

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.mncppc.org/pgco/planning/plan.htm](http://www.mncppc.org/pgco/planning/plan.htm)*

## PRELIMINARY PLAN

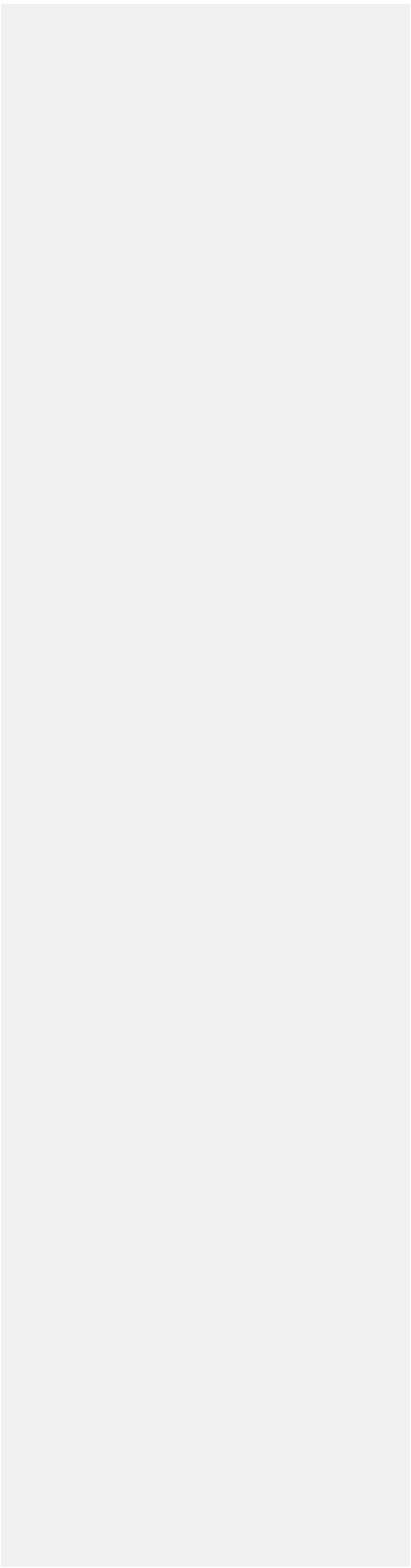
**4-02008**

| Application   | General Data                         |
|---|--------------------------------------|
| Project Name:<br><br>197 INVESTMENT PARTNERSHIP PROPERTY  | Date Accepted 01/28/02               |
|   | Planning Board Action Limit 04/07/02 |
| Location:<br><br>At the dead end of Farm Pond Road, south of MD 197 & Snowden Pond Road.                      | Tax Map & Grid 14/F-04               |
|   | Plan Acreage 31.45                   |
|   | Zone R-R                             |
| Applicant/Address:<br><br>Richmond American Homes<br>4061 Powder Mill Road, Suite #500<br>Calverton, MD 20705 | Lots 45                              |
|   | Parcels 4                            |
|   | Planning Area 62                     |
|   | Council District 01                  |
|   | Municipality N/A                     |
|   | 200-Scale Base Map 214NE09           |

| Purpose of Application          | Notice Dates                                |
|---------------------------------|---|
| RESIDENTIAL CLUSTER SUBDIVISION | Adjoining Property Owners (CB-15-1998) N/A  |
|                                 | Previous Parties of Record (CB-13-1994) N/A |
|                                 | Sign(s) Posted on Site 03/01/02             |
|                                 | Variance(s): Adjoining Property Owners N/A  |
| Staff Recommendation            |   |
| Staff Reviewer: Del Balzo       |   |
| APPROVAL                        | APPROVAL WITH CONDITIONS                    |
| DISAPPROVAL                     | DISCUSSION                                  |

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.

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THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Preliminary Plan of Subdivision 4-02008  
197 Investment Partnership Property

OVERVIEW

The subject property contains approximately 31.45 acres in the R-R Zone. The applicant proposes to develop the site with 45 lots for single-family detached homes and four parcels for required open space and tree preservation. The applicant proposes to develop the site under the Cluster Subdivision provisions of Section 24-137 of the Subdivision Regulations.

The Planning Board approved Preliminary Plan 4-96080 on December 19, 1996. The resolution was adopted on January 16, 1997. Several conditions of 4-96080 regarding elimination of a lot are not included in this recommendation because that lot has been removed. The current preliminary plan application is identical to the approved plan.

A cluster subdivision is one in which a number of residential lots are grouped or clustered, leaving some land undivided for common use. Generally the same number of lots or dwelling units permitted under conventional subdivision procedure are clustered on smaller than usual lots. The land remaining from lot reduction is left undivided and available as common area. The cluster open space or common area might include land with interesting natural features such as a creek, wooded hillside, or unique tree stand. The cluster open space may be preserved for its scenic value and conservation. It may be used for active recreation, for a school, or for community buildings.

The cluster provisions of the Subdivision Regulations of Prince George's County are intended to promote more economic subdivision and site design, provide a variety of types of residential dwellings, and preserve open space. In short, the cluster provisions are intended to provide a procedure for development which will result in a total environment better than that which could be achieved under standard regulations.

The subject property is very strangely shaped and consists of a 19.87 acre developable parcel, roughly triangular in shape, connected at a 30-foot-wide point to a virtually undevelopable 11.58 acre parcel. This undevelopable parcel comprises the vast majority of the required cluster open space and is basically accessible only through a 35-foot-wide strip of land.

A 2.67-acre parcel containing a stormwater management pond is located behind Lots 22 and 23, between the lots and the 11.58-acre open space parcel. A small area, approximately 35 feet by 35 feet in size, is identified as an existing cemetery. The cemetery is located in the proposed homeowners' open space behind Lot 22. A condition has been added which requires at the time of Detailed Site Plan that a long-term maintenance proposal for the graveyard be submitted along with a proposal for identification and fencing.

## SETTING

The property is located south and west of phase II of Snowden Pond at Montpelier. Access to the subject site is provided via existing Snowden Pond Road, which intersects MD 197 approximately one-half mile east of the Baltimore-Washington Parkway. To the north and west is R-R zoned land which is either undeveloped or used for agricultural purposes. Directly to the south of the site is the Patuxent Wildlife Research Center, which is owned by the U.S. Department of the Interior, U.S. Fish and Wildlife Service.

## FINDINGS AND REASONS FOR STAFF RECOMMENDATION

|   |                |
|---|----------------|
| 1. <u>Cluster Development Data as Proposed by Applicant</u>   |                |
| Zone  | R-R            |
| Gross Tract Area  | 31.45 ac.      |
| Area with Slopes Greater than 25 Percent  | 0.00 ac.       |
| Area within Preliminary 100-Year Floodplain   | 3.09 ac.       |
| Cluster Net Tract Area  | 28.36 ac.      |
| No. of Lots Permitted   | 56             |
| No. of Lots Proposed  | 45             |
| No. of Flag Lots Proposed   | 0              |
| Minimum Lot Size Permitted  | 10,000 sq. ft. |
| Minimum Lot Size Proposed   | 10,000 sq. ft. |
| Cluster Open Space Required   | 8.17 ac.       |
| 2/3 of Required Open Space to be Located Outside of the<br>100-Year Floodplain and Stormwater Management Facilities | 5.45 ac.       |
| Cluster Open Space Proposed Outside of the 100-Year Floodplain<br>and Stormwater Management Facilities              | 10.92 ac.      |
| Cluster Open Space Provided   | 15.97 ac.      |
| Mandatory Dedication Required   | 1.41 ac.       |
| Mandatory Dedication Proposed   | Fee-in-lieu    |
| Total Open Space Required   | 8.17 ac.       |
| Total Open Space Provided   | 15.97 ac.      |
| Open Space to be Conveyed to Homeowners' Association  | 15.97 ac.      |
| Open Space to be Conveyed to M-NCPPC  | 0.00 ac.       |
| Slopes Exceeding 25 Percent in Grade  | 0.00 ac.       |
| 25 Percent of Steep Slopes  | 0.00 ac.       |
| Area of Steep Slopes to be Disturbed  | 0.00 ac.       |
| Area of Nontidal Wetlands   | 3.01 ac.       |

| Modification in Dimensional Standards Permitted in Cluster |                                | Standard Allowed | Modification Allowed | Modification Proposed |
|--|--------------------------------|------------------|----------------------|-----------------------|
| 27-442(c)  | Net Lot Coverage               | 25%              | 30%                  | 30%                   |
| 27-442(d)  | Lot Width at Bldg Line         | 80'              | 75'                  | 75'                   |
|  | Lot Frontage Along Street Line | 70'              | 50'                  | 50'                   |
|  | Lot Frontage Along Cul-de-sac  | 60'              | 50'                  | 50'                   |

2. 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 : This finding has been satisfied. As far as possible, individual lots, buildings, streets, and parking areas have been designed and situated so as to minimize alteration of the natural site features to be preserved, such as the 100-year floodplain, nontidal wetlands, and areas containing steep slopes. The area of the site located within the 100-year floodplain and the wetland areas are located in the western portion of the site and are not proposed to be disturbed.

- 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 : This finding has been satisfied. Approximately 15.68 acres of open space will be preserved and conveyed to the homeowners' association. The majority of this open space is located in the western corner of the site and is not proposed to be developed. While this area is not easily accessible to the future homeowners, it will provide wildlife habitat and protect the site's sensitive environmental features.

- 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 : This finding has been satisfied. The proposed open space includes irreplaceable features in areas of existing trees, wetlands and floodplain.

- 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 : This finding is satisfied. The usable portion of the open space (Parcels ■C• and ■D•) is centrally located in the subdivision with long street frontages. Open space intended for preservation is less accessible.

- 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 : Little of the cluster open space is intended for scenic value. Most of it is virtually inaccessible. The central open space should be evaluated at the time of detailed site plan review for appropriate landscape treatment.

- 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 lot layout follows both the shape and contour of the land. Lots are concentrated on the flattest and highest portion of the land, allowing for ease of stormwater management and preservation of large areas of wetlands, floodplain and trees.

- 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 : This finding has been satisfied. While lots are located near existing lots, they have been incorporated into the design appropriately. The new lots will appear as a typical extension of the existing subdivision and will be similar in size and shape. Clustering the lots in the front of the subdivision and preserving the large tract in the rear minimizes the area required for vehicle circulation.

- 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 : This finding has been satisfied. Many lots back to open space; many back to the rears of other lots. This is typical in a cluster development. While the lot layout is appropriate and preserves privacy and avoids impacts of shadows, noise and traffic, staff is concerned today as it was in the first two iterations of this proposal with several lots. In this proposed subdivision, corner lots appear to lose

critical rear yard area. Lots 9-12, while not flag lots by the strict definition of the term, will appear as flag lots in that the homes on Lots 10 and 11 will be behind the homes on lots 9 and 12. These issues should be carefully examined at the time of detailed site plan to ensure that useable, private rear yards are established.

- 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 : This finding has been satisfied. There are no areas within this section with slopes in excess of 25 percent.

- 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 finding has been satisfied. At the time of Detailed Site Plan approval, a landscape plan should be submitted and approved, demonstrating that appropriate landscape 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 subject 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 should also be appropriately landscaped in such a manner as to provide an attractive appearance.

- 3. Environmental Issues - The property is mostly wooded. No historic or scenic roads are affected by this proposal. There are streams, wetlands, and floodplain on the property associated with the Patuxent River watershed. There are no significant nearby noise sources. The proposed use is not expected to be a noise generator. No species listed by the State of Maryland as rare, threatened, or endangered are known in the general region. According to the information included in the review package, the major soils of the proposed development area of the property are in the Marr and Mattapeake series. These soils pose no serious problems for construction. According to the sewer service and water service maps produced by DER, the property is in water and sewer categories W-3 and S-3, respectively. The lots will be served by public water and sewer.

This site is subject to the provisions of the Woodland Conservation Ordinance because the entire site is more than 40,000 square feet in size and contains more than 10,000 square feet of woodland. A Type I Tree Conservation Plan, TCP I/62/96, was approved by PGCPB Resolution No. 96-385. No further action is needed as it relates to this preliminary plan review. Development must be in conformance with the approved Type I Tree Conservation Plan, and Type II Tree Conservation Plan should be required at the time of Detailed Site Plan.

There are wetlands, streams, and floodplain on this site. The minor impacts proposed as part of this subdivision were reviewed and approved as part of 4-89235. The applicant has obtained permits from the U.S. Army Corps of Engineers to proceed with the work. At time of final plat, a conservation easement should be described by bearings and distances. The conservation easement should contain the 100-year floodplain, wetlands, and wetland buffers and should be reviewed by the Environmental Planning Section prior to approval. An appropriate plat note should be included on the final plat.

4. Community Planning - The 2000 *Interim General Plan* places this property in the Developing Tier. The 1990 *Master Plan for Subregion I* recommends low suburban density residential development for part of the property. The remainder is recommended to be developed into several roads, including A-44 and A-4, which would connect A-44 to MD 197. As discussed further in the Transportation Finding of this report, the rights-of-way for these roads were placed in reservation in 1990. The three-year reservation period has expired and the rights-of-way have not been purchased. Therefore, this land is now eligible for development. The 1990 *Sectional Map Amendment for Subregion I* retained the R-R Zone for this property. The proposed development is in conformance with the master plan guidelines and recommendations.
5. Parks and Recreation - The proposal is subject to the requirements of Section 24-134 of the Subdivision Regulations for mandatory park dedication. The Department of Parks and Recreation recommends a fee-in-lieu of dedication be required because the size and location of the land available are unsuitable for public park purposes. Private cluster open space to be conveyed to a homeowners' association should be free of debris and hazardous materials.
6. Trails - There are no master plan trails issues associated with this application.
7. Transportation - No traffic study was requested or received of the applicant. The transportation staff determined that weekday traffic counts were needed at the unsignalized intersection of MD 197 and Snowden Pond Road/Basswood Drive. In response, the applicant submitted traffic counts taken in February 2002 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*.

The subject property was previously the subject of Preliminary Plan 4-89235. The parcel encompassing the subject property was placed in reservation for three years in accordance with the approval of the 1989 preliminary plan; it has come out of reservation and is being subdivided at this time. Another preliminary plan, 4-96080, was approved for this property in 1996. This subdivision was never recorded and has expired.

The staff's traffic impact analysis was limited to the intersection of MD 197 and Snowden Pond Road/Basswood Lane, which is unsignalized. The existing conditions at this intersection, according to the recent peak-hour traffic counts, indicate that the intersection operates with a maximum delay of 454.6 seconds during the AM peak hour and 88.4 seconds during the PM peak hour. The *Guidelines* identify unsignalized intersections having delays exceeding 50.0 seconds in any movement as unacceptable.



The transportation staff identified limited background development in the vicinity of the planned development. These included the following:

|                           |                            |
|---------------------------|----------------------------|
| Montpelier Hills          |                            |
| 40 townhouse units        | 5 percent south on MD 197  |
| 251 multi-family units    | 5 percent south on MD 197  |
| Pheasant Run              |                            |
| 2,000 square-foot bank    | 18 percent south on MD 197 |
| 84 room hotel             | 18 percent south on MD 197 |
| Pumpkin Hill              |                            |
| 35,700 square-foot retail | 15 percent south on MD 197 |

An annual growth rate of 1.5 percent per year over four years was assumed along MD 197 for the purpose of developing background traffic. No area improvements are funded in the county Capital Improvement Program (CIP) or the state Consolidated Transportation Program (CTP). The resulting background traffic conditions indicate that the intersection would operate with a maximum delay of 708.0 seconds during the AM peak hour and 104.4 seconds during the PM peak hour.

The *Guidelines* indicate that the development of 45 single-family detached residences on the subject property would generate 7 inbound and 27 outbound trips during the AM peak hour and 26 inbound and 14 outbound trips during the PM peak hour. A trip distribution of 92 percent northbound and 8 percent southbound was assumed. An analysis of total traffic under future conditions indicates that the MD 197/Snowden Pond Road/Basswood Drive intersection would operate with a maximum delay of 748.4 seconds during the AM peak hour and a maximum delay of 156.4 seconds during the PM peak hour. The analysis indicates the intersection of MD 197 and Snowden Pond Road/Basswood Drive operates unacceptably during both peak hours under existing, background, and total future traffic.

Typically when the transportation staff observes that an unsignalized intersection fails, the staff requests that a traffic signal warrant study be completed for the intersection. After that study has been reviewed and the responsible operating agency determines that a signal is warranted, the applicant is required to bond and install the signal. Therefore, staff does recommend such a condition on the subject preliminary plan.

There is a federal project to reconstruct the Baltimore-Washington Parkway/MD 197 interchange. This project is being funded in six phases by the National Park Service, which owns and operates the Baltimore-Washington Parkway. The reconstruction of the interchange is now substantially complete and will certainly be completed within a six-year horizon. The staff notes that the original preliminary plan for this site contained a condition that no building permits would be issued on the subject property until a point in time exactly three years prior to the scheduled completion date of the Baltimore-Washington Parkway/MD 197 interchange. Given the advanced state of construction of the interchange at this time, there is no need for a similar condition for 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 if the

application is approved with a condition requiring the applicant to execute a traffic signal warrant study and cause the installation of the traffic signal if warranted.

8. Schools - The Growth Policy and Public Facilities Planning Section has reviewed the proposed preliminary plan for adequacy of public school 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 1 | 45 sfd         | 0.24               | 10.80                  | 5681              | 117                   | 1               | 5809.80               | 5105                  | 113.81%          | n/a           |
| Middle School Cluster 1     | 45 sfd         | 0.06               | 2.70                   | 3367              | 35                    | 0               | 3404.70               | 3507                  | 97.08%           | n/a           |
| High School Cluster 1       | 45 sfd         | 0.12               | 5.40                   | 4259              | 59                    | 0               | 4323.40               | 4123                  | 104.86%          | n/a           |

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

The affected elementary school cluster percent capacity is greater than 105 percent. There is no funded school in the affected elementary school cluster. Therefore, given the requirements of Section 24-122.02, this subdivision can be approved with a six-year building permit waiting period. In lieu of the waiting period, the applicant may enter into an agreement with the County Executive and County Council to construct or secure funding for construction of all or part of a school to advance capacity.

9. Fire and Rescue - The Growth Policy and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of public fire and rescue facilities.
  - a. The existing fire engine service at Laurel Fire Station, Company 10, located at 7411 Cherry Lane, has a service response time of 7.88 minutes, which is beyond the 5.25-minute response time guideline.
  - b. The existing ambulance service at Laurel Rescue Squad, Company 49, located at 14910 Bowie Road, has a service response time of 6.25 minutes, which is within the 6.25-minute response time guideline for Lots 1 and 30. All other lots are beyond the recommended response time guideline.
  - c. The existing paramedic service at Laurel Rescue Squad, Company 49, has a service response time of 7.12 minutes, which 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*. The Fire Department requires all residential structures to be fully sprinklered in

accordance with National Fire Protection Association Standard 13D and all applicable Prince George's County laws. Since this is a requirement of law, no condition is necessary.

10. Police Facilities - The proposed development is within the service area for Police District VI-Beltsville. In accordance with Section 24-122.01(c) of the Subdivision Regulations, existing county police facilities will be adequate to serve the proposed 197 Investment Partnership Property development. This police facility will adequately serve the population generated by the proposed subdivision.
11. Health Department - The Health Department has reviewed the application and offered no comments.
12. 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, # 8009220-1989-01, was approved with conditions on September 10, 2001, to ensure that development of this site does not result in on-site or downstream flooding. This approval is valid through June 30, 2004. Development must be in accordance with this approved plan.
13. Public Utility Easement - The preliminary plan includes the required 10-foot-wide public utility easement and a note referencing it. This easement will be shown on the final plat.

#### RECOMMENDATION

APPROVAL, subject to the following conditions:

1. A detailed site plan shall be approved prior to final plat approval.
2. Review of the detailed site plan shall include, but not be limited to:
  - a. An overall streetscape design including entrance features and the treatment of the green areas located within the cul-de-sacs.
  - b. The landscape treatment of the 1.4-acre open space parcel located in the center of the site.
  - c. A proposal by the applicant for appropriate fencing and/or marking of the cemetery.
  - d. A proposal by the applicant for long-term maintenance, e.g., including care of the cemetery in the homeowners' association covenants.
  - e. The siting of houses on the corner lots to ensure that a useable, private rear yard is provided.
  - f. The siting of the houses on Lots 9-12 to ensure that views into the rear yards of Lots 9 and 12 are limited.

3. Development of this subdivision shall be in compliance with the approved Type I Tree Conservation Plan (TCP I/62/96). The following note shall be placed on the Final Plat of Subdivision:

"Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCP I/62/96), 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."
4. A Type II Tree Conservation Plan shall be approved in conjunction with the detailed site plan.
5. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the 100-year floodplain, wetlands, and wetland buffers, and shall be reviewed by the Environmental Planning Section prior to final plat approval. In addition, the following note shall be placed on the 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."
6. Prior to the approval of the Detailed Site Plan for the subject property, the applicant shall submit an acceptable traffic signal warrant study to the State Highway Administration (SHA) and the County Department of Public Works and Transportation (DPW&T) for the intersection of MD 197 and Snowden Pond Road/Basswood Drive. The study should utilize a new 12-hour count and should analyze signal warrants under total future traffic, as well as existing traffic in accordance with SHA and DPW&T procedures. If deemed warranted by the SHA and the DPW&T, the applicant shall bond the signal with the appropriate agency prior to the release of the initial building permit within the subject property and install the signal if directed prior to the release of the bonding for the signal.
7. No building permits shall be issued for this subdivision until the percent capacity at all the affected school clusters are less than or equal to 105 percent or six 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 where by 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.
8. At the time of final plat, the applicant, his heirs, successors and/or assignees, shall pay a fee-in-lieu of mandatory park dedication.
9. Development of this site shall be in conformance with the approved stormwater concept plan, Concept # 8009220-1989-01, or any revisions thereto.

10. All land to be conveyed to a homeowners' association shall be subject to the following conditions:
- a. Conveyance shall take place prior to the issuance of building permits, except building permits for model homes.
  - 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 stormdrain 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.