

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Preliminary Subdivision Plat 4-00057
Fairwood Phase I, Part II,

Block H Parcels A, B, C, D, and E;
Block I Parcels A, B, C, D, E, F, G, H, and J;
Block J Lots 1-86 and Parcel A;
Block K Lots 1-35 and Parcels A, B, C, and D;
Block L Lots 1-68 and Parcel A, B, and C;
Block M Lots 1-71 and Parcel A;
Block N Lots 1-60 and Parcel A;
Block O Parcel A;
Block P Parcel A;
Block Q Parcel A;

OVERVIEW

The subject property is found on Tax Map 45 and 46, being all of Parcels 119, 116, 123, and 99, and part of Parcels 128, and 78. The proposed preliminary plat is part of the Fairwood development approved by Zoning Ordinance No. 24-1994, File A-9894-C for 1,058 acres in the Mixed-Use Community Zone (M-X-C). Currently Fairwood is divided into two phases. Each phase is further divided into parts. Phase I which is approximately 471 acres is proposed in three parts. Phase I Part I is the subject of Preliminary Plat 4-97024 for 240 acres and was approved by the Planning Board on July 7, 1997, PGCPB Resolution No. 97-194. The subject preliminary plat is proposed for Phase I Part II and is 211 acres. No further subdivision applications have been submitted by the applicant for the remaining Part III of Phase I, or for any portion of Phase II.

Development in the M-X-C Zone is guided by Part 10 of the Prince George's County Zoning Ordinance. Specifically, Section 27-546.08 sets forth the following order of approvals in the M-X-C Zone requiring a Preliminary Development Plan, a Comprehensive Sketch Plan, Preliminary Plat of Subdivision, a Final Development Plan, Detailed Site Plan and Final Plat of Subdivision. Unique to the M-X-C Zone is the requirement that the Preliminary Plat of Subdivision and the Final Development Plan be filed concurrently. However, concurrent action by the approving authority is not required. The Final Development Plan for this portion of Fairwood, Phase I Part II, FDP-0001 was submitted concurrently with this application and is pending.

The Preliminary Development Plan for Fairwood was approved as part of Zoning Map Amendment A-9894-C for the overall development. This Preliminary Development Plan set forth the total development scenario of 1,799 dwelling units with 100,000 square feet of retail and 250,000 square feet of office/service/institutional. A Comprehensive Sketch Plan (CP-9504) was subsequently approved by the District Council on February 24, 1997, for Phase I in its entirety, 471 acres.

A maximum of 25 percent of the total dwelling units in the Zone can be townhouse dwellings, pursuant to Section 27-546.03 of the Zoning Ordinance. Therefore, of the total 1,799 dwelling units approved by A-9894-C, 449 townhouses can be constructed in the overall development.

A preliminary plat (4-97024) and a final development plan (FDP-9701) have been approved for Phase I Part I (240 acres). The preliminary plan for Phase I Part I includes 172 lots and 43 parcels, with 412 dwelling units. Of the 412 dwelling units in Phase I Part I the applicant has proposed to construct 243 condominium townhouses. The subject preliminary plan for Phase I Part II includes 320 lots and 25 parcels, with 534 dwelling units. Of those 534 dwelling units the applicant has proposed to construct 217 fee-simple townhouses.

Therefore, the total townhouses proposed in Phase I exceeds the maximum number of allowable townhouses of 449 by 11. However, the applicant has requested the flexibility to distribute only the maximum allowable townhouses between Part I and Part II of Phase I. It is the applicants intent to use this conceptual phase of planning to explore each parcel's potential for the maximum number of townhouses in the layout where permitted. At the time of detailed site plan the applicant will lock in the total number of townhouses in Phase I to no more than 449, the maximum allowed pursuant to Section 27-546.03 of the Zoning Ordinance. Moreover, the Planning Board through the approval of the preliminary plat is not increasing the maximum number of townhouse units allowed in the Zone only allowing a greater degree of flexibility during this conceptual phase of planning. This approval is not to be construed as authorization to increase the allowable townhouse units as setsforth in Section 27-546.03 of the Zoning Ordinance.

SETTING

The property is located on the southeast side of Annapolis Road, approximately 700 feet from the intersection of Enterprise Road (MD 193) and Annapolis Road (MD 450), north of John Hanson Highway (US 50). The subject property is interior to the Fairwood Turf Farm development. This portion of the development is almost entirely located on the west side of the PEPCO right-of-way and has frontage on the realigned Church Road. The property is zoned M-X-C and abuts M-X-C Zoned property in addition to the ■Roberts■ property, Tax Map 46, Grid A-2, Parcel 27 zoned R-E.

FINDINGS AND REASONS FOR STAFF RECOMMENDATION

1. Land Use - Section 27-546.03 of the Zoning Ordinance establishes the percentages of required land use areas in the M-X-C Zone for the ■gross area of the zone.■ A designation of land area established by A-9894-C which is reflected on the approved Preliminary Development Plan for the entire site. The percentage required for each land use is a cumulative total for all phases of development, and is not required to be met for each phase or part of the development. These ■use areas■ are intended to include streets associated with the use. The land area requirements are determined by the gross area of the entire tract and are relegated through the FDP process. The lotting pattern is established through the preliminary plat process.

The general land uses required are divided into four distinctive categories. Section 27-546.02 lists and defines each of the following land uses: Community Use Area (CUA), Nonresidential Areas (NRA), Other Residential Areas (OR) and Single-Family Areas (SF). The single family areas are low density (SFLD) and medium density residential (SFMD).

The approved CP-9504 for Phase I in accordance with the PDP has established the land use areas that are the underpinning of this proposed preliminary plan for Phase I Part II. The following is a list of blocks, parcels, and lots proposed under this preliminary plat and the use category associated to that property.

Block H	Parcels A, B, C, D, and E	NRA, no use proposed
Block I	Parcel A	OR, multifamily, 214 d.u.
	Parcel B, H, and J	CUA, M-NCPPC park dedication
	Parcel D	CUA, BOE school site
	Parcels C, E, F, and G	NRA, no use proposed
Block J	Lots 1-86 and Parcel A;	OR, townhouse lots with HOA parcel
Block K	Lots 1-35	SFLD, proposed SFD
	Parcels A, B, C, D	CUA, open space
Block L	Lots 1-68	OR, proposed SFD
	Parcel A, B, and C;	CUA, open space
Block M	Lots 1-71 and Parcel A;	OR, townhouse lots with HOA parcel
Block N	Lots 1-60 and Parcel A;	OR, townhouse lots with HOA parcel
Block O	Parcel A;	CUA, no use proposed
Block P	Parcel A;	CUA, no use proposed
Block Q	Parcel A;	CUA, no use proposed

Additionally, Section 27-546.03 requires that each preliminary development plan (PDP) in the M-X-C Zone comply with the minimum and maximum requirements for use areas. The PDP for Fairwood sets forth the following gross land use areas:

Use	Acres	Percent	Required
Single Family Low Density	264.42	25%	10% min.
Single Family Medium Density	211.54	20%	20% min
Other Residential	158.65	15%	15% max.
Non-Residential	52.89	5%	5% min./20 max.
<u>Community Use Area</u>	<u>370.19</u>	<u>35%</u>	<u>30% min.</u>
	1057.69	100%	100%

The following is the current cumulative totals for land use allocation for Phase I, Part I and II. One percent of the land area in Phase I will be part of Phase I Part III.

Use	Acres	Percent	Required
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Single Family Low Density	77.84	17%	10% min.
Single Family Medium Density	36.8	8.2%	20% min
Other Residential	119.75	26.8%	15% max.
Non-Residential	53.71	12%	5% min./20 max.
<u>Community Use Area</u>	<u>158.3</u>	<u>35%</u>	<u>30% min.</u>
	446.4	99%	100%

The current land use allocations are provided for reference and show progress toward the land use allocations required in Section 27-546.03 of the Zoning Ordinance for the total gross acreage of 1,058 in Fairwood.

2. Condition Compliance - The actions taken by the Planning Board and the District Council in the approval of the Preliminary Development Plan and the Comprehensive Sketch Plan for Phase I contain conditions relating to the review and approval of this preliminary plat. The following is a discussion of:

A-9894-C, District Council Zoning Ordinance No. 24-1994:

Condition 1.a. Requires all of the master plan trails be delineated on the FDP. All master plan trails have been shown on the Preliminary Plan and the FDP.

Condition 1.b Requires that all applicable airport approach surfaces associated with Freeway Airport which fall on the subject property be shown on the FDP. The subject FDP and Preliminary are not within the airport approach surfaces. This condition will impact development of Phase II.

Condition 2 Requires the applicant to consider strategies which would serve a traffic calming function along Church Road (C-48), to encourage lower speeds through the development. The master plan called for Fairwood Parkway to be constructed as a 100-foot right-of-way. CP-9504 has approved a variable width right-of-way of 70 to 100 feet in width. Staff believes that the use of a lesser cross-section as approved by CP-9504 addresses this condition.

Condition 3 Requires that the staging of the construction of the Church Road (C-48) connection between the subject property and MD 450 across the Westwood property as it relates to the development of the subject property shall be examined. At the time of review of CP-9504, staff concluded that the connection was not needed to serve Phase I of Fairwood. Future Comprehensive Sketch Plans for later phases must address the phasing of Church Road more substantially.

Condition 4 Requires the two neighborhood centers in what is Phase I. One is identified as the western activity center at the intersection of MD

450 and Fairwood Parkway (C-49), which was approved as part of Phase I Part I. The other is located in the area of the intersection of Church Road (C-48) and Fairwood Parkway (C-49), known as the eastern activity center. The eastern activity center will include the major portion of the community recreational amenities and is located within Phase I Part II.

This condition requires a minimum of 52.89 acres be provided for these non-residential use areas. 37.8 acres was approved as part of Phase I Part I. The subject preliminary plat proposes 15.91 acres of non-residential use for a total of 53.71 acres. The eastern activity center for Phase I Part I is located in the north west quadrant of Church Road (C-49) and Fairwood Parkway (C-49).

- Condition 5** Requires development of areas north of the existing runway at Freeway Airport be subject to any State or Federal aviation regulations. This condition will impact development of Phase II.
- Condition 6** Sets forth the total development scenario of Fairwood to be limited to 1,799 dwelling units, 100,000 square feet of retail space and 250,000 square feet of office/service/institutional uses, and such other community space determined to be appropriate during subsequent phases of approval. The applicant is providing staff with cumulative totals with each phase of development. These totals will provide staff and the applicant a clear understanding of the progression toward total build out of this property. Dwelling unit counts are provided specifically with the preliminary plan. Square footage limits will be ensured through the review of detailed site plans. The applicant has proposed a total 946 dwelling units and zero square feet of gross floor area of development at this time.
- Condition 7** Requires that the Fairview and Cemetery Historic Site (#71A-13) should be noted on all drawings. The FDP and preliminary plan demonstrate that the historic site is located in Phase II of the site. However, visual impacts could occur from Lots 22, 23, and 24 Block K, of Phase I Part I. The DSP review shall address the visual impacts of development on these lots.
- Condition 8** Discusses the protection of the Fairview and Cemetery Historic Site (#71A-13) and the establishment of boundaries for the site. This condition will impact development of Phase II.
- Condition 9** Discusses the protection of the Fairview and Cemetery Historic Site (#71A-13) and specifically requires a section in the CP regarding historic preservation. CP-9504 for Phase I establishes that Phase II will need to address these issues. However, visual impacts could occur from Lots 22, 23, and 24 Block K, of Phase I

Part II. The DSP review shall address the visual impacts of development on these lots.

- Condition 10** Requests that a list of traditional names for streets, parks, and community centers within the development be provided by the Historic Preservation Section. A condition of this preliminary plat application requires review of street names by the Historic Preservation Section prior to final plat.
- Condition 11** Requires that development between the PEPCO right-of-way and Church Road be setback from the northern end of the existing runway at Freeway Airport. This condition will impact development of Phase II.
- Condition 12** Requires the approval of a stormwater management concept plan. The preliminary plan General Note 15 provides reference to the approved CSD plan.
- Condition 13** Requires the approval of a 100-year floodplain study by DER. The Preliminary Plan General Note 16 provides reference to the approved floodplain study.
- Condition 14** Requires the submittal of a Forest Stand Delineation (FSD) with each comprehensive Sketch Plan. A FSD was submitted with the TCPI/27/96 for CP-9504.
- Condition 15** Requires the approval of a TCPI in conjunction with the Comprehensive Sketch Plan. TCPI/27/96 was approved in conjunction with CP-9504 for Phase I. TCPI/47/00 for Phase I Part II is recommended for approval in conjunction with the subject preliminary plan.

This condition also requires that the TCPI should provide the minimum 20 percent woodland conservation or the 15 percent afforestation threshold if the existing woodland is less than the 15 percent or the use the percentage of the existing woodland as the requirement if it is between 15 percent and 20 percent. In addition it will be necessary to address the 2 to 1 woodland replacement for clearing below the WCT and the 1 to 1 woodland replacement for clearing woodlands in the floodplain. •

The Environmental Planning Section has required cumulative totals of woodland conservation to ensure conformance of the totals required by this condition at buildout.

- Condition 16** Refers to noise mitigation measures along A-44 and US 50. The Comprehensive Sketch Plan further defines the areas subject noise

analysis to include realigned Church Road. As required by Condition 2.b. of PGCPB Resolution 96-24, File CP-9504, the 65 dBA line has been provided along Church Road re-aligned. Mitigation measures if necessary will be determined at the time of DSP review.

Condition 17 Requires that the conceptual water and sewer alignments be reviewed for impacts to environmental features. The plan was submitted and was reviewed in conjunction with the TCPI for impacts. No individual impacts were found to occur for the water and sewer alignments.

Condition 18 Relates to parkland.

- a. Requires dedication to M-NCPPC of 30 developable acres in Phase I Part I. Parcel P, Block B is proposed for dedication and is 30 acres.

Also requires dedication to M-NCPPC of 40 acres along the Collington Stream Valley. In Part I Phase I, Parcel A Block G is proposed for dedication and is 46.81 acres. Also proposed for dedication in Phase I Part II are Parcels B, H, and J, Block I totalling 23.21 acres.

- b. Requires the dedication of 10 acres to M-NCPPC for a public park, and will be reviewed for compliance in Phase II.
- c. Requires that lands to be dedicated to M-NCPPC shall be subject to the conditions in the exhibit entitled ■Conditions for Conveyance of Parkland to the Maryland-National Park and Planning Commission• attached to the memo of Anderson to Lockard dated August 25, 1993. These conditions are included in the condition section of this report.

Condition 19 Requires dedication to the Board of Education (BOE) of a minimum of 10 usable acres for an elementary school site to be located in the general vicinity of the intersection of Church Road (C-49) and Fairwood Parkway (C-48). The preliminary plan provides for the dedication to the BOE of Block I, Parcel D. A 15 acre parcel located 170 feet west of the intersection of Church Road and Fairwood Parkway. The BOE has reviewed the preliminary plat and is in concurrence with the proposal.

Condition 20 Requires that the specific alignment of interior roads shall be established at the time of Comprehensive Sketch Plan approval. At that time the following shall be considered.

- a. The alignment for Church Road (C-48). The preliminary plat demonstrates conformance to the CP for the Church Road alignment.
- b. The alignment of Church Road (C-48) and Fairwood Parkway (C-49). The preliminary plat demonstrates conformance to the CP for the intersection of Church Road and Fairwood Parkway.
- c. A loop road way connecting C-48 and C-49. This loop road is being implemented. The alignment of Fairview Drive will continue to be extended to accomplish this connection.
- d. The provision of a connection between existing Church Road and the re-aligned Church Road (C-48). The preliminary plan for Phase I Part II provides for the alignment of this connection. In addition to the connection to be dedicated through the final plat process, DPW&T has agreed to except a portion of this connection through a deed dedication between Church Road (C-48) and Wilmers Ardor. The preliminary plan is to be revised to indicate this and delineate the area to be conveyed through deed.

Condition 21 Requires that throughout the development review process the applicant will incorporate concepts and techniques which will encourage the use of transit and other non-vehicular modes to reduce the reliance on single occupancy vehicular trips. The incorporation of a vast trail system to provide connection to major activity centers is in furtherance of this condition. As additional information is provided, to include transit routes, the applicant will be requested to explore with staff other methods such as pedestrian friendly transit stops and vehicular pull off lanes.

Condition 22 Requires a balanced mix of those uses permitted by Section 27-546.02 in the Non-residential Areas (NRA). Uses will be reviewed at the time of detailed site plan and encouraged to provide a balance of mix uses.

The following is a discussion of conditions of **CP-9504** approved by the District Council in an order affirming the Planning Boards decision in PGCPB Resolution 96-241, which relate to the subject preliminary plan.

Condition 1.c. Requires that lots abutting R-E zoned land have a minimum lot size of 40,000 square feet or a 25-foot buffer provided along the property line. The only occurrence of this in the subject preliminary plat application is in the eastern portion of the subject application were Block K, Lots 1 and 2 abuts the Robert

property. Lot 1 and 2 are proposed at 123,146 square feet and 106,961 square feet respectively.

Condition 2.a. Requires a detailed Forest Stand Delineation (FSD) be submitted for review and approval in conjunction with each Preliminary Plat of Subdivision. The applicant has submitted a detailed FSD with this preliminary plat application. The FSD is part of the recommendation for approval of the TCPI (TCPI/27/96).

Condition 2.b. Requires that a noise study shall be submitted with 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 application does not include any parcels adjacent to MD 450, there are several parcels adjacent to realigned Church Road. The 65 dBA noise contour has been shown on Preliminary Plat of Subdivision 4-00057. Based on an analysis of the 65 dBA noise contour there will be adverse impacts to Lots 49-55, Block M. To address these potential adverse impacts the applicant should include a Phase II Noise Study with the Detailed Site Plan application for these areas. The Phase II Noise Study shall include mitigation measures that will be employed to attenuate the adverse noise impacts to these lots

Condition 2.c. Requires that the Type I Tree Conservation Plan (TCPI/27/96) shall be revised in conjunction with each Preliminary Plat of Subdivision and Final Development Plan to provide for on-site afforestation in priority planting areas, such as the primary management areas (PMA), expand the tree save areas where possible, and refine the location of afforestation along US 50 to preserve the view shed 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 Type I Tree Conservation Plan, TCPI/47/00, has been reviewed with this application. TCPI/47/00 as revised on December 7, 2000, includes additional planting areas in and adjacent to the PMA, expansion of the some existing woodland areas and a reduction in the area of woodland clearing proposed. TCPI/47/00 is recommended for approval in conjunction with this preliminary plat application.

Condition 2.d. Requires that the applicant submit a justification statement for any road way that is proposed at a lesser standard than County standards. At this time the applicant has proposed all public right-

of-ways to county standards, therefore no justification was necessary.

Condition 2.e. Requires that 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.

This application includes a single parcel of land adjacent to existing Church Road. Parcel A, Block Q as reflected on the Preliminary Plat of Subdivision is to be a community use area according to this application. The exact use has not been determined at this time. Section 2.3 of the FDP text indicates that community use areas will generally include pocket parks, green spaces and environmentally sensitive areas. If this area is to be a community use area, it would likely be consistent with the scenic and historic setting for existing Church Road. At the time of development of this property in conjunction with the DSP review this condition should be addressed.

Condition 2.f. Requires documentation of approval by the State of Maryland for the proposed stormwater management pond embankment across the Collington Branch be submitted. However, the construction of a stormwater management structure across Collington Branch is not proposed by this application.

Condition 2.g. Requires a Conceptual Sewer Plan 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 was included with the Preliminary Plat of Subdivision 4-00057 as a Conceptual Water and Sewer Alignment Plan. That plan has been reviewed and found to be acceptable.

Condition 2.h. Requires that the Preliminary Plat of Subdivision and Final Development Plan which includes the area designated as the future school site, shall precisely delineate the 15 acre parcel which is to be dedicated to the Board of Education. The responsibility for stormwater management and woodland conservation requirements for the school site shall be determined at the time of approval of the Final Development Plan.

The subject Preliminary Plat of Subdivision application includes the area of the proposed school dedication in the calculations for TCPI/47/00. Those requirements will therefore be addressed by the applicant and not by the Board of Education when plans for the proposed school are being prepared. The school site does not have

any existing woodlands and does not include proposed afforestation areas. No portion of the Woodland Conservation requirements will be satisfied on the proposed school site.

The application does not clearly indicate if the stormwater management pond located near the northeast corner of the proposed school site will be used for the stormwater management requirements of the proposed school. Prior to signature approval of the FDP the applicant should provide documentation to the Environmental Planning Section how the school stormwater management requirements will be satisfied and who will be responsible for addressing those requirements.

Condition 2.i. Requires that the details and location of all planned pedestrian trails shall be shown on the Preliminary Plat of Subdivision.

In approval of the Comprehensive Sketch Plan, the District Council in affirming the Planning Boards decision, File CP-9504, PGCPB Resolution 96-241, approved the CP text and associated sketches. The Infrastructure Plan sketch, sheet 5 of 9 provided for the pedestrian trail links in general. In addition to the trails located on the proposed preliminary plan in conformance with the CP, a trail link is shown running north/south through Parcel A, Block L on the approved CP. The preliminary plan should be revised to conform to the CP. At the time of review of the DSP staff may determine that this trail link is not necessary due to environmental constraints or is repetitive in the overall scheme of the proposed trail system.

Further refinement of the details of the materials to be used for the pedestrian path and master plan trail systems will be determined with review and approval of the DSP for each portion of the site.

Condition 4 Requires that the feasibility of the realignment of Church Road shall be determined at the time of review of the preliminary plat for the eastern portion of the subject property. The applicant has proposed development of Phase I into three Parts. Although a portion of the realignment of Church Road is part of this submission for Part II, the portion of Church Road to connect to the Westwood Property to the north is within Part III of Phase I.

This condition requires that 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. In fact, there are no fewer than four significant alternates for providing this realignment. All of these alternates are technically feasible but each of them has environmental issues, and each one has varying impacts on nearby properties and the PEPCO right-of-way. These are issues which must be resolved at the design stage,

and may be able to be resolved with vertical and horizontal design agreements, environmental mitigation, and direct negotiation with the community and with neighboring properties. The transportation staff believes that connecting Church Road to the north between Westwood and Stewarts Landing along the Master Plan alignment will be expensive because of the need for a new crossing of the Collington Branch. However, staff have seen no evidence that the connection is infeasible, however.

- Condition 5** This condition requires conformance for the alignment of C-48 (Church Road Relocated) between the subject property and Westwood. As noted above, staff is aware of no fewer than four alternates for the C-48 connection between Fairwood and Westwood which are consistent with the submitted Fairwood plan as well as the approved record plats for Westwood.
- Condition 6** This condition sets a development cap for Phase I which includes 1,000 dwelling units, 100,000 square feet of retail space, and 250,000 square feet of other non-residential space, or any combination of these or other permitted uses which generate no more than 1145 AM and 1276 PM peak hour trips. The cumulative totals for Phase I Part I and Part II do not exceed these quantities.
- Condition 7** This condition recommends improvements at the MD 450/Fairwood Parkway intersection. These improvements will be constructed as a part of the improvements to be funded by the applicant. The total contribution of \$5.5 million is required towards improvements at this intersection
- Condition 8** Encourages that the existing gravel lanes be utilized as part of the overall trail system. The applicant has located the proposed trail system in accordance with approved CP-9504 which uses the existing gravel lanes extensively.

3. Variation Request - Section 24-130 of the Subdivision Regulations mandates that the stream, stream buffer, 100-year floodplain, wetlands, and 25-foot wetland buffer, be included in the Primary Management Area (PMA) and be protected during the development of a property. This Preliminary Plat of Subdivision and Type I Tree Conservation Plan propose impacts to the PMA. The Subdivision Ordinance does allow for the granting of a variation to Section 24-130 if the Planning Board can make the appropriate findings as required by Section 24-113 of the Subdivision Regulations. The variation submitted by the applicant includes two documents. The first prepared on September 19, 2000, and a second prepared on November 22, 2000, to address the impacted areas and contained in the applicants ■Attachment B.●

The variation request addresses three proposed impacts. The first impact is for the construction of Fairwood Parkway. The location of this impact is dictated in part by the

existing connections and in part by the environmental features found on this property. Avoidance of this impact would be possible only if Fairwood Parkway, a master plan road, were to be eliminated or redesigned to have a 90 degree turn. Therefore, the proposed impact associated with the alignment of Fairwood Parkway is acceptable.

The second impact is for Church Road realignment and the connection with existing Church Road. As with the Fairwood Parkway this is a master plan road and the potential to change the alignment are limited due to the existing connection points and the other environmental features in the area. In fact, avoidance of the impact as proposed would likely lead to other PMA impacts elsewhere on the property during a later phase of the development. The proposed impact is acceptable.

The third impact would allow for the disturbance of the stream buffer for access to Lots 1 and 2, Block K. This impact is located at the headwaters of the stream which is located approximately 80 feet south on an adjoining property. This impact is acceptable. However, staff is requesting further evaluation of the alignment and construction options for the driveways at the time of review of the DSP in an effort to minimize impacts.

The variation request contains three separate impacts to the PMA. These impacts were evaluated and it was determined that one set of findings could be made for the variation. Section 24-113 sets forth the required findings for approval of a variation from Section 24-130 of the Subdivision Regulations. A variation may only be approved if the Planning Board finds that:

A. **The granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to other property.**

The granting of these variations will not be detrimental to the public safety, health, or welfare, or injurious to other property. Rather, the granting of these variations will provide for the realization of an important master plan street system in two of the instances, and the creation of two large single family lots in the third instance. These two lots are adjacent to R-E zoned land outside of Fairwood, and are intended (at well over two acres each in size) to be compatible with the off-site development, as well as to add to the rich variety of lot sizes and housing opportunities within Fairwood.

B. **The conditions on which the variation is based are unique to the property for which the variation is sought are not applicable generally to other properties.**

The property represents an unusual condition in that it is one of the largest remaining undeveloped land holdings under a single ownership in this part of the County, and it has been comprehensively planned for development as a mixed use community. The environmental impacts have been minimized, especially considering the size of the development.

C. **The variation does not constitute a violation of any other applicable law, ordinance, or regulation; and**

The limited disturbances proposed herein, for which the variations are requested, will not result in a violation of other applicable laws, ordinances, or regulations.

- D. **Because of the particular physical surroundings, shape, topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out.**

The subject property is one of the largest remaining undeveloped land holdings under a single ownership in this part of the County. The physical size of the property is unusual. This site has been comprehensively planned for development as a mixed use community. The comprehensive planning stages have been used to minimize impacts to environmental features while carrying forward a vision for the overall development. To deny a portion of development on this property could jeopardize the entire development. Therefore, it appears that a particular hardship to the owner, rather than a mere inconvenience, would occur if the strict letter of the regulations is carried out, and could constitute a disproportionate imposition of the regulations on this owner.

4. Environmental - A Type I Tree Conservation Plan (TCPI/27/96) was previously approved for Fairwood Phase I as part of the Comprehensive Sketch Plan. During the review and approval of Preliminary Plan of Subdivision 4-97024 a second Tree Conservation Plan, TCPI/22/97, was approved for Fairwood, Phase I Part 1. The Type I Tree Conservation Plan (TCPI/47/00) for Phase I Part II as revised on December 8, 2000, has been reviewed and found to satisfy the requirements of the Prince George's County Woodland Conservation Ordinance.

Phase I Part II has a gross tract area of 211.40 acres. The proposed woodland clearing is subject to a 2:1 replacement requirement since all woodland cleared is below the Woodland Conservation Threshold. The total requirement for Phase I is 32.51 acres. That requirement is being satisfied by 16.59 acres of on-site preservation in priority retention areas, 1.04 acres of on-site afforestation in priority afforestation areas and 14.88 acres of afforestation in priority afforestation areas located in Phase II of this development. TCPI/47/00 is recommended for approval in conjunction with Preliminary Plat of Subdivision 4-00057.

The soils found on this property include Collington fine sandy loams, Collington silt loams, Marr fine sandy loams, Matapeake silt loams, Mixed alluvial land, and Ochlockonee sandy loams. The soils found on this property which have limitations with respect to development include the Mixed alluvial land which is located near the streams and the Marr fine sandy loams. These two soils comprise approximately four or five percent of the acreage included in this application. The limitations associated with the Mixed alluvial land include flood hazard, impeded drainage and high water tables while the Marr fine sandy loam limitations are associated with steep and severe slopes. The other soils found on this property have no significant limits with respect to development.

The Preliminary Traffic Noise Analysis as prepared by Phoenix Engineering, Inc. on November 17, 2000, has been reviewed. Based on the conclusions of the analysis there will be adverse noise impacts associated with realigned Church Road. Specifically, Lots 49-55,

Block M, are located within the 65 dBA noise contour. Residences on those lots will require noise attenuation measures. To address the potential adverse impacts the applicant shall include a Phase II Noise Study with the Detailed Site Plan application which includes those lots. The Phase II Noise Study shall include mitigation measures that will be employed to attenuate the adverse noise impacts to these lots.

Church Road is located along the eastern property boundary and is identified as a scenic and historic road in the *Design Guidelines and Standards for Scenic and Historic Roads*, Prince George's County Department of Public Works and Transportation, June 1994. Church Road is also identified as a scenic and historic road in the *1991 Bowie-Collington Master Plan*. Since the Preliminary Plan and TCPI do not propose development within 1,200 feet of Church Road, the applicant will not be required to do a visual assessment along Church Road at this time. However, a visual assessment shall be conducted by the applicant prior to submittal of the Detailed Site plan for the construction of realigned Church Road at the intersection with existing Church Road.

According to the Sewer and Water Service Category Maps prepared by the Department of Environmental Resources (DER) the sewer and water service categories for this property are 3 and 3 respectively. The data reflected on these maps is correct as of July 1, 1999.

Based on information provided by the Maryland Department of Natural Resources Natural Heritage Program, there are no rare, threatened or endangered species found in the vicinity of this property.

5. Community Planning - The proposed Subdivision Plan is in conformance with the 1991 *Bowie-Collington-Mitchellville and Vicinity Master Plan*. The *General Plan* places this property in Policy Category III, and recommends large lot alternative low-density development for this property. Alternative low-density development techniques integrate high quality mixed-use development in a community, while retaining a low-density ambience. Also indicated on the master plan is a floating symbol for an elementary school on the property.

The proposed subdivision plan incorporates the recommendations of the master plan.

The Planning Board currently has an ongoing planning department work program item entitled *Airport Legislation*. The project is evaluating the land use compatibility and risk surrounding general aviation airports in the county. It is anticipated that recommendations will be forthcoming later in FY01 that will discourage development within designated accident potential areas.

The portion of Fairwood immediately east of the PEPCO power lines is located in areas of concern. This is due to higher risks associated with being location under flight patterns of Freeway Airport. This airport is located on the south side of MD 50, south of Phase II of this development. The applicant should consider transferring densities anticipated in later phases to areas under current consideration, outside the areas of concern.

With respect to the subject proposal, the community use areas located east of the PEPCO power lines, in the southeast corner of Phase I are within the area of concern of risk.

Community uses such as day care centers or community centers should not be located in these higher risk areas.

The Community Planning Division presented the above-referenced study to the Planning Board on December 14, 2000. The Planning Board released the report for public informational purposes and initiated the public participation process. The report has been transmitted to the District Council and the County Executive.

6. Parks and Recreation - In accordance with Condition 18 of the PDP, File A-9894-C, the applicant is proposing to dedicate parkland along the Collington Branch Stream Valley which shall include 100-year floodplain, adjacent wetlands, steep slopes and buffer areas. The Department of Parks and Recreation is recommending approval of the preliminary plan with the dedication of Parcels B, H, and J, Block I, totaling 23.21 acres as proposed.
7. Trails - The subject preliminary plan is in accordance with the Adopted and Approved Bowie-Collington-Mitchellville and Vicinity Master Plan and the previously approved CDP-9504 for the location and provision of master plan trails through the subject property.

The existing farm lanes through the subject property will be utilized and preserved as a multi-use trail system. The applicant and staff are currently in discussions regarding the appropriate surface material to be used for the farm lane trail. A number of different hard surface materials will be considered in keeping with the character of the farm lanes, so long as the material can accommodate all uses, (pedestrian, all bicyclists, roller blades, etc.) and are in accordance with ADA regulations. The width of the trails on the farm lanes should be in conformance with currently master plan standards and prior approvals. However, vehicular crossings of the farm lanes should be restricted.

In order to provide a complete internal system the sidewalk along Holy Trinity Sanctuary should be extended the entire length of the road way to Fairwood parkway. Also the trail link running north/south through Parcel A, Block L on the approved CP should be included on the preliminary plan.

A trail is also recommended along the Church Road realignment at the time of road construction. The type of trail will depend upon whether the road is an open or closed section and upon future discussions between the applicant, the City of Bowie, and the Department of Public Works and transportation. The trail should be reflected on both sides of Church Road realigned.

8. Transportation - The subject property consists of approximately 211 acres of land in the M-X-C zone. The property is located south of MD 450 near the intersection of Bell Station Road. The application is for a mixed-use development that is proposed to include residential, retail, office and institutional uses. The property is the second portion of the initial phase of a larger planned development.

For reasons discussed further below, the applicant prepared a very limited traffic impact study. The findings and recommendations outlined below are based upon a review of these materials and analyses conducted by the staff of the Transportation Planning Section,

consistent with the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*.

Preliminary Plat of Subdivision 4-97024 and Final Development Plan FDP-9701 were reviewed in 1997 for Phase I Part I. The Planning Board approved conditions that established a 5.5 million dollar contribution toward improvements to MD 450. This would constitute the applicants entire responsibility for improvements to MD 450 for construction of Fairwood. The Phase I traffic impact study done in support of CP-9504 never went beyond MD 450. The transportation staff agreed with the applicant that there was no justification for the submittal of a new traffic study covering a study area similar to that covered by CP-9504. Consequently, the traffic condition contained in the approvals for Phase I, Part I will be carried forward and proposed for inclusion in approvals for Phase I, Part II.

The applicant performed a traffic analysis for the on-site intersection of Church Road and Fairwood Parkway. This was done by conducting traffic counts along existing Church Road at Old Stage Road, reassigning these volumes onto relocated Church Road, considering five years▲ worth of through traffic growth at five percent per year, and considering the impact of other approved development. Total development assumed in this study within Phase I, Part I and Part II of Fairwood includes a 400-student school, 205,000 square feet of institutional and retail uses, and 844 residences, a mix of attached, detached, and multi-family units.

Under total traffic, the analysis shows that the Church Road/Fairwood Parkway intersection would operate as an unsignalized intersection with delays of 12.5 seconds in the AM peak hour and 13.4 seconds in the PM peak hour. According to the Guidelines, unsignalized intersections which operate with delays which do not exceed 45.0 seconds for any movement in any peak hour are operating acceptably. Therefore, staff concludes that the Church Road/Fairwood Parkway intersection will operate acceptably at this time as an unsignalized (i.e., stop-controlled) intersection.

Plan Issues

All uses would receive access via Fairwood Parkway. This phase of development will be connected to Church Road. The submitted preliminary plan will particularly improve connections to the south along Church Road. Proposed dedication along Church Road is adequate.

Staff had originally raised questions concerning the appropriate right-of-way along Fairwood Parkway. Since the original discussion, staff has reviewed the approved Comprehensive Sketch Plan for Phase I, and have determined that the right-of-way and proposed cross-section are consistent with prior approvals.

The transportation staff initially raised questions concerning two local streets, My Mollies Pride and Holy Trinitys Sanctuary:

My Mollies Pride, which stubs to the southern boundary of Phase I, Part I, is shown on the plan as a 50-foot roadway. The transportation staff has determined that there

is no need to increase the size of this roadway, as the development served by this street planned for later phases is minor.

Holy Trinity's Sanctuary is proposed as a private 50-foot street serving 86 townhouses. This width could be problematic if parking is permitted on both sides of the street. In addition, this private street adjoins a non-residential parcel and a school parcel. Because the uses of these parcels and their access will be reviewed at the time of a future Detailed Site Plan, the right-of-way and cross-section of Holy Trinity's Sanctuary will be more thoroughly reviewed at that time. A revised cross-section may be recommended if it is deemed necessary.

The previously approved preliminary plat for Phase I Part I, 4-97024 included a condition which requires the contribution, to the State Highway Administration (SHA), of roadway improvements and cash payments totaling no less than \$5.5 million. This condition covers the entire Fairwood Development, covering 1,799 dwelling units and 350,000 square feet of non-residential uses.

The arrangements for any payments or road improvements would be formalized by means of an executed agreement between the applicant and the SHA. The condition states that this contribution shall constitute the applicant's entire responsibility to contribute toward improvements to MD 450, covering the development of 1,799 dwelling units and 350,000 square feet of non-residential uses. To staff's knowledge, the agreement is still under negotiation between the applicant and SHA. The agreement must be finalized prior to approval of a Final Plat of Subdivision.

In summary, Transportation staff believe that these plans conform to A-9894, Comprehensive Sketch Plan CP-9504, and all other plans and conclude that the required findings for a Preliminary Plat of Subdivision under Section 24-124 will be met by the subject application.

9. Schools - At the present, the Planning Board is reviewing the *Draft Regulations to Analyze the Development Impact on Public School Facilities January 2001, and Enrollment Projections for the Schools*•APF Test. The Planning Board is expected to take final action on projections and regulations on Thursday, January 4, 2001. Once the Planning Board has adopted the regulations staff will make the appropriate findings. The additional findings and associated conditions shall be incorporated into the preliminary plan resolution prior to adoption by the Planning Board.
10. Fire and Rescue - Growth Policy and Public Facilities Planning has reviewed the subdivision plans for adequacy of fire and rescue facilities. The property contains land uses that are evaluated by two separate criteria. The two land use areas are single-family type dwelling units which include townhouses, and all other allowed uses.

The land uses of the following fall into the other allowed uses• category. Which would include higher intensity uses such as retail and multifamily.

Block H Parcels A, B, C, D, E; Block O;
Block P; Block Q and Block I Parcels A, C, D, E, F, G

- a. The existing fire engine service at Glenn Dale Fire Station, Company 18 located at 11900 Glenn Dale Boulevard has a service response time of 3.25 minutes. Part of Block I, Parcel A; Block H Parcels A, B, C, D, E; and Block I Parcel A, are located within the 3.25 minutes response time guideline. The northeast quadrant of the multi-family parking lot (part of Block I, Parcel A); Block I Parcels C, D, E, F, G; Block O; Block P; and Block Q are beyond.
- b. The existing ambulance service at Glenn Dale Fire Station, Company 18 located at 11900 Glenn Dale Boulevard has a service response time of 3.92 minutes, which is within the 4.25 minutes response time guideline. Block I, Parcels G and F; Block P; and Block Q are beyond.
- c. The existing paramedic service at Glenn Dale Fire Station, Company 18 located at 11900 Glenn Dale Boulevard has a service response time of 3.92 minutes, which is within the 7.25 minutes response time guideline.
- d. The existing ladder truck service at Bowie Fire Station, Company 39 located at 15454 Annapolis Road has a service response time of 7.01 minutes, which is beyond the 4.25 minutes response time guideline.

The above findings are in conformance with the *Adopted and Approved Public Safety Master Plan 1990* and the *Guidelines For The Analysis Of Development Impact On Fire and Rescue Facilities*. In order to alleviate the negative impact on fire and rescue services due to the inadequate service discussed above, the Fire Department recommends that all residential and commercial structures shall be fully sprinkled in accordance with National Fire Protection Association Standard 13D / 13 and all applicable Prince George's County Laws.

The land uses of the following fall into the ■single-family dwelling• type category. Which would include low density uses such as single-family dwellings and townhouses..

Block J ; Block K;
Block L; Block M and Block N

- a. The existing fire engine service at Glenn Dale Fire Station, Company 18 located at 11900 Glenn Dale Boulevard has a service response time of 4.70 minutes, which is within the 5.25 minutes response time guideline.
- b. The existing ambulance service at Glenn Dale Fire Station, Company 18 located at 11900 Glenn Dale Boulevard has a service response time of 4.70 minutes, which is within the 6.25 minutes response time guideline.
- c. The existing paramedic service at Glenn Dale Fire Station, Company 18 located at 11900 Glenn Dale Boulevard has a service response time of 4.70 minutes, which is within the 7.25 minutes response time guideline.

The above findings are in conformance with the *Adopted and Approved Public Safety Master Plan 1990* and the *Guidelines For The Analysis Of Development Impact On Fire and Rescue Facilities*. The proposed subdivision will be within the adequate coverage area of the nearest existing fire/rescue facilities for fire engine, ambulance and paramedic service.

11. Police Facilities - The proposed development is within the service area for District II- Bowie. In accordance with Section 24-122.1(c)(1)(A) and (B) of the Subdivision Regulations staff concludes that the existing County's police facilities will be adequate to serve the proposed Fairwood Development, Phase I Part II. This police facility will adequately serve the population generated by the proposed subdivision.
12. Health Department - There are two deep wells located on this property. One of these wells is located on proposed Lot 1, Block K and is located within the stem portion of the lot. In order to grade or construct the drive way on this lot, provisions must be made to ensure continued availability of water serve for the residence for which it serves. The well serves an existing dwelling located to the north, known as the ■Robert's Property, Tax Map 46, Grid A-2, Parcel 27.

The existing maintenance building and residences on site are served by septic systems. The sewage disposal systems may continue to be used until the residences and maintenance buildings are razed. Once the disposal systems are abandoned, the septic systems must be pumped out by a licensed scavenger and backfilled in place. The abandonment of these systems must occur prior to any grading permits for this site.

13. Stormwater Management - The Department of Environmental Resources (DER), Development Services Branch, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan, ##8322664-2000-01, has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. Development must be in accordance with the approved plan.

RECOMMENDATION

APPROVAL, subject to the following conditions:

1. Prior to signature approval the preliminary plat shall be revised as follows:
 - a. To graphically depict the pedestrian trail link through Parcel A Block L running north/south, as shown on the approved Infrastructure Plan, CP-9504, sheet 5 of 9.
 - b. To revise the land use allocation chart to reflect the creation of Parcels H and J, Block I.
 - c. To identify the portion of Church Road (C-48) to be dedicated to DPW&T through a deed conveyance.
 - d. To accurately reflect the that the plan proposes to exceed the maximum dwelling units by 11 not 10.

- e. To locate any wells or septic systems.
 - f. To label all lands to be dedicated to the homeowners association.
 - g. To identify the extend of road ways to be dedicated to public use and/or private use.
2. Prior signature approval the following notes shall be placed on the preliminary plat:
- a. The farm lanes/gravel roadways which are not part of the master plan trail network shall not be used for the access of heavy construction equipment.
 - b. The existing farm lanes not on Park property shall be preserved as multi-use trails, included as part of the internal trail system, and dedicated to the Homeowners Association.
 - c. The type of trail to be located on both sides of Church Road realigned shall be determined by the Trail Coordinator.
3. Development of this site shall be in conformance with the approved stormwater concept plan, Concept #8322664-2000-01.
4. Prior to approval of the final plat the Historic Preservation Section in conjunction with the Property Address staff shall review proposed street names for conformance to Condition 10 of Zoning Ordinance No. 24-1994, File A-9894-C.
5. Prior to signature approval of TCPI/47/00 the applicant shall revise the plan to include a table reflecting the reforestation/afforestation areas, the corresponding acreage of those areas, and identify which TCPI the areas are associated with.
6. Development of this subdivision shall be in compliance with the approved Type I Tree Conservation Plan (TCPI/47/00). The following note shall be placed on the Final Plat of Subdivision:
- Development is subject to restriction shown on the approved Type I Tree Conservation Plan (TCPI/47/00), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation/Tree Preservation Policy and Subtitle 25.●
7. Trials on lands to be conveyed to M-NCPPC shall be designed and constructed in accordance with the Parks and Recreational Facilities Guidelines and as follows:
- a. All pedestrian and hiker/biker trails on park property shall be paved.
 - b. The master plan trail and major connector trails on park property which provide service access to and around stormwater management ponds on park property shall be a minimum 10 feet wide with asphalt surfacing.

- c. Trail connectors to the neighborhoods which are located on park property shall be a minimum 6 feet wide with asphalt surfacing.
 - d. Trail slopes shall be ADA compliant.
8. Prior to approval of the Final Plat, in accordance with Section 24-134 and 24-135 of the Subdivision Regulations, the applicant, his heirs, successors and or assigns shall dedicated to the Maryland-National Capitol Park and Planning Commission 23.21 acres. Lands to be dedciated shall be subject to the following:
- a. An original, special warranty deed for the property to be conveyed (signed by the Assessment Supervisor, Washington Suburban Sanitary Commission) shall be submitted to the Subdivision Section of the Development Review Division, The Maryland-National Capital Park and Planning Commission (The M-NCPPC), along with the Final Plat.
 - b. The M-NCPPC shall be held harmless for the cost of public improvements associated with land to be conveyed, including but not limited to sewer extensions, adjacent road improvements, drains, sidewalks, curbs and gutters, and front-foot benefit charges, prior to and subsequent to Final Plat.
 - c. The boundaries and acreage of land to be conveyed to The M-NCPPC shall be indicated on all development plans and permits which include such property.
 - d. The land to be conveyed shall not be disturbed or filled in any way without the prior, written consent of the Department of Parks and Recreation (DPR). If the land is to be disturbed, the DPR shall require that a performance bond be posted to warrant restoration, repair, or improvements made necessary or required by The M-NCPPC development approval process. The bond or other suitable financial guarantee (suitability to be judged by the General Counsel's Office, The M-NCPPC) shall be submitted to DPR within two weeks prior to applying for building permits.
 - e. Storm drain outfalls shall be designed to avoid adverse impacts on land to be conveyed to or owned by The M-NCPPC. The DPR shall review and approve the location and design of these facilities. The DPR may require a performance bond and easement agreement prior to the issuance of grading permits.
 - f. All waste matter of any kind shall be removed from the property to be conveyed. The DPR shall inspect the site and verify that it is in acceptable condition for conveyance prior to Final Plat approval.
 - g. No stormwater management facilities, or tree conservation or utility easements shall be proposed on lands owned by or to be conveyed to The M-NCPPC without the prior written consent of the DPR. The DPR shall review and approve the location and/or design of these features. If such proposals are approved by the DPR, a performance bond and an easement agreement may be required prior to the issuance of grading permits.

- h. The applicant, his successors and/or assigns shall submit a letter to the Subdivision Section, DRD prior to final plat indicating that the Department of Parks and Recreation has conducted a site inspection and found the land to be dedicated to M-NCPPC in acceptable condition for conveyance.
- 9. At the time of Detailed Site Plan the applicant shall provide alternative alignment and construction options that evaluate the proposed PMA impacts on Lots 1 and 2, Block K due to driveway construction.
- 10. The following note shall be placed on the preliminary plat prior to signature approval and on the final plat. This note is provided to ensure that the residence located on the Robert's property will not have a disruption in water service.
 - Prior to any grading or paving on Lot 1, Block K, with the exception of expected road construction of Oden's Bequest Road, the residence located on the Robert's property, Tax Map 46, Grid A-2, Parcel 27 shall be connected to public water. Once the property has connected to public water, the well located on Lot 1 Block K shall be backfilled and sealed in accordance with COMAR 26.04.04 by a licenced well driller in a manner to support the construction of the drive way serving Lot 1, Block K.●
- 11. Any abandoned well or septic system shall be pumped out, backfilled and/or sealed in accordance with COMAR 26.04.04 by a licenced well driller or witnessed by a representative of the Health Department Environmental Engineering Program prior to grading permits.
- 12. Prior to building permits the applicant, his heirs, successors and/or assigns shall demonstrate that a homeowners association has been established and that the common areas have been conveyed to the homeowners association.
- 13. The applicant, his heirs, successors and/or assigns shall submit three (3) original Recreational Facilities Agreements (RFA) to DRD for approval prior to the submission of final plats, for construction of recreational facilities on homeowners land. Upon approval by the DRD, the RFA shall be recorded among the County Land Records.
- 14. The applicant, his heirs, successors and/or assigns shall submit a performance bond, letter of credit, or other suitable financial guarantee prior to building permits for the construction of recreational facilities on homeowners land.
- 15. The applicant, his heirs, successors and/or assigns shall submit three (3) original Recreational Facilities Agreements (RFA) to the Park Planning and Development Division for approval prior to the submission of final plats, for construction of recreational trail facilities on park property. Upon approval by the PP&D the RFA shall be recorded among the County Land Records.
- 16. The applicant, his heirs, successors and/or assigns shall submit a performance bond, letter of credit, or other suitable financial guarantee prior to building permits for the construction of recreational facilities on park property.

17. The applicant shall participate in providing improvements to MD 450 by contributing to the State Highway Administration a combination of roadway improvements and cash payments, constituting a total value, as determined by Prince George's County, of \$5.5 million. Satisfactory contribution of this amount shall be accomplished by the applicant agreeing with the State Highway Administration to reconstruct, as a sole source contractor, that portion of MD 450 from MD 193 to Bell Station Road. The construction of this improvement shall be accomplished pursuant to and in conformance with plans and specifications provided by the State Highway Administration (SHA Contract No. PG 900B21). It shall be the State Highway Administration's responsibility to ensure all rights-of-way needed for this improvement are provided. The value of these improvements, as determined based upon State Highway Administration estimates, shall be deducted from the value of the applicant's overall contribution responsibility. The balance of the applicant's overall contribution shall be paid to the Department of Public Works and Transportation for Prince George's County on a pro rata share at the time of the issuance of individual building permits for residential units in Phase II of the project and for nonresidential improvements in Phase I. The proportionate amount of the payment for each residential unit and for each square foot of nonresidential improvements shall be determined by agreement between the applicant and the State Highway Administration.

This total contribution by the applicant shall constitute its entire responsibility to contribute toward road improvements to MD 450. Payment of this sum exceeds the amount required to find adequacy of transportation facilities for Phase I, Part I and Part II, and constitutes a finding of adequate transportation facilities for the entire Fairwood project (1,799 DU's and 350,000 square feet of nonresidential uses). The applicant shall execute of a formal agreement with the State Highway Administration finalizing the details prior to the approval of any final plat of subdivision in Phase I Part II.

18. Any buildings located on part of Block I, Parcel A; Block I, Parcels C, D, E, F, and G; Block O; Block P; and Block Q, shall be fully sprinklered in accordance with National Fire Protection Association Standard 13D/13/ and all applicable Prince George's County Laws.
19. All land to be dedicated to a Homeowners Association shall be subject to the following conditions:
 - a. Conveyance shall take place prior to the issuance of building permits.
 - b. All manmade debris shall be removed from the land to be conveyed.
 - c. The conveyed open space shall not suffer the disposition of construction materials, soil filling, discarded plant materials, refuse or similar waste matter.
 - d. Any disturbance of land to be conveyed to a Homeowners' Association shall be in accordance with an approved Detailed Site Plan or shall require the written consent of the Development Review Division. This shall include, but not be limited to: The location of sediment control measures, tree removal, temporary or permanent stormwater management, utility placement and storm drain outfalls. If such proposals are approved, a written agreement and financial guarantee shall be

required to warrant restoration, repair or improvements required by the approval process.

STAFF RECOMMENDS APPROVAL OF TYPE I TREE CONSERVATION PLAN TCPI/47/00 AND VARIATION(S) TO SECTION 24-130