

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



Comment [COMMENT1]: WHEN INSERTING INFORMATION AT THE @ SIGN REMEMBER TO USE INDENT FOR SECOND LINE - NOT TAB. ALSO, IT WILL LOOK LIKE THE TEXT IS GOING WACKO, BUT DON'T WORRY - IT IS FINE.

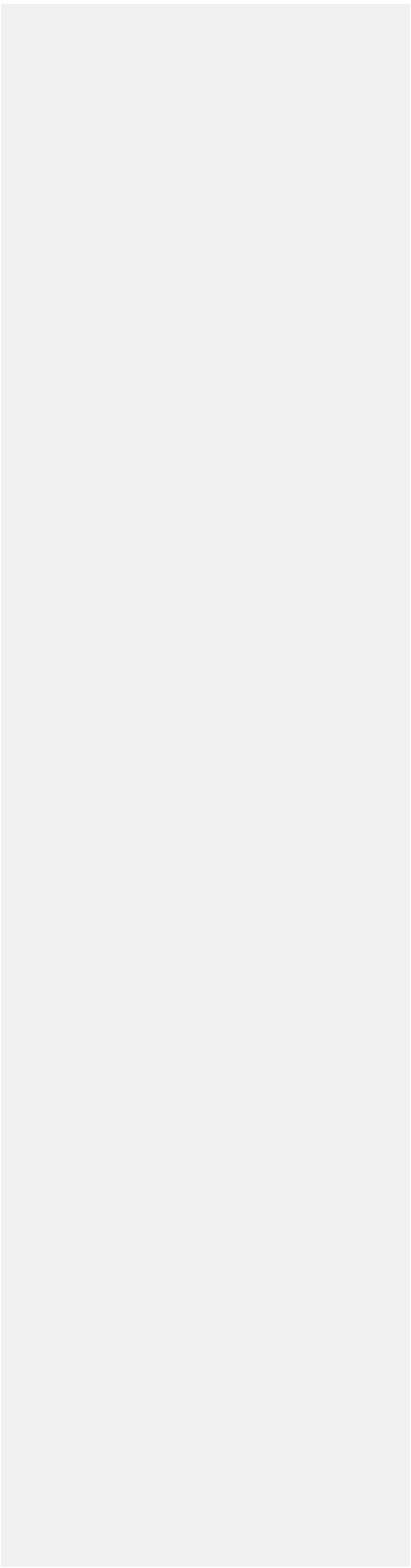
PRELIMINARY PLAN

4-01094

Application	General Data
Project Name: RIDGES II, THE Location: South side of Floral Park Road, approximately 200 feet east of its intersection with Windbrook Drive. Applicant/Address: The Ridges of Brandywine, LLC 2812 Chesterfield Road Washington D.C. 20008	Date Accepted11/19/01
	Planning Board Action Limit04/21/02
	Tax Map & Grid143/D-02
	Plan Acreage118.60
	ZoneR-A
	Lots29
	Parcels3
	Planning Area84
	Council District09
	MunicipalityN/A
	200-Scale Base Map217SE04

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	3/27/02
			Variance(s): Adjoining Property Owners	N/A
Staff Recommendation			Staff Reviewer: Whitney Chellis	
APPROVAL	APPROVAL WITH CONDITIONS		DISAPPROVAL	DISCUSSION

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THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Preliminary Subdivision Plan 4-01094
The Ridges II, Lots 1-9, Block A; Lots 1-20, Block B; and Parcels A, B, and C

OVERVIEW

The subject property is approximately 118.60 acres of land in the R-A Zone. It is identified as Parcel 53 on Tax Map 143 in Grid D-2. The applicant is proposing to subdivide the property into 29 lots and 3 parcels using the varying lot size standards provided for in Section 27-442(a)(1)(b) of the Zoning Ordinance. That standard provides for greater flexibility in the minimum lot size without allowing an increase in the allowable density of the zone. This is discussed further in Finding 12 of this report. The applicant is proposing lots ranging in size from 1.4 acres to 3.4 acres, where the conventional R-A zoned lots would require a two-acre minimum lot size. The remaining acreage, Parcels A, B, and C, a total of 85 acres, will be used as open space and dedicated to a homeowners' association.

This site is an extension of an existing development to the west known as The Ridges I subdivision, a 62-lot subdivision in the R-A Zone on 149.29 acres, which has record plat approval but has not been constructed. The subject preliminary plan has frontage on Floral Park Drive. Access, however, is proposed via a connection to Woodreed Drive to the west into The Ridges I subdivision as well as a further extension of Woodreed Road to the east into The Ridges III subdivision. The Ridges III subdivision is currently pending pursuant to Preliminary Plan application 4-01095. The Ridges III application proposes a direct connection onto Floral Park Road.

SETTING

The site is located on the south side of Floral Park Drive approximately 450 feet southwest of its intersection with Windbrook Drive in Piscataway. To the west is The Ridges I subdivision, which is undeveloped land zoned R-A. To the east is vacant undeveloped R-A zoned land that is currently the subject of Preliminary Plan 4-01094 for 30 single-family dwelling unit lots, a further extension of this development. To the south is vacant undeveloped R-A zoned land. A 350-foot PEPCO right-of-way cuts through the southern portion of the property, severing four acres of the property used for tree conservation.

FINDINGS AND REASONS FOR STAFF RECOMMENDATION

1. Environmental - This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the gross tract area is in excess of 40,000 square feet and there are more than 10,000 square feet of existing woodland on site. The Type I Tree Conservation Plan, TCPI/35/01, has been reviewed and found to address the requirements of the Prince George's County Woodland Conservation Ordinance. TCPI/35/01 is recommended for approval.

A review of the available information indicates that streams, wetlands, 100-year floodplain, severe slopes, and areas of steep slopes with highly erodible soils are found to occur on the property. No adverse noise impacts have been found for this property.

The soils found to occur according to the Prince George's County Soil Survey include Aura gravelly loam, Aura and Croom gravelly loam, Beltsville silt loam, Chillum silt loam, Croom gravelly sandy loam, Fallsington sandy loam, Iuka fine sandy loam, Mattapeake fine sandy loam, Mixed alluvial land, Ochlockonee sandy loam, Sassafras gravelly loam, Sassafras sandy loam, Sassafras-Collington-Aura gravelly sandy loams, and Westphalia fine sandy loam. Most of the existing soils have significant limitations. According to available information, Marlboro clay is not found to occur on this property.

The sewer and water service categories are S-4 and W-4. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program publication entitled *Ecologically Significant Areas in Anne Arundel and Prince George's Counties*, December 1997, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. Floral Park Road is a designated scenic and historic road. The current site design does not propose any impacts within 1,000 feet of the road. Therefore, a viewshed analysis was not be required. This property is located in the Piscataway Creek subwatershed of the Potomac River watershed.

This property encompasses several unnamed tributaries to Burch Branch, which is a tributary to Piscataway Creek in the Potomac River Watershed. The Subdivision Ordinance requires the preservation of streams, wetlands, and extended buffers.

A Wetland Delineation Report has been reviewed and found to accurately reflect the locations of the wetlands on this property. The Maryland Department of Environmental Resources and/or the Army Corps of Engineers will make the final determination as to the exact extent of the wetlands. The plans included with the application accurately show the location of the streams, the 50-foot stream buffer, and the expanded buffer required by Section 24-130(b)(6). The plans also accurately show the locations of the wetlands, the associated 25-foot wetland buffer, and the expanded wetland buffer required by Section 24-130(b)(7). The expanded buffer has been accurately shown on the Preliminary Plan of Subdivision and TCPI/35/01.

2. Variation - The applicant is proposing 15 impacts to the extended buffer for development of this property. The extended buffers include 100-year floodplain, wetlands and steep slopes, which are required to be preserved by Sections 24-130(b)(6) and (7) of the Subdivision Regulations. The proposed impacts to the extended buffer have been reduced significantly since the initial submittal of this application.

The impacts proposed will be addressed individually or as a group of similar impacts, as appropriate. The impacts are summarized as: supported, impacts supported with modifications, and impacts not supported.

Proposed impacts associated with the sewer alignment include the impacts identified in the variation request as A through I and K. These impacts can be reduced further. Impacts A, D, H, I, and K are supported with no modifications. Impacts B, C, E, F, and G are supported with modifications because there is a potential that some minor adjustments to the alignment and the associated grading could eliminate or further reduce the impacts.

The proposed impacts associated with the construction of the road network include impacts identified as J, M, N, and O. The impacts identified as J and N are supported with no modifications, while the impacts identified as M and O are supported with modifications. The impacts associated with J and N could be further minimized by a slight realignment of Street C. Although large portions of impact O are unavoidable without losing access to much of the property, there is an opportunity to further reduce the buffer impacts on Lot 7, Block B, by adjusting the lots in this area.

Buffer impacts not addressed above include L and P, which could easily be further reduced or eliminated entirely. Impact L involves disturbances to the buffer on Lot 19, Block B, which are not supported because there is a significant area on which the house could be sited without disturbing the buffer. Impact P on Lot 10, Block B, could also be avoided by reconfiguring the lots in this area and siting the house further back on the lot.

Required Findings for the Variation Requests

- (1) **The granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to other property;**

The variations that are being supported or supported with modifications are associated with the construction of a sewer outfall and roads to be dedicated to public use. In fact, the extent of impacts is dictated by public improvements such as public roads and sewer extensions. These improvements are regulated by the DER permit process and are subject to standards to ensure that the public safety, health, and welfare is not adversely affected. Impacts proposed simply for the convenience of a proposed lotting pattern are not supported.

- (2) **The conditions on which the variation is based are unique to the property for which the variation is sought and are not applicable generally to other properties;**

This property is bisected by numerous streams with expansive buffers which include 40 to 50 percent of the area of the property. Attempts to avoid all of the supported impacts would require a further reduction in the proposed number of lots by approximately 50 percent simply because of a single road crossing. The impacts associated with the sewer connection are unavoidable.

- (3) **The variation does not constitute a violation of any other applicable law, ordinance, or regulation; and**

The granting of the variation requests will not constitute a violation of any other law, ordinance, or regulation because the other laws, ordinances, and regulations will be addressed during subsequent reviews, approvals, and permitting processes.

- (4) **Because of the particular physical surroundings, shape, or 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 configuration of this property and the location of the stream and the extended buffers creates a particular hardship with respect to the development of this property. Approximately 40 to 50 percent of the property is located within the extended buffers for sensitive environmental features and approximately 50 percent of the proposed lots would be inaccessible if this variation were not granted. This would equate to a potential for developing a mere 25 percent of the property and only if the sewer alignment is granted. Failure to grant the supported variations would reduce the development potential of this site by 75 percent or more.

Summary of Variations

Impacts that are supported: A, D, H, I, J, K, and N

Impacts that are supported with modifications: B, C, E, F, G, M, and O

Impact that are not supported: L and P

- 3 Community Planning - The proposed subdivision is within the limits of the *1993 Subregion V Master Plan* in Planning Area 84 in the Danville-Piscataway Community.

The *1993 Master Plan for Subregion V* recommends a semirural living area at densities up to 0.5 dwelling units per acre.

According to the plan text (p.46): *■The primary design concept for land use in a rural area is to maintain large parcels of undeveloped land to preserve rural character. Residential subdivisions dividing large parcels into equal minimum-sized house lots are not encouraged, but cannot be prohibited. When residential development does occur, techniques that maintain large areas of woodland, meadow, or cultivated fields should be considered.●*

With respect to the ■semirural living area● classification, such as that encompassing the subject property, the master plan text states (p.47): *■These are areas where a mixture of semirural, large-lot residential or rural hamlet lifestyles may evolve with or without the use of public sewer services that already exist around and through the area■. When public sewer is utilized, the design of residential development in accordance with rural living concepts should be required. On larger properties, especially, there are opportunities to preserve rural characteristics along with residential development if appropriate regulations can be formulated to allow low-density cluster/open space or rural ■hamlet■ designs.●*

To date, regulations that would allow open space or rural cluster (hamlet) subdivisions have not been adopted. Lot size variations permitted in the R-A Zone per Section 27-442 of the zoning regulations, as are utilized for this application, allow some flexibility in subdivision design, although not to the degree recommended by the master plan to achieve rural living area design concepts.

The *2000 Interim General Plan* classifies this property in the Rural Tier. Within this Tier rural open space, agricultural land retention, and preservation of rural character is encouraged. A number of policies and strategies are suggested for achieving this goal,

however, none have been implemented through legislation yet. Regardless, a limited amount of large-lot residential development is recognized as appropriate where compatible with adjacent land uses and infrastructure.

This proposed subdivision is an extension of a previously recorded large-lot subdivision of similar design adjoining to the west known as The Ridges I. Although the proposed lots are distributed fairly evenly over the entire property, the application is for only 29 lots on 118 acres. That number of lots is just half the number that could be allowed in the R-A Zone, undoubtedly due to the severe topography of the site.

In absence of legislation implementing the above mentioned master plan and general plan recommendations, this preliminary subdivision plan application is consistent with the county's rural land use policies as can be required under current regulations. Master plan design guidelines (pp. 52) that pertain to review of this site include the following:

13. Residential and related uses fronting on major highways and scenic roads should conform to a particularly high standard of design, both as individual structures and as they blend in among other buildings.
14. Developers shall be encouraged to preserve natural amenities such as streams, floodplain and wooded areas, and to incorporate these natural features into the environmental pattern of residential areas to serve as open space and to define and link together the living areas.
15. Housing shall be prohibited in unsafe areas such as wetlands, floodplains, and unstable soils, and should be designed to minimize stormwater runoff, erosion and sedimentation.
16. Homes should be located to minimize site disturbance. Wherever possible, they should not be placed in the center of open fields or on ridge lines. They should be sited at the edges of fields and in wooded areas with minimal tree cutting to minimize visual impact. Treed areas between the home and the street should be retained.
24. Existing rural features such as fence rows, treelines, and agricultural structures such as barns and silos should be preserved where feasible in order to retain the rural character. Any existing farm roads should be incorporated into the residential area design where possible.
25. Homes should be sufficiently set back from roads in order to preserve scenic viewsheds and to maintain the rural character. The views from the road should be protected through provision of landscaping where necessary.
26. In rural area subdivisions, lots, homes and farm structures should be sited so that contiguous agricultural land is preserved for production and/or contiguous woodlands are preserved as wildlife habitat.

The proposed 29 lot subdivision is consistent with the rural land use recommendations of the General Plan and the Master Plan.

4. Parks and Recreation - In accordance with Section 24-134(a) of the Subdivision Regulations, the subdivision is exempt from the requirements for mandatory dedication of parkland because the proposed lots are greater than one acre in size.
5. Trails - There are no master plan trails issues. However, if road improvements are required by DPW&T along Floral Park Road, seven- to ten-foot--wide asphalt shoulders are encouraged to accommodate bicycle traffic.
6. Transportation - The applicant has not prepared a traffic impact study nor was one required by the transportation staff given the limited amount of development being requested. The applicant did conduct peak-hour traffic counts at the nearest major intersections at the request of staff, however. 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*.

Staff Analysis of Traffic Impacts

The application is a plan for a residential subdivision consisting of 29 single-family detached residences. The proposed development would generate 22 AM (4 in, 18 out) and 26 PM (18 in, 8 out) peak-hour vehicle trips as determined using *The Guidelines for the Analysis of the Traffic Impact of Development Proposals*. The site was analyzed using the following trip distribution:

MD 223 from the northeast:	55%
MD 223 from the northwest:	5%
Floral Park Road from the west:	20%
Floral Park Road from the east:	15%
Danville Road from the south:	5%

The traffic generated by the proposed plan would impact the intersections of MD 223/Windbrook Drive and Floral Park Road/Windbrook Drive. Neither intersection is signalized. The Prince George's County Planning Board, in the *Guidelines for the Analysis of the Traffic Impact of Development Proposals* has defined an upper limit of 50.0 seconds of delay in any movement as the lowest acceptable operating condition on the transportation system. The following conditions exist at the critical intersections:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 223/Windbrook Drive	19.3*	25.6*	--	--
Floral Park Road/Windbrook Drive	10.1 *	10.0*	--	--
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the <i>Guidelines</i> , an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations.				

Seven nearby developments comprised of over 1,400 residences were included in background traffic. Due to the large amount of background traffic assumed, no annual rate of through traffic growth was assumed along MD 223. The following background traffic conditions were determined:

BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 223/Windbrook Drive	38.4*	46.3*	--	--
Floral Park Road/Windbrook Drive	10.5*	11.0*	--	--
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the <i>Guidelines</i> , an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations.				

With site traffic, the following operating conditions were determined:

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 223/Windbrook Drive	41.9*	49.4*	--	--
Floral Park Road/Windbrook Drive	10.8*	11.2*	--	--
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the <i>Guidelines</i> , an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations.				

The Prince George's County Planning Board, in the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*, has defined average delay of 50.0 seconds in any movement as the lowest acceptable operating condition for unsignalized intersections on the transportation system. Under total future traffic as developed using the *Guidelines*, adding the impact of the proposed development, both critical intersection were found to be operating acceptably as unsignalized intersections.

Access to the site and circulation within the site are acceptable. Floral Park Road is a master plan collector facility, and the plan must show a dedication of 40 feet from center line along the property's frontage.

Transportation Staff Conclusions

Based on the preceding findings, the Transportation Planning Section concludes that adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Subdivision Regulations if the application is approved.

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

Finding

Impact on Affected Public School Clusters

Affected School Clusters #	Dwelling Units	Pupil Yield Factor	Subdivision Enrollment	Actual Enrollment	Completion Enrollment	Wait Enrollment	Cumulative Enrollment	Total Enrollment	State-Rated Capacity	Percent Capacity	Funded School
Elementary School Cluster 6	29	0.24	6.96	4549	122	10	0	4687.96	4512	103.89%	n/a
Middle School Cluster 3	29	0.06	1.74	4959	43	15	0	5018.74	5114	98.13%	n/a
High School Cluster 3	29	0.12	3.48	9317	172	30	0	9522.48	8767	108.60%	Surratsville addn.

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

The affected high school cluster percent capacity is greater than 105 percent. The Surratsville 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 fire and rescue facilities and concluded the following.
 - a. The existing fire engine service at Brandywine Fire Station, Company 40, located at 14201 Brandywine Road, has a service response time of 11.72 minutes, which is beyond the 5.25-minute response time guideline.
 - b. The existing ambulance service at Brandywine Fire Station, Company 40, located at 14201 Brandywine Road, has a service response time of 11.72 minutes, which is beyond the 6.25-minute response time guideline.
 - c. The existing paramedic service at Brandywine Fire Station, Company 40, located at 14201 Brandywine Road, has a service response time of 11.72 minutes, which is beyond the 7.25-minute 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, all residential structures should be fully sprinklered in accordance with National Fire Protection Association

Standard 13D and all applicable Prince George's County laws.

9. Police Facilities - The proposed development is within the service area for District IV- Oxon Hill Police Station. In accordance with Section 24-122.01(c) of the Subdivision Regulations, the existing county police facilities will be adequate to serve the proposed development.
10. Health Department - The Health Department has no comment.
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, #30625-2001-00, 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 this approved plan.
12. Varying Lot Size - Section 27-442(a)(1)(b) of the Zoning Ordinance provides for varying lot size in the R-A Zone for the subdivision of 25 acres or more. The minimum lot size of at least 60 percent of the lots is two acres. The applicant is allowed one 1-acre lot for every 25 acres of gross tract acres in the subdivision with the minimum lot size of the remaining lots being 50,000 square feet.

Specifically, 18 lots are required with a minimum of two acres; the applicant is proposing 20. The applicant is allowed four 1-acre lots based on the tract area of 118.33 acres; the applicant is proposing none. The remaining nine lots, which are allowed at 1.14 acres, are proposed with lot areas ranging from 1.4 acres. The density allowed for this property using conventional R-A zoning standards is 59 units; the applicant is proposing 29 units.

13. Lots 5 and 6, Block B - The applicant is proposing access to Lots 5 and 6, Block B via The Ridges I subdivision. These lots will front Chestnut Oak Lane, a street dedicated as part of The Ridges I once a new preliminary plan is processed. The extension for access is proposed between Lot 3 and 4, Block C, found on final plat NLP 172 @ 22, of The Ridges I subdivision. The new preliminary plan will include those four lots. The 4.11 acres that comprise Lots 3 and 4, Block B, in the subject subdivision is isolated by environmental features. Providing access through The Ridges I subdivision for these two lots would allow the reasonable development of this acreage without necessitating disturbance to the Primary Management Area which surrounds this enclave.

To accomplish this, a preliminary plan will be necessary that includes Lot 3 and 4, Block C of the Ridges I subdivision and Lot 5 and 6, Block B. The applicant is proposing to develop two lots on the 4.11 acres. The lot stems would extend west, parallel to the common property line of Lots 3 and 4, Block C, fronting on Chestnut Oak Road. The lot stems would reduce the acreage of each of Lot 3 and Lot 4 Block C.

The applicant would be required to demonstrate that the resubdivision would not jeopardize conformance to the varying lot-size standards for The Ridges I and The Ridges II. The Ridges I was also developed utilizing the varying lot size standards. Because proposed Lots 5 and 6, Block B, do not have frontage on a public street but are being evaluated for adequate public facilities, the preliminary plan should label these two lots as Outlots.

RECOMMENDATION

APPROVAL, subject to the following conditions:

1. The final plat of subdivision shall:
 - a. Label Lots 5 and 6, Block B, as outlots.
 - b. Carry a note that development is pursuant to varying lot standards.
2. 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 require the written consent of the Development Review Division, Environmental Planning Section. This shall include, but not be limited to: The location of sediment control measures, tree removal, temporary or permanent stormwater management, utility placement, and stormdrain outfalls. If such proposals are approved, a written agreement and financial guarantee, if deemed appropriate by staff, shall be required to warrant restoration, repair or improvements required by the approval process.
3. Development of this subdivision shall be in accordance with the approved Stormwater Management Concept Plan #30625-2001-00.
4. Prior to signature approval the preliminary plan shall be revised:
 - a. To place a note on Lot 13 and 14, Block B, that these lots are to be platted as outlots.
 - b. To provide the acreage of each of the parcels to be dedicated to the HOA.
 - c. To provide accurate existing site data information to include the tax map, grid, and parcel numbers.
 - d. At the time of final plat approval, the applicant shall dedicate right-of-way along Floral Park Road of 40 feet from the center line of the existing pavement.
5. Prior to signature approval, TCPI/35/01 shall be revised as follows:
 - a. Revise General Note #4 to state that the mitigation fee is \$1.50 per square foot of

woodland disturbed.

- b. Revise the table itemizing the existing woodland, woodland cleared, and woodland conservation to include all lots, parcels, and roads.
 - c. Revise sheets 2 and 3 to include the legend from sheet 1.
 - d. Revise sheet 2 to show the proper sheet reference for match lines.
 - e. Eliminate the use of the isolated Woodland Conservation Areas on Lot 2, Block A, from counting toward the requirements.
 - f. Revise the TCPI as needed after revisions are made regarding stream and wetland buffer impacts.
6. Prior to the approval of the Final Plat of Subdivision, a Type II Tree Conservation Plan shall be prepared which addresses the following:
- a. The sewer alignment along the northern boundary of Lot 6, Block A, shall be adjusted to further minimize the expanded buffer impacts in the area of proposed impact B.
 - b. The limit of disturbance shown on Lot 5, Block A, shall be adjusted to avoid buffer impacts associated with the construction of the house on this lot in the area of proposed impact C.
 - c. The alignment of the sewer at the rear of Lot 2 through 4, Block B, shall be adjusted up slope to further minimize buffer impacts in the area of impacts E, F, and G, or if possible, the entire section of sanitary sewer shall be revised to connect with the street sewer in front of Lots 1-4, Block B.
 - d. The location of the cul-de-sac at the end of Street C should be adjusted to the south to minimize or avoid the buffer impacts shown in the area of impact M.
 - e. The extent of the proposed buffer impacts on Lot 7, Block B, exceed that which is necessary for the construction of infrastructure in that area. The grading necessary for the construction of Street B shall be revised to reduce the impacts to the buffer in the area of impact O.
7. A Conservation Easement shall be described by bearings and distances on the final plat of subdivision. The Conservation Easement shall contain all 100-year floodplain, stream buffers, wetlands, wetland buffers, and extended buffers except for approved variation requests. 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 allowed."

8. No building permits shall be issued for this subdivision until the percentage capacity at all the affected school clusters are less than or equal to 105 percent or three 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.

STAFF RECOMMENDS APPROVAL OF TYPE I TREE CONSERVATION PLAN TCPI/35/01