

R E S O L U T I O N

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

WHEREAS, in consideration of evidence presented at a public hearing on March 23, 2000, regarding Detailed Site Plan SP-99052 for Fairwood (Infrastructure), the Planning Board finds:

1. This Detailed Site Plan for Infrastructure is limited to the proposed grading of the site, the installation of utilities, streets and the stormwater management ponds. Included with the application is the proposed Tree Conservation Plan, TCPII/12/00. The ultimate development of the site will include approximately 169 single-family lots, other residential (townhouse or townhouse/single-family mixed) totaling 243 lots, 100,000 square feet of retail and 125,000 square feet of Institutional/Office/other permitted uses, and 80 acres of open space.
2. The subject property is located on the south side of MD 450, approximately 1,400 feet east of MD 193. The property consists of 223.7 acres of land in the M-X-C Zone.
3. The Preliminary Plat for the subject property, Fairwood 4-97024, was approved with conditions by the Planning Board on July 17, 1997 (adopted on July 31, 1997, PGCPB No. 97-194). Conditions of the Preliminary Plat applicable to the subject Detailed Site Plan are as follows:
 3. **Development of this subdivision shall be in accordance with the approved Stormwater Management Concept Plan, concept #978004830; and prior to Final Plat, a fee-in-lieu of \$9,435 shall be paid to the Department of Environmental Resources (DER) for on-site attenuation control measures.**

Comment: The proposed plan is in accordance with the approved Stormwater Management Concept Plan. The applicant should pay \$9,435 to DER for on-site attenuation control measures prior to final plat.

4. **Prior to approval of the Final Plat, in accordance with Section 24-134 and 24-135 of the Subdivision Regulations of the Prince George's County Code, the Planning Board, on the recommendation of the Department of Parks and Recreation, required of the applicant, his heirs, successors and/or assigns, that land to be dedicated to the M-NCPPC (82.13 +/- acres) shall be subject to the following:**

- c. **The boundaries and acreage of land to be conveyed to the M-NCPPC shall be indicated on all development plans and permits which include such property.**

Comment: The plans should be revised and land that is to be conveyed to M-NCPPC should be labeled.

- e. **Storm drain outfalls shall be designed to avoid adverse impacts on land to be conveyed to or owned by M-NCPPC. The DPR shall review and approve the location and design of these facilities. The DPR may require a performance bond and easement agreement prior to issuance of grading permits.**

Comment: The Department of Parks and Recreation did not identify any problems with proposed stormdrain outfalls.

6. At the time of Detailed Site Plan, the following conditions shall be applied:

- a. **The area between the southern boundary of the Westwood development and the northern edge of Livingstone's Endeavor and Jordan's Endeavor rights-of-way shall be addressed by either: a) change of grade of at least six feet; b) a berm at least six feet in height, or c) a six foot brick masonry wall.**
- b. **Prior to the issuance of the building permit for the 18th single-family home located within the Robert's Prospect area, construction of the private park within this area shall be completed.**
- c. **At least 50 percent of the houses (on lots less than 10,000 square feet), shall contain single family dwellings with a minimum 2,250 square feet of living area.**

Comment: The submitted plan is for infrastructure only and does not address any landscaping issues, triggers for the construction of the private park within Robert's Prospect, or the minimum square footage of proposed single-family dwellings. At the time a detailed site plan is submitted for the above-mentioned areas, it will be reviewed for compliance with these conditions.

- 9a. **The existing farm lane with hedge row shall be preserved for a multi-use trail, and included as part of the internal trail system through the subject property. This trail system shall be dedicated to a homeowners' association.**

Comment: The farm lane is being preserved as required, but dedication of the lane/trail to the homeowners association is not shown.

- 9e. **Prior to Final Plat, the following right-of-way issues shall be delineated and noted on the plan:**
- (1) **Right-of-way for the reconstruction of MD 450 shall be transferred in accordance with State Highway Administration plats and the Prince Georges County Master Plan of Highways.**
 - (2) **Right-of-way easements for construction of MD 450 including the perpetual or slope easements shall be in accordance with the State Highway Administration plats.**
 - (3) **The term ■No Direct Access■ shall be placed on the plan along those lots which abut MD 450.**

Comment: The plans shall be revised or information supplied to ensure conformance to the above referenced conditions.

4. The Comprehensive Sketch Plan for the subject property, Fairwood CP-9504, was approved with conditions by the District Council on February 24, 1997.

- 1c. **A minimum lot size of 40,000 square feet or a 25-foot undisturbed tree or landscape buffer shall be provided adjacent to all R-E Zoned land, except for that portion of the Robert's property R-E Zoned land located immediately south of that section of road ■A■ which abuts the Robert's property.**

Comment: The subject property does not abut the Robert's property.

- 1d. **The Infrastructure Plan shall be revised to show a pedestrian/bike trail along relocated Church Road. The trail is in accordance with the Master Plan which identifies realigned Church Road as constructed with an open section roadway with seven to ten foot wide shoulders (not sidewalks) designed to accommodate cyclists and which promote the rural character of the area.**

Comment: Church Road is not part of this submission.

5. The Final Development Plan for the subject property, Fairwood FDP-9701, was approved with conditions by the District Council on May 11, 1998. Condition 2 of that approval is as follows:

2. **Prior to submission of the first Detailed Site Plan, the applicant shall obtain approval from the Planning Board for a Detailed Site Plan for a comprehensive program governing signage throughout the entire Fairwood development as set forth in Section 27-546.04(i) of the Zoning Ordinance.**

Comment: This condition was met per DSP-99034 approved by the Planning Board on December 16, 1999 (adopted January 6, 2000, PGCPB No. 99243). The Detailed Site Plan is in general conformance with the approved Final Development Plan (FDP-9701).

6. The Environmental Planning Section in a memorandum dated March 9, 2000 (Markovich to Whitmore), had the following comments:

■Wetlands, streams, 100-year floodplains and the associated buffers have been found to occur on the property and have been reflected as the Patuxent River Primary Management Area (PMA) on the plans. Many of the proposed impacts to the PMA are in accordance with those approved with the variation request to Section 24-130 of the Subdivision Ordinance. The proposed impacts are associated with access points, stormdrain outfalls, water quality ponds, stormwater management ponds and sewer outfalls. The plans have been revised to reduce proposed impacts to the stream buffer at the headwaters of Collington Branch.

■There are no Scenic or Historic Roads on or adjacent to this phase of the development. There are no Marlboro clays in the vicinity of this site. Based on information available to this office there are no species of special State concern in the immediate vicinity of this property. The Sewer and Water Service Categories for this property are 3 and 3 respectively.

■During the review of the Preliminary Plan of Subdivision (4-97024) it was suspected that the residential areas adjacent to Maryland Route 450 would be adversely impacted by noise generated from the traffic on MD Route 450. To address this concern the applicant had a noise study prepared by Phoenix Engineering, Inc. dated January 5, 1996, which was reviewed by this office and found to be acceptable. The study located the 65 dBA noise contour north of all the proposed residential lots in the vicinity of Maryland Route 450 and therefore concluded that noise attenuation measures would not be required.

■This site is not exempt from the requirements of the Woodland Conservation Ordinance. A Forest Stand Delineation (FSD) and a Type I Tree Conservation Plan (TCPI/22/97) were submitted and approved in conjunction with the approval of the Preliminary Plan of Subdivision. A Type II Tree Conservation Plan (TCPII/12/00) has been found to satisfy the requirements of the Prince George's County Woodland Conservation Ordinance and has been found to be consistent with TCPI/22/97. The Woodland Conservation Threshold (WCT) for this 240.50 acre property which has a net tract area of 223.24 acres is 20 percent or 44.67 acres. Since the area of existing woodland on this site is 29.24 acres, the property becomes subject to the 15 percent Afforestation Threshold which establishes the base requirement at 33.50 acres. All woodland clearing, 5.04 acres, is subject to the 2:1 replacement requirement and any clearing in the floodplain is subject to a 1:1 replacement

requirement. The total requirement for this site is 39.90 acres as adjusted for the 0.68 acres of woodland clearing in the floodplain.●

TCPII/12/00 is recommended for approval in conjunction with SP-99052 subject to conditions as stated in the Recommendation Section of this report.

7. Urban Design - The Urban Design Section has reviewed the Detailed Site Plan and finds the subject application is acceptable as submitted. It should be noted that landscape plans are not part of this application. Therefore at the time of submittal of future landscape plans, they will be subject to a review to ensure they are in conformance with the requirements of the Prince George's County *Landscape Manuals*.

8. Site Development Data

Zone		M-X-C Zone
Land Use	FDP Acreage *	Proposed Use
Single Family Low Density (SF-LD)	34.3 acres	72 residential lots**
Single Family Medium Density (SF-MD)	37.1 acres	97 residential lots**
Other Residential (OR)		
Area A	22.4 acres	168 dwelling units (max.)**
Area B	9.8 acres	75 dwelling units (max.)**
Subtotal	32.2 acres	
Non-Residential (NR)		
Area A	29.4 acres	Max. 1000,000 sf Retail and 125,000 sf Institutional/office/ other permitted uses
Area B	5.4 acres	Future R.O.W.
Area C	2.5 acres	Future R.O.W.
Subtotal	37.3 acres	
Community Use (CU)		
Area A	3.7 acres	Open Space
Area B	5.6 acres	Open Space

Land Use	FDP Acreage *	Proposed Use
Area C	32.2 acres	Open Space
Area D	50.7 acres	Open Space
Area E	1.4 acres	Open Space
Subtotal	93.6 acres	
Grand Total	234.4 acres	

* Approximate acreage

**Approximate dwelling units

9. The State Highway Administration, in a memorandum dated February 10, 2000 (McDonald to Whitmore), made the following comments:

■Our Highway Design Division notified us that their review is complete. The Detailed Site Plan for grading is consistent with the MD 450 plans except for the following:

■The proposed grading for Phase I, Part I, shows a tie-in to the final grading for relocated MD 450. The phasing of the Fairwood grading will need to be coordinated with MD 450 construction. MD 450 east of Bell Station Road is not funded at this time.●

Comment: Coordination with (SHA) is required.

■The proposed grading does not reflect the revisions to Fairwood Parkway at MD 450 to align with a skewed Bell Station Road alignment.●

Comment: Condition 1c in the Recommendation Section of this report addresses this concern.

■The Detailed Site Plan shows the proposed right-of-way line for MD 450 but does not show the revertible easement for supporting slopes. These easements should be added to the plan.●

Comment: Condition 1d in the Recommendation Section of this report address this concern.

■The storm drain system shown within MD 450 does not reflect the latest revisions from the Fairwood Parkway intersection to the underground Stormwater Management Facility.●

Comment: Condition 1e in the Recommendation Section of this report addresses this concern.

10. The Transportation Planning Section in a memorandum dated March 10, 2000 (Masog to Whitmore) provided the following comments:

■ On-site circulation is acceptable. The general plan layout and proposed paving widths of the public streets conform to the preliminary plat.

■ The transportation staff's primary interest in this site involves the alignment of the site entrance of Fairwood Parkway opposite Bell Station Road at MD 450. The attached figure indicates a modification which has been proposed by the applicant. In discussions with the State Highway Administration (SHA), we have determined that the SHA received this proposed modification from the County Department of Public Works and Transportation. It is our understanding that while the plans to widen MD 450 have not yet been redrawn at this location, that approval of this proposed configuration has been received. Therefore, the transportation staff recommends that the subject plan be modified in accordance with the attached drawing to show a slightly revised entrance at MD 450 and Fairwood Parkway.

■ An additional issue concerns the programming of MD 450 between MD 193 and Bell Station Road. At the time of preliminary plat the Final Development Plan, the upgrading of this roadway segment was determined to be essential for the development of the Fairwood property. At this time, the improvements to this segment are programmed in the State Consolidated Transportation Program with 100 percent construction funding. However, as is noted in the condition-by-condition review below, there is a requirement that the required funding agreement between the State Highway Administration and the applicant be completed prior to approval of the initial Final Plat.

- 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: This condition was met at the time of subdivision.

- 5. In the event that plats for the Westwood Property (Preliminary Plat of Subdivision 4-95057) are recorded, the Final Development Plan for the subject property must conform to the alignments for C-48 (Church Road Relocated) and P-1 Hillmeade Road Extended) shown on the Westwood plats. In the event that plats for the Westwood Property are not yet recorded at the time that the Final Development Plan for the subject property is accepted for processing, the applicant shall consult with the owners of the Westwood property and coordinate with the County Department of Public Works and Transportation and the County Department of Environmental Resources, along with M-NCPPC, to determine the ultimate rights-of-way for the C-48 and P-1 facilities.●

Comment: This condition was met at the time of subdivision.

- 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 institutional uses, or any combination of these or other permitted uses which generate no more than 1,145 AM and 1,276 PM peak hour trips as determined under the Guidelines for the Analysis of Traffic Impact of Development Proposals, as revised in April 1989.●

Comment: The subject application conforms to that development cap.

- 7. With the development of the subject property, the applicant shall provide the following improvements at the intersection of MD 450/Bell Station Road/site access, unless said improvements have already been provided for by others:
- a. A traffic signal, if deemed warranted by the State Highway Administration and/or the Department of Public Works and Transportation.
 - b. An exclusive right-turn lane from westbound MD 450 onto the site access.
 - c. An exclusive left-turn lane from Westbound MD 450 onto the site access.
 - d. The following lane configuration along the site access approach to MD 450: double left-turn lanes and a shared through/right-turn lane.

■The phasing of these improvements shall be determined at the time of Final Development Plan, and they shall be designed in accordance with State Highway Administration requirements.●

Comment: The phasing of these improvements was determined at the time of Final Development Plan, and their provision will be enforced in accordance with that determination.

■The subject property is required to make roadway improvements in the area pursuant to a finding of adequate public facilities made in 1997 for Preliminary Plat of Subdivision 4-97024 and Final Development Plan FDP-9701. This finding was supported by a traffic study submitted in 1997. Insofar as the basis for that finding is still valid, and in consideration of the materials discussed earlier in this memorandum, the transportation staff can make a finding that the subject property is in general conformance with the approved Final Development Plan, and with other previously approved plans. This finding is conditional upon modification of the site plan to show a revised entrance at MD 450 and Fairwood Parkway in accordance with the attached drawing.●

Comment: The detailed site plan should be revised in accordance with attachment **■A.●**

11. In a memorandum from the Department of Parks and Recreation, dated February 14, 2000 (Asan to Whitmore) the following comments were offered:

■Staff of Department of Parks and Recreation has discussed the submitted plans for grading, road construction and infrastructure with representatives of the Rouse Company. They have agreed to the following changes to the plans:

■The boundaries and acreage of the land to be conveyed to the M-NCPPC shall be shown on the plans.

■The layout of the Master Plan trail, trail width and cross sections shall be shown on the plans and designed in accordance with the Park and Recreation Facilities Guidelines.

■The community park site shall be graded to benefit a park future layout. The plans shall be revised to show a mutually acceptable plan for the site.

■The applicant shall submit revised plans to the Department of Parks and Recreation for review and approval prior to the Planning Board hearing. If these revisions are not made before the Planning Board hearing, the subject detailed site plan must be approved with conditions requiring the above revisions prior to signature approval of the detailed site plan.●

Comment: The Urban Design Section at the time of the writing of the staff report had not received confirmation from the Department of Parks and Recreation that the applicant has fulfilled the above conditions. Therefore, Conditions 1a (1), (2) and (3) in the Recommendation Section of this report are proposed to address the above-referenced concerns.

12. The City of Bowie, in a letter dated March 8, 2000 (G. Frederick Robinson to Elizabeth M. Hewlett, Chairman), had the following comments:

■While SP-99052 has been found to be in compliance with previous approvals for this portion of the site, there is an area of concern about the future grading activity for this portion. More specifically, Rouse Company representatives have explained the 241 acres in Phase I, Part I, will be graded over a year's time. Building activity will be underway after the infrastructure has been completed. Three different land use types will be constructed in Phase I, Part I, over a two to three year period. These three land use ■pods• or areas include 172 single-family detached units, single-family attached (townhouse) units, and 350,000 square feet of non-residential uses (including 100,000 square feet of retail commercial). The M-X-C Zone requires approval of a separate DSP for each ■pod• or development area, prior to issuance of County building permits. The Council's concern is that with the mass grading at this portion over a year's time, unpredictable market conditions may mean vast areas of the site will remain in a graded condition indefinitely. Two worst case scenario development sites that are highly visible in the Bowie area were envisioned where mass grading took place and construction activity did not take place for years (in one instance, the site was mass graded in the late 1980's and it remains vacant today [Amber Ridge Shopping Center]). The Council is concerned similar circumstances may result at this site where the better part of 241 acres is graded, only to remain undeveloped and the environment severely degraded. Therefore, based on these concerns, the Council recommends SP-99052 for Fairwood Phase I, Part I, be APPROVED subject to the following condition:

■Grading in Phase I, Part I shall be phased to coincide with development activity in each of the ■pods• or areas within the 241 acres. Grading activity shall not occur in development ■pod• areas until six months before planned building activity occurs. In the event a development ■pod• or area is graded, and if building activity does not occur in six months of the grading, the entire ■pod• or area will be re-seeded by the developer. •

Comment: The Urban Design Staff, while recognizing the City of Bowie's concern, feels that the proposed condition regarding restriction of grading to six months prior to planned construction does not lend itself to realistic enforcement because the County government will not necessarily be privy to the applicant's plans for commencement of building activity that far in advance. Furthermore, plans for construction frequently change for market and other reasons. Staff recommends that

the Planning Board employ the final sentence of the City's proposed condition as shown, slightly modified, in proposed Condition 6 below.

13. The Soil Conservation Service, in a memorandum dated March 6, 2000 (Bourdon to Whitmore), stated the following:

■We have no significant comments on this proposal.■

14. The Community Planning Division found that the proposed detailed site plan raised no Master Plan issues.
15. At the time of the writing of this staff report, the Enterprise Road Corridor Development Review District had not responded to the referral request.
16. The proposed site plan has an approved Stormwater Concept (#978004830) and this proposal is consistent with that concept.
17. This Detailed Site Plan represents a reasonable alternative for satisfying the site design guidelines, without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use.
18. This Detailed Site Plan for infrastructure satisfies the site design guidelines as contained in Section 27-274, prevents off-site property damage, and prevents environmental degradation to safeguard the public's health, safety, welfare and economic well-being for grading, reforestation, woodland conservation, drainage, erosion and pollution discharge.

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 Type II Tree Conservation Plan (TCPII/12/00) and further APPROVED Detailed Site Plan SP-99052 for the above-described land, subject to the following conditions:

1. Prior to signature approval, the following revisions to the plans shall be made or information supplied:
 - a. The applicant shall submit to the Department of Parks and Recreation revised plans for their approval as follows:
 - (1) The approximate boundaries and acreage of the land to be conveyed to the M-NCPPC shall be shown on the plans.
 - (2) The layout of the Master Plan trail shall be shown on the plans and the Master Plan trail, including trail widths and cross sections, shall be shown

on the plans and designed in accordance with the Park and Recreation Facilities Guidelines.

- (3) The community park shall be graded to benefit a future park layout. The plans shall be revised to show a mutually acceptable grading plan for the site.
- b. A note shall be placed on the plan stating ■No Direct Access● shall be allowed on lots that abut MD 450.
 - c. The Detailed Site Plan shall be revised as mutually agreed upon by the applicant and DPW&T to modify the alignment of the site entrance road at MD 450 and Fairwood Parkway.
 - d. The plans shall be revised to show the revertible easements along MD 450.
 - e. The plans shall be revised to reflect the latest storm drain revisions from the Fairwood Parkway intersection to the underground Stormwater Management Facility.
 - f. The existing farm lane which presently serves as the main entrance to the site from MD 450 will ultimately be dedicated to the homeowners association. The approximately area to be dedicated will extent from MD 450 in a southerly direction for approximately 700 feet. The plan shall be revised to identify the portion of the farm lane which will be dedicated in the future to the homeowners association. Prior to submission of the next DSP, the applicant and staff shall meet to decide on a mutually agreeable surface treatment for the existing farm lanes.
2. Prior to signature approval of the TCPII/12/00 Tree Conservation Plan, the plan shall be revised to address the following:
 - a. Revise the Woodland Conservation Worksheet to reflect the floodplain clearing and the additional requirements associated with that clearing.
 - b. Add a note to the TCPII which states, ■All reforestation/afforestation shall be completed during the first planting season after construction of the stormwater management ponds and stormwater quality ponds have been completed.●
 - c. Add a note stating, ■All reforestation signs shall remain in place for five years, whereupon the Environmental Planning Section shall conduct a site visit to determine the need for the signage to remain in place for additional period of time not to exceed five years. This determination shall be based on the survivability rate of the existing reforestation and fencing shall remain in place for no less than five years.●

3. All reforestation/afforestation shall be completed during the first planting season after construction of the stormwater management ponds and stormwater quality ponds have been completed.
4. Prior to the issuance of any grading permits which impact woodlands on this property the applicant shall post all appropriate reforestation bonds (\$0.30 per square foot of reforestation/afforestation required) with the Department of Environmental Resources. The bonds may be released after two full growing seasons if the survival rate is in excess of 75 percent.
5. Areas of reforestation and afforestation in excess of that required for this phase of the project shall be credited towards the requirements of future phases once those plans have been submitted and approved.
6. In the event a development ~~pod~~ or area is graded, and if building activity does not commence in six months of the grading, the entire ~~pod~~ or area shall be re-seeded by the developer. Re-seeding and other approved methods of stabilization shall occur sooner if required by the Department of Environmental Resources.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the adoption of this Resolution.

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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 McNeill, seconded by Commissioner Boone, with Commissioners McNeill, Boone, Brown, McNeill and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, March 23, 2000, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 13th day of April 2000.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator