

The Maryland-National Capital Park and Planning Commission
 Prince George's County Planning Department
 Development Review Division
 301-952-3530

Note: Staff reports can be accessed at www.mnccppc.org/pgco/planning/plan.htm

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PRELIMINARY PLAN

4-01071

Application	General Data
Project Name: NABIT PROPERTY CLUSTER	Date Accepted 09/07/01
	Planning Board Action Limit 02/08/02
Location: North of MD 450 and east of Glenn Dale Road	Tax Map & Grid 045/D-04
	Plan Acreage 24.11
Applicant/Address: PIMB, Inc. 1006 Pars Ridge Drive Burtonsville, MD 20866	Zone R-R
	Lots 29 & 1 Outlot
	Parcels 6
	Planning Area 70
	Council District 4
	Municipality N/A
	200-Scale Base Map 207NE10

Purpose of Application		Notice Dates	
RESIDENTIAL SUBDIVISION		Adjoining Property Owners (CB-15-1998)	N/A
		Previous Parties of Record (CB-13-1994)	N/A
		Sign(s) Posted on Site	12/18/01
		Variance(s): Adjoining Property Owners	N/A
Staff Recommendation		Staff Reviewer: DEL BALZO	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Preliminary Plan of Subdivision 4-01071
Nabit Property Cluster Subdivision, Lots 1 - 29, Parcels ■A• to ■F• and Outlot ■A•

OVERVIEW

The subject property consists of approximately 24.11 acres of land in the R-R Zone. Undeveloped, it is currently known as Parcel 82, Tax Map 45, Grid D-4. The applicant proposes to develop the site as a residential cluster subdivision with 29 single-family detached residences on lots ranging in size from 10,000+ to 17,000+ square feet. In addition, one outlot (0.76 acres), one parcel (10.70 acres) to be dedicated to M-NCPPC, and four parcels (totaling 1.44⁷ acres) to be conveyed to the homeowners association for stormwater management and open space are also proposed. Very little of the open space provided is for active recreation.

Access is provided from a cul-de-sac connecting to MD 450. No lots have frontage on or proposed direct access to MD 450.

Staff will recommend approval of this application. The use of the cluster technique requires numerous findings aimed at demonstrating that the proposed cluster subdivision is ■superior• to a subdivision that could be achieved using conventional techniques. These findings are discussed at length below. Staff believes the proposal is a good one, subject to conditions to eliminate a lot and dedicate additional open space.

In addition, several variations are required to allow development to go forward. One variation was filed to allow the road crossing. Four other necessary variation requests were not filed. These four impacts to the wetland buffer, which include a sewer extension, a stormwater management outfall, and removal of two structures, may be supportable ultimately. However, since no variation request was filed, they cannot be granted at this time.

SETTING

The property is located on the north side of MD 450 approximately midway between MD 193 and MD 953.

FINDINGS AND REASONS FOR STAFF RECOMMENDATION

1. Cluster Findings•The design for the proposed cluster subdivision meets the purposes and criteria for approval of cluster developments in the R-R Zone found in Subtitles 27-Zoning and 24-Subdivision of the Prince George's County Code. The following findings are required in accordance with Section 24-137 of the Subdivision Regulations:
 - a. **Individual lots, streets, buildings and parking areas will be designed and situated in conformance with the provisions for woodland conservation and**

tree preservation set forth in Subtitle 25 of the Prince George's County Code, and in order to minimize alteration of the historic resources or natural site features to be preserved.

Comment: Woodland and tree conservation on the subject property will occur at the site's perimeter in the homeowners' open space and land to be dedicated to M-NCPPC. This approach is supported by the Environmental Planning Section and the Department of Parks and Recreation, and will provide a degree of buffering between the subject and adjoining properties. The overall layout of individual lots, streets, buildings and parking areas has been designed and situated so as to minimize alteration of the remaining woodland natural site features to be preserved.

- b. Cluster open space intended for a recreational or public use, conservation purposes, or as a buffer for a historic resource is appropriate, given its size, shape, topography and location, and is suitable for the particular purposes it is to serve on the site.**

Comment: The cluster open space is intended for conservation purposes and is suitable. Although generally behind the proposed lots, there is access to the open space from the proposed street. The open space parcel will benefit the development by permanently securing an undeveloped perimeter. This will enhance the living area environment.

- c. Cluster open space will include irreplaceable natural features located on the tract (such as, but not limited to, stream beds, significant stands of trees, steep slopes, individual trees of significant size, and rock outcroppings).**

Comment: The proposal preserves Patuxent River Primary Management Areas (PMA), stream, floodplain and wetland features. There are few steep slopes and no rock outcroppings affected by the proposal. However, there are proposed disturbances to the PMA. The law requires these to be minimal in the PMA in any development scheme. The law also requires wetland buffers, even those within the PMA, to be preserved completely. Disturbances require approval of variation requests. These are discussed in the Environmental Issues Finding of this report.

- d. Cluster open space intended for recreational or public use will be easily accessible to pedestrians; and the means of access will meet the needs of the physically handicapped and elderly.**

Comment: None of the cluster open space is intended for recreational or public use. All of the open space is intended for tree preservation, stormwater management, or other environmental protection. Staff recommended that the applicant eliminate a lot and subsume the outlot into the open space parcel. The applicant agreed to this and conditions are included in this report.

- e. Cluster open space intended for scenic value will achieve this purpose through the retention of irreplaceable natural features described above; or where such natural features do not exist, such techniques as berms planted with trees and**

the use of landscaping material may be required to eliminate visual monotony of the landscape.

Comment: The cluster open space is entirely wooded and consists of floodplain and wetlands. This scenic land is in view of most of the lots in the subdivision and a large open area crosses the internal road. This configuration incorporates the open land into the subdivision. It also fronts MD 450, leaving a scenic vista along the arterial.

- f. Diversity and originality of lot layout and individual building design, orientation, and location will achieve the best possible relationship between development and the land.**

Comment: The property is irregular in shape, although somewhat rectangular. The layout, with the elimination of one flag lot, takes advantage of the scenic and environmental qualities of the site by allowing them to be enjoyed by most of the homeowners. This is the best possible relationship between the development and the land. A conventional layout could lot out much of the floodplain and houses could block its view from others.

- g. Individual lots, buildings, parking areas, and streets will be arranged, designed, situated, and oriented so as to harmoniously relate to surrounding properties, to improve the view from dwellings, and to lessen the area devoted to motor vehicle access and circulation.**

Comment: With a few exceptions, the individual lots and buildings are arranged and oriented so that they will face each other and back up to open space (although half of them back to open space provided by M-NCPPC on other properties). The proposed road layout does provide for a minimum of pavement area devoted to motor vehicle access and circulation. There are no parking areas proposed. Individual lots, buildings, and streets are arranged, designed, situated, and oriented so as to harmoniously relate to surrounding properties, to improve the view from dwellings and to lessen the area devoted to motor vehicle access and circulation. As noted previously, the open space is incorporated into the subdivision and not simply hidden behind lots.

- h. Individual lots, buildings, parking areas, and streets will be so situated and oriented as to avoid the adverse effects of shadows, noise, and traffic on, and afford privacy to, the residents of this site.**

Comment: With the removal of the proposed flag lot, privacy is enhanced. Noise issues are discussed at length in the environmental finding. The lots of this small subdivision will, with the removal of the flag lot, create a private, serene environment, surrounded by parkland.

- i. Not more than one-fourth (1/4) of any of the land having slopes greater than twenty five percent (25%) will be removed or altered, and then only when the**

slopes are isolated, small, or otherwise occur as insignificant knolls, so that the design of the development or cluster open space will not be adversely affected.

Comment: Of approximately 0.65 acre of steep slopes on the property, only 0.09 acres (or 1/7) will be disturbed.

- j. **Appropriate landscape screening techniques will be employed at each entrance to the subdivision and along adjoining existing streets, so as to assure the compatibility of the appearance of the cluster subdivision with that of surrounding existing and planned residential development not approved for cluster development, and to provide an attractive appearance from streets. Individual lots shall also be appropriately landscaped in such a manner as to provide an attractive appearance.**

Comment: This issue is best dealt with at the detailed site plan stage. At this time, the applicant proposes to berm or fence the frontage along MD 450 as a noise barrier. The details of the frontage appearance will be determined at detailed site plan if this application is approved. The lots near the entrance have a larger appearance and rears will be buffered from streets.

Cluster Development Data as proposed by Applicant

Zone	R-R
Gross Tract Area	24.11 acres
Area with Slopes Greater than 25%	0.65 acre
Area within 100-year Floodplain	8.12 acres
Net Tract Area	15.34 acres
Minimum Lot Size Permitted	10,000 sq.ft.
Minimum Lot Size Proposed	10,000 sq.ft.
Theoretical Maximum Number of Lots	30
Number of Lots Proposed	29
Flag lots proposed	1
Cluster Open Space Required	4.98 acres
2/3 of Required Open Space to be Located Outside of the 100-Year Floodplain and Stormwater Management Facilities	3.29 acres
Cluster Open Space Proposed Outside of the 100-Year Floodplain and Stormwater Management Facilities	3.28 acres
Total Cluster Open Space Provided	7.05 acres
Mandatory Dedication Required	1.21 acres

Mandatory Dedication Proposed	1.21 acres
Total Open Space Required (Cluster plus Mandatory Dedication)	6.19 acres
Total Open Space Provided	18.90 acres
Open Space to be Conveyed to homeowners association	7.05 acres
Open Space to be Conveyed to M-NCPPC	11.85 acres
Open Space to be Conveyed to Prince George's County	0 acres
Slopes Exceeding 25% in grade	0.65 acre
25% of Steep Slopes	0.16 acre
Area of Steep Slopes to be Disturbed	0.09 acre
Area of Nontidal Wetlands and Waters of the U.S.	7.07 acres

Modification in Dimensional Standards Permitted in Cluster		Standard in Zone	Modification Allowed	Proposed
27-443.2(c)	Net Lot Coverage	25%	30%	30%
27-442(d)	Lot Width at Bldg. Line	100'	75'	75'
	Lot Frontage Along Street Line	70'	50'	50'
	Lot Frontage Along Cul-de-sac	60'	50'	50'

2. Environmental Issues and Variation Request - A site visit and review of the information available indicate that streams, wetlands, and 100-year floodplain are found to occur on this property. Pockets of steep and severe slopes are located on this site, primarily adjacent to the stream. The site is located in the Lottsford Branch watershed, which is a tributary to the Patuxent River. The soils found to occur on this property, according to the Prince George's County Soil Survey, include the Bibb, Collington, and Sassafras series. The Bibb soils are in Hydrologic Class D and have limitations of high water table, flood hazard, and poor drainage. The Collington and Sassafras soils pose no special problems for development. There are no rare, threatened, or endangered species located in the vicinity of this property based on information provided by the Maryland Department of Natural Resources, Natural Heritage Program. MD 450 is a significant noise generator. No historic or scenic roads are affected by this proposal. The sewer and water service categories are S-4C and W-4C.

This site is subject to the provisions of the Woodland Conservation Ordinance because the site is larger than 40,000 square feet in size and contains more than 10,000 square feet of woodlands. A Tree Conservation Plan (TCP) and Forest Stand Delineation (FSD) are required. The FSD was previously revised to reflect the correct amount of woodland on the site. No further information is needed with regard to the FSD.

TCPI/40/90-01 incorrectly lists the amount of on-site woodland preservation in one area as 2.23 acres when the correct amount of preservation in this area is 2 acres. This will require that the woodland conservation worksheet be revised and on-site reforestation will be required. Prior to signature approval of the preliminary plan, TCPI/40/90-01 should be revised to reflect the

correct amount of woodland preservation on-site. Reforestation shall be provided on-site to meet any woodland conservation deficiencies. The woodland conservation worksheet shall be revised accordingly.

This site is within the Patuxent River watershed and the Patuxent River Primary Management Area (PMA) must be indicated on the plan. The PMA on this site includes the perennial streams, 50-foot stream buffers, 100-year floodplain, and wetlands adjacent to the perennial streams and one-hundred year floodplain. In response to previous comments, the preliminary plan and the TCP have been revised to include the designation of the PMA.

Section 24-130(4) of the Subdivision Regulations states, ■Where a property is partially or totally within the Patuxent River Watershed, the plat shall demonstrate adequate protection to assure that the Primary Management Area is preserved in a natural state to the fullest extent possible.● A variation request was submitted with the original application. The applicant was informed in writing in October 2001 that a variation request is not required, but that a Letter of Justification is required that addresses each individual impact and identifies each impact on a map. The justification statements must provide reasoning regarding how the PMA impacts have been preserved to the fullest extent possible. A justification statement has been submitted for only one of the five proposed impacts to the PMA.

Staff supports the justification for the impact to the PMA associated with the road which accesses the back part of the property. This road is crossing the 50-foot stream buffer, part of the PMA, at the narrowest location possible, which reduces the proposed impact to the PMA to the fullest extent possible while allowing for the development of the portion of the property separated by the stream. Not allowing this impact could be considered a hardship to the applicant. The four remaining impacts have not been justified and also result in impacts to the wetland buffer for which variation requests are required that have not been submitted. Prior to signature approval of the preliminary plan, the four PMA impacts that have not been addressed in a submitted Letter of Justification should be removed from the plan. If a new preliminary plan is submitted, the proposed impacts will be reviewed and considered as part of that plan.

The site also contains wetland buffers which are required to be protected under Section 24-130 of the Subdivision Regulations as separate from the PMA. In response to comments in a previous memo, the preliminary plan and TCP have been revised to correctly show the wetland buffers. Staff has field checked this delineation and verified it to be correct. The preliminary plan as submitted shows impacts to the existing wetland buffers in five places. After the wetland buffers had been correctly shown on the plans, the applicant was informed in a meeting held in December 2001 that variation requests are needed for all proposed impacts to the wetland buffers. Only one variation request had been received in September 2001 with the original application. Variation requests for four other areas of wetland buffer impacts have not been submitted.

The text below describes the one variation request received and recommends approval. The remaining wetland buffer impacts must be removed from the plan because variation requests have not been submitted and are required for review by staff and approval by the Planning Board. Prior to signature approval of the preliminary plan, the plan and the TCP should be revised to remove all proposed impacts to wetland buffers for which variation requests have not

been submitted or approved. If a new preliminary plan is submitted that shows proposed impacts to wetland buffers, variation requests for each impact must be submitted for review.

Variation Request

The plan proposes five impacts to wetland buffers. Impacts to these buffers are prohibited by Section 24-130 of the Subdivision Regulations unless the Planning Board grants a variation to the Subdivision Regulations in accordance with Section 24-113. A request for one variation was accepted for processing on September 7, 2001. This variation is to allow a road to cross the wetland buffers. Section 24-113 of the Subdivision Regulations sets forth the required findings for approval of variation requests. Staff supports the one proposed impact covered in the variation request for the road crossing, based on the following findings:

- a. **The granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to other property.** Comment: With the level of detail provided with the preliminary plan, it does not appear that the proposed impacts will be detrimental to the public health, safety, or welfare, or will be injurious to other property. These impacts will be further reviewed during the permit process by the Prince George's County Department of Environmental Resources and the Maryland Department of the Environment.
- b. **The conditions on which the variation is sought are not applicable generally to other properties.** Comment: The conditions on which this variation is sought would not be generally applicable to other properties. This property is divided by two tributaries which encumber more than half the property. This is an unusual situation.
- c. **The variation does not constitute a violation of any other applicable law, ordinance, or regulation.** Comment: No other applicable law, ordinance, or regulation would be violated by the granting of this variation; however, during the wetland permit review process the Maryland Department of the Environment will ensure that no other applicable law, ordinance or regulation is being violated.
- d. **Because of the particular surroundings, shape, or topographic 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.** Comment: Because of the extensive amount of wetlands on this property and because the only way to access the northern portion of the property is by crossing the stream and wetlands, a significant portion of the property would be unbuildable if the subject variation is not granted because there is no other viable access point to this portion of the property at this time. This could be considered a particular hardship to the owner.

The variation request includes a request to fill nontidal wetlands. Approval of a permit from the Maryland Department of the Environment (MDE) is required. Prior to the approval of any permits, a copy of all required environmental permits should be submitted to the Environmental Planning Section.

MD 450 is classified as a divided arterial, with the 65 dBA noise contour occurring approximately 860 feet from the centerline of the roadway. This noise contour is based on the ultimate road design and service flow for this road, but is an approximation that does not compensate for topography. The applicant was informed in writing in October 2001 that the unmitigated 65 dBA noise contour needs to be shown on the preliminary plan.

A noise study was submitted for this application on November 30, 2001. The Environmental Planning Section provided written comments concerning this noise study on December 11, 2001, stating that the study was incomplete. Based on these comments the applicant has decided to show the noise contour stated above and provide appropriate noise mitigation measures on the Detailed Site Plan. Prior to signature approval, the preliminary plan should be revised to include the location of the unmitigated 65 dBA noise contour. At time of Detailed Site Plan submission, the DSP should show the location of the unmitigated 65 dBA contour and show noise mitigation measures that will reduce the noise impacts at ground level to 65 dBA or less in outdoor activity areas and 45 dBA or less in interior living areas. A Phase II Noise Study may be required if needed to illustrate how these noise standards will be met.

The site contains sensitive environmental features that are required to be protected in perpetuity. The PMA and all associated nontidal wetlands that are not to be conveyed to M-NCPPC shall be placed in a conservation easement to ensure their preservation. At time of final plat, a conservation easement should be described by bearings and distances. The conservation easement will contain all 100-year floodplain, stream buffers, wetlands and wetland buffers except for approved variation requests, and shall be reviewed by the Environmental Planning Section prior to certificate approval. An appropriate final plat note should be included.

3. Community Planning●The property is identified in Living Area 5 in the *Approved Master Plan and Sectional Map Amendment for Glenn Dale-Seabrook-Lanham and Vicinity* (1993), which recommends low suburban residential development for the property. The sectional map amendment retained the property in the R-R Zone. There are no master plan issues with this development proposal. The proposed subdivision is consistent with the master plan recommendation for residential development on this property.

While the master plan encourages the use of clustering or comprehensive design techniques in Living Area 5, potential development must conform to all other requirements of the county code. In this case, the proposed cluster development comes very close to meeting all other requirements. The applicant has agreed to eliminate the flag lot on the plan, thereby reducing the number of lots and allowing for wider lines of site into the protected environmental area. Additionally, the applicant has agreed to reduce the size of Outlot ■A● and eliminate its road frontage. This will prevent possible future issues regarding direct access to MD 450. With these two changes, the proposal moves from almost meeting the requirements to being one that meets them completely and is superior to a conventional development on this site.

4. Parks and Recreation●The proposal is subject to the requirements of Section 24-134 of the Subdivision Regulations for mandatory park dedication. It is also subject to Section 24-137 requirements for cluster open space. In this case, the applicant proposes to dedicate 11.85 acres to M-NCPPC to meet cluster open space and mandatory dedication requirements.

5. Trails The Adopted and Approved Glenn Dale-Seabrook-Lanham & Vicinity Master Plan, includes two trails impacting the subject site. A Class II Trail is proposed along the subject property's entire frontage of MD 450. However, this trail has been completed by the State Highway Administration as part of the recent MD 450 road improvement project. There is no need for trail construction for this recommendation. However, the existing trail shall be maintained through the development of the subject site.

The master plan also recommends the dedication of the stream valley along Lottsford Branch to the Department of Parks and Recreation (DPR) and the construction of a stream valley trail along Lottsford Branch. The land within the stream valley shall be dedicated to DPR, as indicated on the submitted plan. DPR has determined that trail construction is not warranted at this time.

6. Transportation The transportation staff determined that weekday traffic counts were needed at the signalized intersection of MD 450 and MD 953 (Glenn Dale Road). In response, the applicant submitted traffic counts taken in October 2001 at this location. 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*.

Summary of Traffic Impacts

The staff has reviewed weekday traffic operations in the vicinity of the site using new counts taken in October 2001. The staff is specifically analyzing the following intersection:

MD 450/MD 953 (signalized)

Existing conditions at the critical intersection in the AM peak hour are Level-of-Service (LOS) A, with a critical lane volume (CLV) of 867. In the PM peak hour, operating conditions are LOS A with a CLV of 650. The analysis indicates that acceptable traffic conditions exist at the critical intersection.

A review of background development in the area was conducted by staff, and 16 significant approved but unbuilt developments were identified in the immediate area, encompassing approximately 2,350 residences and 1.5 million square feet of nonresidential space. The transportation staff assumed a 1 percent annual growth rate for through traffic along MD 450 over four years. There are no improvements to roadways in the area which are funded in either the county Capital Improvement Program or the state Consolidated Transportation Program. However, staff notes that major improvements to MD 450 were recently completed and are in place and open to traffic. Background traffic conditions at the critical intersection are LOS C with a CLV of 1,285 in the AM peak hour, and LOS A with a CLV of 972 in the PM peak hour.

The *Guidelines* contain trip generation rates for residential development, and the site would generate 22 AM (5 inbound and 17 outbound) and 26 PM (16 inbound and 10 outbound) peak hour vehicle trips. These trips would be distributed 25 percent eastbound along MD 450, 10 percent northbound along MD 193, 5 percent southbound along MD 193, and 60 percent westbound along MD 450 through the critical intersection. Total traffic conditions at the

critical intersection are LOS C with a CLV of 1,288 in the AM peak hour, and LOS A with a CLV of 976 in the PM peak hour.

The Prince George's County Planning Board, in the *Guidelines*, has defined Level-of-Service D (LOS D) as the lowest acceptable operating condition on the transportation system. The critical intersection has been found to be operating acceptably, at LOS D or better, in both peak hours with the proposed development of the subject property.

No further issue were identified for the development of the subject property. Sufficient right-of-way already exists along MD 450, and no further dedication is required by this plan.

Based on these findings, adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code. No transportation conditions are necessary at this time.

7. Schools●The Growth Policy and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of public facilities in accordance with Section 24-122.02 of the Subdivision Regulations and the *Adequate Public Facilities Regulations for Schools* (CR-23-2001).

Impact on Affected Public School Clusters

Affected School Clusters #	Dwelling Units	Pupil Yield Factor	Subdivision Enrollment	Actual Enrollment	Completion Enrollment	Wait Enrollment	Cumulative Enrollment	State Rated Capacity	Percent Capacity	Funded School
Elementary School Cluster 2	29	0.24	6.96	7,114	224	36	7,380.96	6,435	114.70%	Lake Arbor
Middle School Cluster 2	29	0.06	1.74	4,397	201	189	4,788.74	3,648	131.27%	East Central
High School Cluster 2	29	0.12	3.48	12,045	412	377	12,837.48	10,811	118.74%	F. Douglass addn.

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

The affected elementary, middle, and high school clusters percentage capacities are greater than 105 percent. Lake Arbor Elementary is the Funded School in the affected elementary school cluster. East Central is the Funded School in the affected middle school cluster. The Frederick Douglass addition is the Funded School in the affected high school cluster. Therefore this subdivision can be approved with a three year waiting period.

8. Fire and Rescue●The Growth Policy and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of public fire and rescue facilities. Fire engine, ambulance and paramedic services are provided by the Glenn Dale Fire Station, Company 18, located at 11900 Glenn Dale Boulevard. With a response time of 2.70 minutes to the site:
 - a. The existing fire engine service is within the 5.25-minute response time guideline.

- b. The existing ambulance service is within the 6.25-minute response time guideline.
- c. The existing paramedic service is within the 7.25-minute response time guideline.

These 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*

- 9. Police Facilities●The Nabit Property Cluster is within the District II-Bowie service area. In accordance with Section 24-122.01(c) of the Subdivision Regulations of Prince George's County, the existing county police facilities will be adequate to serve the proposed Nabit Property Cluster. This police facility will adequately serve the population generated by the development
- 10. Health Department●The Health Department notes that there is an existing septic system on the property that will be abandoned. Any abandoned septic system will need to be backfilled or pumped and sealed in accordance with COMAR 26.04.04. Raze permits are required prior to the removal of any structures.
- 11. Stormwater Management●The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan, #15710-2001-00, was approved with conditions on June 26, 2001, to ensure that development of this site does not result in on-site or downstream flooding. It is valid through June 26, 2004. Development must be in accordance with this approved plan.

The concept plan proposes three locations for bio-retention, Parcels ■A.●, ■C.●, and ■F.●. Parcel ■A.● has no access. Prior to signature approval, the preliminary plan must be revised to show access to Parcel ■A.●. This access needs to be direct to the proposed road and cannot be an easement over any proposed lot.
- 12. Public Utility Easement●The preliminary plan does not show the required 10-foot-wide public utility easement. If approved, this easement should be added to the preliminary plan prior to signature approval.

RECOMMENDATION

APPROVAL, subject to the following conditions:

- 1. Prior to signature approval, the preliminary plan shall be revised as follows:
 - a. Eliminate proposed Lot 26, and include a maximum of 28 lots.
 - b. TCPI/40/90-01 shall be revised to reflect the correct amount of woodland preservation on-site. Reforestation shall be provided on-site to meet any woodland conservation deficiencies. The woodland conservation worksheet shall be revised accordingly.

- c. The four PMA impacts that have not been addressed in a submitted Letter of Justification shall be removed from the plan. If a new preliminary plan is submitted, the proposed impacts will be reviewed and considered as part of that plan.
 - d. The plan and the TCP shall be revised to remove all proposed impacts to wetland buffers for which variation requests have not been submitted or approved. If a new preliminary plan is submitted that shows proposed impacts to wetland buffers, variation requests for each impact must be submitted for review.
 - e. Include the location of the unmitigated 65 dBA noise contour.
 - f. Reconfigure Outlot ■A● so that it no longer has road frontage on MD 450. Outlot ■A● shall also be reduced in size by half on the preliminary plan. The exact configuration and size of Outlot ■A● shall be determined at Detailed Site Plan. However, Outlot ■A● shall not include any structures or parking which would intrude into the scenic quality of the protected environmental area.
 - g. Provide direct access to Stormwater Management Parcel ■A●. This access shall not be in the form of any easement over any lot.
- 2. A detailed site plan shall be approved prior to the approval of a Final Plat of Subdivision. The configuration of Outlot ■A● shall be no more than 0.40 acre and shall not have frontage on MD 450.
 - 3. No building permits shall be issued for this subdivision until the percentage capacity at all the affected school clusters is less than or equal to 105 percent or 3 years have elapsed since the time of the approval of the preliminary plan of subdivision; or pursuant to the terms of an executed school facilities agreement whereby the subdivision applicant, to avoid a waiting period, agrees with the County Executive and County Council to construct or secure funding for construction of all or part of a school to advance capacity.
 - 4. Prior to the approval of any permits, a copy of all required environmental permits shall be submitted.
 - 5. At time of Detailed Site Plan submission, the DSP shall show the location of the unmitigated 65 dBA contour and shall show noise mitigation measures that will reduce the noise impacts at ground level to 65 dBA or less in outdoor activity areas and 45 dBA or less in interior living areas. A Phase II Noise Study may be required if needed to illustrate how these noise standards will be met.
 - 6. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain all 100-year floodplain, stream buffers, wetlands and wetland buffers except for approved variation requests and land areas to be conveyed to M-NCPPC. The conservation easement shall be reviewed by the Environmental Planning Section prior to Final Plat approval. The following note shall be placed on the Final Plat:

"Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation is prohibited without prior written

consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is permitted."

7. At the time of final plat, the applicant, his heirs, successors and or assignees shall dedicate to M-NCPPC 12 $\frac{1}{2}$ acres of cluster open space shown on the preliminary plan as Parcel ■B,● and that part of Outlot ■A,● determined at the detailed site plan stage, subject to the following:
 - a. An original, special warranty deed for the property to be conveyed (signed by the WSSC Assessment Supervisor), shall be submitted to the Subdivision Section of the Development Review Division, The Maryland-National Capital Park and Planning Commission (M-NCPPC), along with the Final Plat.
 - b. 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 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, 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, M-NCPPC) shall be submitted to DPR within two weeks prior to applying for grading permits.
 - e. Storm drain outfalls shall be designed to avoid adverse impacts on land to be conveyed to or owned by M-NCPPC. If the outfalls require drainage improvements on adjacent land to be conveyed to or owned by M-NCPPC, DPR shall review and approve the location and design of these facilities. DPR may require a performance bond and easement agreement prior to issuance of grading permits.
 - f. All waste matter of any kind shall be removed from the property to be conveyed. 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 M-NCPPC without the prior written consent of DPR. DPR shall review and approve the location and/or design of these features. If such proposals are approved by DPR, a performance bond and an easement agreement may be required prior to the issuance of grading permits.
8. Prior to the issuance of building permits, the applicant, his heirs, successors and or assignees shall convey to a homeowners association 1.5 $\frac{1}{2}$ acres of cluster open space, shown on the plan as Parcels ■A,●, ■C,●, ■D,●, ■E,●, ■F,●. This conveyance shall be subject to the following:

- a. A copy of an unrecorded, special warranty deed for the property to be conveyed shall be submitted to the Subdivision Review Section of the Development Review Division (DRD), Upper Marlboro, along with the Final Plat.
- b. All waste matter of any kind shall be removed from the property, prior to conveyance, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section or the entire project.
- c. The conveyed land 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 DRD. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement and storm drain outfalls. If such proposals are approved, a written agreement and financial guarantee shall be required to warrant restoration, repair or improvements, required by the approval process.
- e. Storm drain outfalls shall be designed to avoid adverse impacts on land to be conveyed to a homeowners association. The location and design of drainage outfalls that adversely impact property to be conveyed, shall be reviewed and approved by DRD prior to the issuance of grading or building permits.
- f. Temporary or permanent use of land to be conveyed to a homeowners association for stormwater management shall be approved by DRD.
- g. Storm drain outfalls shall be designed to avoid adverse impacts on adjacent land owned by, or to be conveyed to The Maryland-National Capital Park and Planning Commission (M-NCPPC). If the outfalls require drainage improvements on land to be conveyed to or owned by M-NCPPC, the Department of Parks and Recreation (DPR) shall review and approve the location and design of these facilities. DPR may require a performance bond and easement agreement prior to the issuance of grading permits.
- h. The Planning Board or its designee shall be satisfied that there are adequate provisions to assure retention and future maintenance of the property to be conveyed.

STAFF RECOMMENDS APPROVAL OF TCPI/40/90-01 AND APPROVAL OF THE VARIATION TO SECTION 24-130 TO ALLOW THE ROAD CROSSING.