. 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. In the non-residential areas, a statement regarding the mixture of uses shall be submitted which describes the character of these areas. In addition, the text shall include sections on the following:

<u>Circulation and Parking</u>
Vehicular Circulation
Parking and loading
Pedestrian and Bicycle Circulation

Grading and Drainage

General Guidelines
Anticipated Construction Sequencing

Lot Development Standards, Utilities and Easements

Lot Sizes
Yard and Setback Requirements (including specific rear yard setbacks based on various conditions, and standards for accessory structures such as sheds and decks)
Utility Easements

Landscape Design

Design Concept (including focal points and the pocket park concept)
Plant Material Use
Landscape Grading
Streetscapes Standards
Tree Preservation
Site Furnishings
Walls, Fences and Screening Techniques

Architecture

Building Siting
Architectural Massing and Details
Building Height
Building Materials

Recreational Facilities

Location
Type

Signage

Signage Type and Hierarchy (gateway, commercial/ retail and residential)
Signage Guidelines

Comment: The FDP text includes substantial language in fulfillment of this condition with the exception of the recreational facilities. Even though the FDP states that two types of "pocket parks" will be planned at key locations specifically to incorporate the existing hedgerows into green space, no specific commitments are made concerning the type and location of recreation facilities to be provided in Part Two of Phase II and Part Four of Phase I. A condition of approval has been proposed in the Recommendation section of this report.

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.

Comment: Because the preliminary plan of subdivision (4-03128) is not scheduled for Planning Board action until April 29, 2004, the same day as the subject final development plan, it is not possible yet to provide final numbers of approved units from the preliminary plan of subdivision. The entire Fairwood project will be developed in two major phases. Each phase is further divided into different parts. Phase I contains four parts, with Part 1 being approved with 412 residential units; Part 2 is approved with 530 residential units; Part 3 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, with Part 1 being approved with 402 residential units. The subject application includes Phase II, Part 2, and Phase I, Part 4, and proposes a total of 460 single-family detached dwelling units. In totality, if this FDP is approved by the Planning Board, Phase I and Phase II will have 1,804 residential units, which is five units above the unit cap for Fairwood that was approved in Zoning Map Amendment A-9894-C. A condition of approval has been proposed to ensure the conformance at the time of DSP.

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 12 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 300 townhouse units in Phase II, Part 1, have already been converted into single-family detached units by the approval of Infrastructure Detailed Site Plan DSP-03070. The total number of townhouses approved so far is 460 units. No townhouse unit has been proposed in the subject FDP. Thus, no townhouse units are in Phase II of the Fairwood project.

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 Section 27-546.04(b).

An inconsistency in the community use area has been found between the subject FDP and Preliminary Plan of Subdivision 4-03128. Appropriate conditions of approval have been recommended in 4-03128 to ensure the conformance at the time of DSP review.

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.

Comment: At the time of approval of Comprehensive Sketch Plan CP-0101, the applicant presented the proposed realignment to the Planning Board. At the time of approval of FDP-0201 for Fairwood Phase I, Part 3, and Phase II, Part 1, the Transportation Planning and Urban Design Sections found the proposed realignment of Church Road acceptable as submitted. As Urban Design staff noted in FDP-0201, the applicant needs only to submit to the Urban Design Section for approval if there is any revision to the alignment for Church Road. That will constitute a staff level revision to CP-9504.

6. Development within the subject property under Phase I shall be limited to a total of 1,000 dwelling units, 100,000 square feet of retail space, and 250,000 square feet of office and institutional uses, or any combination of these or other permitted uses which generate no more than 1145 AM and 1276 PM peak hour trips as determined under the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*, as revised in April 1989.

Comment: Phase I contains four parts, with Part 1 being approved with 412 residential units; Part 2 approved with 530 residential units; Part 3 does not propose any residential units; for a projected combined total of 942 residential units approved to date for three parts of Phase I. The application contains Part 4 of Phase I with a proposed 46 single-family detached lots. The total dwelling units for Phase I will be 988, which is below the total allowable unit number of 1,000. No land uses other than single-family detached residential and open space have been proposed in Part 4, Phase I.

8. To the extent possible, the existing gravel lanes shall be utilized as part of the overall trail network.

Comment: FDP (p. 21) text 3.3. Pedestrian and bicycle circulation indicates that incorporating the existing gravel lanes will be a key feature of the proposed pedestrian system. The application complies with the above condition, to the extent possible.

6. **Comprehensive Sketch Map CP-0101:** On June 5, 2002, the District Council approved Comprehensive Sketch Plan CP-0101, which covers the remaining approximately 579.68 acres of land of the Fairwood project for Phase II, in an order affirming the Planning Board's decision in PGCPB Resolution 02-17, subject to 15 conditions. The following conditions are applicable to the subject Final Development Plan review:

2. Prior to approval of the Preliminary Plan of Subdivision and the Final Development Plan the following shall be provided:

a. A revised TCPI if it is determined that Woodland Conservation Areas located in the vicinity of the northern flight path do not conform to applicable and enforceable aviation regulations.

Comment: A Type I Tree Conservation Plan, TCPI/8/01-01, as submitted with the Preliminary Plan of Subdivision, 4-03128, was found to require revisions by the Environmental Planning Section. The revised TCPI will be approved in conjunction with the preliminary plan of subdivision, which is scheduled to be on the same date with the subject FDP.

b. A noise study shall be submitted for each Preliminary Plat of Subdivision which contains land area adjacent to US 50 and the realigned church Road. The analysis shall include typical cross sections with the location of the 65 dBA noise contour.

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.

Comment: The Order of Approvals in the M-X-C Zone requires that the final development plan be submitted concurrently with the corresponding preliminary plan of subdivision. The above noise and Church Road issues will be addressed in specific detail in the preliminary plan review. Since the above issues are significant in nature, they should also be discussed in the FDP context. A condition of approval has been proposed in the Recommendation section of this report.

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

Comment: The subject FDP covers the remaining Fairwood project east of the PEPCO easement that is within aviation policy areas APA 2 to APA 6. The applicant has addressed the concerned APA issues during the review process. In addition to specific technical requirements, CB-51-2002, an ordinance concerning general aviation airport and aviation policy areas, also requires proper notification of the airport environment to the homebuyers. The FDP text does not provide any discussions on how the APA issues have been addressed. A condition of approval has been proposed in the Recommendation section of this report.

3. Should Fairwood Parkway not be 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.

4. Should Fairwood Parkway not be 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.

Comment: The above two conditions have not been fulfilled yet. According to the review by the Transportation Planning Section (Masog to Zhang, April 19, 2004), the two conditions should be carried over as conditions of approval of the subject application to ensure that they are enforced at the appropriate time.

7. **CB-51-2002:** An ordinance concerning general aviation airport and aviation policy areas, was adopted by the County Council on July 23, 2002 (adding Sections 27- 548.32 to 548.49). The ordinance took effect on September 1, 2002. The ordinance divides the land surrounding airports into six aviation policy areas (APA) and stipulates development standards for each APA. The subject application is located within APA 3 to APA 6 of Freeway Airport and is subject to CB-51-2002.

The original development proposal for this area, as approved by the M-X-C Zone application prior to adoption of APA regulations, has been redesigned to meet the APA criteria now in the Zoning Ordinance. A comprehensive review of the application's compliance with the APA regulations by the Community Planning Division indicates that the redesigned proposal is in general compliance with CB-51-2002. See Finding 9.a. for a detailed discussion on the referral comments from the Community Planning Division.

8. **M-X-C Zone Requirements:** Prior to approving a final development plan, the Planning Board shall make the following findings per Section 27-546.06(d) (2) of the Zoning Ordinance:

(A) The proposed plan generally conforms to the Comprehensive Sketch Plan.

Comment: The subject application consists of Phase II, Part 2, and Phase I, Part 4. Each phase of the Fairwood project is covered by a separate comprehensive sketch plan, i.e., Phase I by CP-9504 and Phase II by CP-0101. FDP-0301 is in substantial conformance with the layout and design concepts expressed in approved Comprehensive Sketch Plans CP-9504 and CP-0101 and with the applicable conditions of approval as discussed in above Findings 6 and 7.

(B) 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.

Comment: The application covers the remaining portion of the Fairwood project. The Urban Design Review staff considers the overall design, the location and relationship of residential and community uses, and the proposed street system to reflect a cohesive development. The Urban Design Review Section shares some of the concerns of the City of Bowie in their letter (dated March 18, 2004) concerning cul-de-sac street, outdoor lighting, landscaping and buffering along Church Road. The city recommends the following revisions to the FDP in order to justify the required finding:

- **Amend page 33 of the FDP text to encourage the use of 'light-reflective, energy sensitive' roofing materials that are compatible with the other architectural design features of the buildings.**

- **Amend page 29 of the FDP text to state that 80 percent of the landscaping for individual lots and community use parcels including the areas to be afforested and reforested shall be native plants.**

These suggested amendments have been incorporated into the conditions of approval as shown in the Recommendation section of this report.

(C) 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.

Comment: The Transportation Planning Section concludes after a through review of the subject application that the plan, from the standpoint of transportation, is in substantial conformance with previously approved plans. The Transportation Planning Section further noted that adequate transportation facilities would exist to serve the proposed development if the application is approved with the two conditions as proposed in the Transportation Planning Section memorandum (Masog to Zhang, April 19, 2004).

9. **Referral Comments**: The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:

a. The Community Planning Division, in a memorandum dated April 15, 2004 (D'Ambrosi and Irminger to Chellis and Zhang), indicated that this application is not inconsistent with the 2002 General Plan development pattern policy for the Developing Tier and conforms to the master plan map recommendation for suburban estate density. The community planners have an extensive discussion on the application's compliance with Section 27-548.32 to 27-548.49 regarding aviation policy areas (APA). Major conclusions are summarized as follows:

APA	Zoning Ordinance Citation	Use Restrictions	Proposal	Consistent with APA regulations
1	27-548.38(b)(1)	No new residential structures	No residential structures are proposed.	Yes.
1	27-548.38(d)(2)	Above-ground storage of flammable materials is prohibited.	No uses are proposed in APA 1.	Yes.

APA	Zoning Ordinance Citation	Use Restrictions	Proposal	Consistent with APA regulations
1	27-548.39 (a)(2)	Site plans shall show the height of all proposed buildings, structures and vegetation.	Heights are not identified in the FDP or the subdivision plan.	Not evaluated by Community Planning Division.
1	27-548.41(a), (b)(1)	Maintain all undeveloped land as open area.	No development is proposed in APA 1.	Yes.
2	27-548.38(b)(2)	No new residential structures, except on lots platted before September 1, 2002.	No new residential structures are proposed.	Yes.
2	27-548.38(c)(2)	Development on a lot may not exceed 0.25 floor-to-area ratio.	No development is proposed in APA 2.	Yes.
2	27-548.38(c)(3)	Yards are permitted for structures located outside APA 2.	A portion of the yard for Lot 67 is proposed in APA 2.	Yes.
2	27-548.38(d)(2)	Above-ground storage of flammable materials is prohibited.	No uses are proposed in APA 2.	Yes.
2	27-548.39 (a)(2)	Site plans shall show the height of all proposed buildings, structures and vegetation.	Heights are not identified in the FDP or the subdivision plan.	Not evaluated by Community Planning Division.
2	27-548.41(a), (b)(2)	50% open area required.	This proposal exceeds this requirement.	Yes.
3M	27-548.38(a)	All structures shall be located as far as possible from the runway centerline.	The proposed development is located as far as possible from the runway centerline.	Yes.

APA	Zoning Ordinance Citation	Use Restrictions	Proposal	Consistent with APA regulations
3M	27-548.38(b)(3)	Density of 0.2 dwelling units per acre is permitted, if clustered using APA mitigation subdivision techniques 0.5 dwelling units per acre is permitted.	Acreage in APA 3M = 48 acres. Using APA mitigation subdivision techniques, 24 dwellings are permitted; 24 dwellings are proposed. The density is 0.5 dwelling units per acre. The proposed lots are clustered away from the end of the runway or extended runway centerline and vary in size from 9,100 to 25,041 square feet.	Yes, complies with the APA mitigation subdivision regulations.
3M	27-548.38(c)(2)	Development on a lot may not exceed 0.25 floor-to-area ratio.	FAR are not identified in the FDP or the subdivision plan.	Not evaluated by Community Planning Division.
3M	27-548.38(c)(3)	When a lot is in multiple APAs, land in any APA may satisfy open area requirements.	OK.	Yes.
3M	27-548.38(d)(1)	Certain types of uses are prohibited.	None of these prohibited uses are proposed.	Yes.
3M	27-548.39(a)(1)	Site plans shall delineate APA boundaries.	Boundaries have been identified.	Yes.
3M	27-548.39(a)(2)	Site plans shall show the height of all proposed buildings, structures and vegetation.	Heights are not identified in the FDP or the subdivision plan.	Not evaluated by Community Planning Division.
3M	27-548.41(a), (b)(3)	20% open area required.	The proposal far exceeds the requirement.	Yes.
4	27-548.38(b)(4)	Same density as underlying zone.	Proposed density is that allowed by M-X-C Zone.	Yes.

APA	Zoning Ordinance Citation	Use Restrictions	Proposal	Consistent with APA regulations
4	27-548.39 (b)	Every application shall demonstrate compliance with the height restrictions.	Heights are not identified in the FDP or the subdivision plan.	Not evaluated by Community Planning Division.
4	27-548.41(a), (b)(4)	30% open area required.	The proposal exceeds the requirement; 41% open area is proposed, with majority located along extended runway centerline.	Yes, see comments regarding tree planting.
4	27-548.42(a)	No building permit shall be approved for any structure higher than 50' unless compliance with height restrictions is demonstrated.	Heights are not identified in the FDP or the subdivision plan.	Implemented at the time of building permit.
5	27-548.38(b)(2)	No new residential structures, except on lots platted before September 1, 2002.	No new residential structures are proposed.	Yes.
5	27-548.38(c)(2)	Development on a lot may not exceed 0.25 floor-to-area ratio.	No development is proposed in APA 5.	Yes.
5	27-548.38(d)(1)	Certain types of uses are prohibited.	None of the prohibited uses are proposed.	Yes.
5	27-548.39(a)(2)	Site plans shall show the height of all proposed buildings, structures and vegetation.	Heights are not identified in the FDP or the subdivision plan.	Not evaluated by Community Planning Division.
5	27-548.39(b)	Every application shall demonstrate compliance with the height restrictions.	Heights are not identified in the FDP or the subdivision plan.	Not evaluated by Community Planning Division.
6	27-548.38(b)(4)	Same density as underlying zone.	Proposed density is that allowed by M-X-C Zone.	Yes.
6	27-548.39(b)	Every application shall demonstrate compliance	Heights are not identified in the FDP	Not evaluated by Community

APA	Zoning Ordinance Citation	Use Restrictions	Proposal	Consistent with APA regulations
		with the height restrictions.	or the subdivision plan.	Planning Division.
6	27-548.42(a)	No building permit shall be approved for any structure higher than 50' unless compliance with height restrictions is demonstrated.	Heights are not identified in the FDP or the subdivision plan.	Implemented at the time of building permit.
All APAs	27-548.41(d)(3)	Generally, land uses shall not endanger the safe operation of aircraft, specific activities also mentioned.	From the information submitted, the only activity identified that may endanger the safe operation of aircraft is a stormwater management pond in APA 3M that may attract birds.	See comments regarding lighting standards and tree planting.
All APAs	27-548.42(b)	Height of any structure more than 50' is to be reviewed by FAA or MAA.	Compliance of any structure exceeding 50' will be determined with review of detailed site plan.	Not evaluated by Community Planning Division.
All APAs	27-548.43(a)	Disclosure of airport location to be provided at purchase contract.	Sellers are responsible for providing prospective buyers with the statement.	Implemented by others.
All APAs	27-548.43(b)(1)	Declaration of covenants for HOA shall include notice of airport environment prior to final plat approval.	The applicant is responsible for preparing declaration.	Implemented prior to final plan approval.

The Community Planners have also provided recommendations specifically on issues such as the height of trees and streetlights within and around APAs. Those recommendations have been incorporated into the conditions of approval.

b. The Environmental Planning Section, in a memorandum dated January 26, 2004 (Markovich to Zhang), provided conditions regarding the Patuxent River primary management areas (PMA), the scenic and historic character of Church Road and the transportation related noise issues that have been incorporated into the conditions of approval.

c. The Department of Parks and Recreation (DPR), in a memorandum dated February 5, 2004 (Asan to Zhang), recommended approval of the Final Development Plan, FDP-0301, subject to three conditions, which have been incorporated into the Recommendation section of this staff report.

d. The Transportation Planning Section, in a memorandum dated April 19, 2004 (Masog to Zhang), provided an extensive review of the history of this case. The staff concluded that adequate transportation facilities would exist to serve the proposed development as required under Section 27-546.06(d) of the Zoning Ordinance if the application is approved with the following conditions, which have been incorporated into conditions of approval in the Recommendation section of this report:

1. 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.

2. 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.

In a separate memorandum from the Transportation Planning Section dated March 4, 2004 (Shaffer to Zhang), on detailed site plan review for master plan trail compliance, the trails planner concluded that the trails issues were addressed at the time of the preliminary plan. No additional comments are made at this time.

e. The Maryland Aviation Administration in a memorandum dated February 12, 2004 (Mundie to Zhang) concluded that:

"All requirements set forth under the Code of Maryland Aviation Regulations (COMAR), Chapter 5, Section 11.03.05 appear to have been met. There seem to be no glaring discrepancies regarding proposed construction of the residential subdivision, which may result in future obstructions to the Imaginary Approach Surface of Runway 18 at Freeway Airport.

"However, the MAA strongly suggests that proper approval be obtained from the Prince George's County Planning and Zoning Division. This step will ensure the requirements of local zoning regulations for proposed land-use compatibility near public-use airports within

the county are met at the local governing level."

f. The City of Bowie, in a memorandum dated January 28, 2004 (Chaisson to Zhang), indicated that more information is needed in order to comment on the application.

In a second memorandum dated March 18, 2004 (Chaisson to Chellis), the planner provided comments on issues in Preliminary Plan 4-03128 and Final Development Plan FDP-0301 such as road pattern improvement, APA issues, landscaping, noise, and lotting pattern. The planner has also recommended two amendments specifically to the FDP text. The two recommendations have been incorporated into the conditions of approval.

g. The Department of Environmental Resources, in a memorandum dated February 10, 2004 (De Guzman to Zhang), indicated that the final development plan for Fairwood is consistent with approved stormwater concept approval #7979-2001.

h The Historic Preservation and Public Facilities Planning Section, in a memorandum dated January 29, 2004 (White to Zhang), provided review comments on the impact of the proposed development on fire and rescue, school facilities, and police facilities, as well as water and sewer categories. The staff concluded that except for fire engine service, which is beyond the 5.25-minute travel time guideline, ambulance and paramedic services are within the recommended travel time. A condition of approval has been proposed in order to alleviate the negative impact on fire and rescue due to the inadequate service.

The staff also concluded that this project meets the adequate public facilities policies for school facilities contained in CB-30-2003 and CB-31-2003 and CR-23-2003. The existing county police facilities will be adequate to serve the proposed development. The water and sewer service categories for this project are W-3 and S-3 according to water and sewer maps dated June 2003 obtained from the Department of Environmental Resources.

i. The State Highway Administration (SHA), in a memorandum dated March 17, 2004, indicated that SHA has no objection to approval of FDP-0301 for Fairwood Phase II, Part 2, and Phase I, Part 4. Development of these phases will not negatively impact the state road system.

j. A concerned citizen, Ms. Ainsworth, AOPA airport support network volunteer, who represents pilots in Freeway Airport, in a memorandum dated January 21, 2004 (Ainsworth to Zhang), raised concerns over the configuration of open space in APA 4, outdoor lighting over the whole development, and notification of prospective homeowners of the airport development. Ms. Ainsworth believes that there is not enough open space in APA 4 for an emergency landing if an aircraft experiences an engine failure right after it takes off. She notes that lighting of the areas surrounding the airport should be mitigated in order to minimize the impact on pilot's night vision. Ms. Ainsworth recommends the following as regards to notification of homeowners:

> **…that (a) all potential homeowners receive notification of the proximity of the airport before contract; (b) the runway should be depicted on the larger sketch of the development shown to all potential homeowner in Phase II; and (c) 'Low-flying aircraft' signs be posted along the west side of Church Road north of the intersection with Fairview Vista Drive.**

Comment: The above comment by Ms. Ainsworth was sent to the applicant as soon as the staff received it. At the urging of the staff, the applicant held a meeting with the pilots of Freeway Airport to address the concerns. The applicant later revised the layout of the lots within the southern portion of APA 4 and kept the northern portion unchanged. But no action has been taken to address outdoor lighting and notification of homeowner issues.

Ms. Ainsworth reviewed the revised plan. In her memorandum dated April 14, 2004 (Ainsworth to Zhang), Ms. Ainsworth provided additional recommendations on limiting the height of the trees around the proposed linear open space under the flight path in APA 4 and further concluded that:

> **In summary, there are major improvements in this revised PSP [**Preliminary Plan of Subdivision]**, the revised plan is still not in compliance with the provisions of CB-51-2002.** [definition added]

Comment: The Community Planning Division carried out a comprehensive review of the subject FDP's compliance with the CB-51-2002, an ordinance concerning general aviation airports and aviation policy areas. In a memorandum (D'Ambrosi and Irminger to Chellis and Zhang) dated April 15, 2004, the community planners concluded that the revised plan complies with CB-51-2002. See Finding 9.a. for more details.

k. The Department of Public Works and Transportation (DPW&T) had not responded to the referral request at the time the staff report was written.

l. The Enterprise Road Corridor Development District had not responded to the referral request at the time of the staff report was written.

Additional Urban Design Concerns

10. The FDP text (p.25, Section 5.0 Lot Development Standards and Utility Easements) proposes development standards for single-family detached lots covered in this FDP. The development standards include minimum lot size, setbacks of yards and patio lot, maximum building height, and maximum lot coverage. Since the proposed standards do not cover all proposed lot types in the preliminary plan of subdivision, especially no standards specifically for those lots with narrower frontage at the end of cul-de-sac roads, the Urban Design staff has proposed the following comprehensive development standards for the subject FDP. These lot development standards, if approved by the Planning Board, will be an addendum to the approved and adopted Fairwood Residential Design Guidelines for New Construction regarding lot developments covered by this

FDP. The landscape design requirement contained in the above-noted Fairwood design guidelines, which is above what is required by the *Landscape Manual*, should remain as the current landscaping standards for all developments of this FDP.

Lot Development Standards

Minimum lot size (Sq. Ft)	6,000	
Maximum lot coverage (%)	35	
Minimum lot width at front street line (Feet)	25	
	Frontage narrower than 50 feet*	Frontage wider than 50 feet
Minimum front yard (Feet)	30	20
Depth of rear yard without deck/with a deck (Feet)	20/10	25/10
Total of both side yards/ Minimum of either yard (Feet)	15/8	20/10

*Note: No more than 15 percent of lots as approved in Preliminary Plan of Subdivision 4-03128 shall have a lot frontage narrower than 50 feet.

11. The Urban Design Section has identified several issues that have not been addressed in the FDP text as follows:

a. As discussed in Finding 7, the subject application is subject to CB-51-2002, an ordinance concerning general aviation airports and aviation policy areas. But no information has been provided in the FDP text as to how the application has been conceived in order to meet the APA regulations. A condition of approval, which requires the applicant to revise the FDP text to add a special chapter on APA compliance to specifically address major issues such as density, open space, building and vegetation height, as well as notification of airport environment has been included in the Recommendation section of this report.

b. Section 27-548.38 (d) of the Zoning Ordinance stipulates that:

> **(3) In all APAs, uses of land should, to the greatest extent possible, not:**
> **…**
>
> **(D) Make it difficult for pilots to distinguish between airport lights and other lights, or impair pilot or**
>
> **(E) Otherwise endanger the landing, taking off, or maneuvering of aircraft.**

Outdoor lighting is also a major concern of Freeway Airport pilots. But the FDP text does not have any discussion on the outdoor lighting. Fairwood residential design guidelines have

a special chapter on exterior lighting. The lighting design guidelines, however, are not detailed enough to address the special situation in Phase II where an airport is so closely located to the development. Several referral memoranda call for fully shielded lighting fixtures that control the light output in order to maximize their effectiveness on the target property and minimize their adverse impact beyond the property borders. For the public streets, the concurrence with the Department of Public Works and Transportation is necessary in order to use this lighting technology. For the individual lots, the applicant should study the feasibility of the possible application, present the specific outdoor lighting technology and revise the exterior lighting chapter in the Fairwood residential design guidelines at the time of detailed site plan. A condition of approval has been proposed in the Recommendation section of this staff report to address this concern.

c. The subject application is a redesign of the original Comprehensive Sketch Plan submission that was approved prior to the enactment of CB-51-2002. As a result of this adjustment, a lot of open space that will be dedicated to the homeowners association (HOA) is located within various APAs. Ensuring the perpetual maintenance of those open spaces, including woodland conservation areas within aviation policy areas to meet the APA's regulations regarding heights of vegetation, will be a special requirement for the HOA. The exact location and specific treatment should be spelt out at the time of detailed site plan and contained in the Type II tree conservation plan. The special provisions that address the above-mentioned issue should be included in the HOA covenants and be recorded among the Land Records of Prince George's County prior to the final plat. Since this issue has been reviewed and properly addressed with Preliminary Plan of Subdivision 4-03128, no condition of approval regarding this issue has been proposed with this application.

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 this final development plan, the applicant shall

a. Show a 20-acre portion of Community Use Area D to be dedicated to M-NCPPC for parkland as shown on Exhibit A attached to the Department of Parks and Recreation's memorandum (Asan to Zhang, February 5, 2004)

b. Specific information shall be provided in the FDP concerning the type and location of recreation facilities to be provided in Phase I, Part 4, and Phase II, Part 2, of Fairwood.

c. Revise the FDP text to include a discussion of the Patuxent River primary management area (PMA) and character of the proposed PMA impacts.

d. Revise the FDP text to include a discussion of Church Road and how the scenic and historic character of Church Road will be protected.

e. Revise the FDP text to include a discussion of the sources of noise impact, the extent of those impacts, and mitigation techniques proposed to address these adverse noise impacts.

f. Revise page 29 of the FDP text to state that 50 percent of the landscaping for homeowners association land and community-use parcels including the areas to be afforested and reforested shall be native plants.

g. Revise page 33 of the FDP text to encourage the use of roofing materials that are compatible with the other architectural design features of the buildings.

h. All land to be dedicated to The Maryland-National Capital Park and Planning Commission shall be labeled as such. The plans and FDP text shall be modified as appropriate to include these areas.

i. Revise the FDP plans to be consistent with the FDP text.

2. Trails shall be designed and constructed in accordance with Park and Recreation Facilities Guidelines and shall meet the latest recommendations of *the Regulatory Negotiation Committee on Accessibility Guidelines for Outdoor Developed Areas* developed under Titles II and III of the Americans with Disabilities Act of 1990 (ADA).

3. Prior to certificate approval of this FDP, staff and the applicant shall meet to determine which, if any, standards below are necessary to supplement or amend standards in this FDP. The development of single-family residential uses shall be subject to the following development standards:

Minimum lot size (Sq. Ft)	6,000	
Maximum lot coverage (%)	35	
Minimum lot width at front street line (Feet)	25	
	Frontage narrower than 50 feet *	Frontage wider than 50 feet
Minimum front yard (Feet)	30	20
Depth of rear yard without deck/with a deck (Feet)	20/10	25/10
Total of both side yards/ Minimum of either yard (Feet)	15/8	20/10

*Note: No more than 15 percent of lots as approved in Preliminary Plan of Subdivision 4-03128 shall have a lot frontage narrower than 50 feet.

4. At the time of detailed site plan (DSP), the following shall be accomplished or the following information shall be supplied:

a. A tracking table on each DSP to show the cumulative numbers of both the total residential units and townhouse units to ensure conformance to the allowable buildout for the Fairwood

development.

b. The exact amount, location, and timing of installation of the proposed on-site recreational facilities shall be established.

c. The landscape buffering and screening of the lots along the realigned Church Road shall be thoroughly reviewed and evaluated to ensure that proper landscape measures have been put in place.

d. The feasibility of the application of fully shielded outdoor lighting technology for both the public street and individual houses with regard to airport safety concerns shall be fully evaluated with the Department of Public Works and Transportation. The specific lighting technology shall be submitted with the DSP application.

e. The applicant shall provide information concerning concepts and techniques to be used at Fairwood that will encourage the use of mass transit and reduce reliance upon single-occupancy vehicle trips.

f. Show the location, type and width of all planned trails linking to the community park. A minimum of two connections, or one as agreed to by DPR, to the park from the subdivision shall be provided.

g. Provide a special chapter on how the requirements of CB-51-2002 (such as density, heights, open area, lighting, and notification of homeowners) have been addressed in the FDP and how the safety and compatibility of any proposed residential development with airport operations has been specifically addressed in each APA.

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 Church Road at 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.

* * * * * * * * * * * * *

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 Vaughns, seconded by Commissioner Eley, with Commissioners Vaughns, Eley, Squire, Harley and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, April 29, 2004, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 20th day of May 2004.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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