

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

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PRELIMINARY PLAN

4-02023

Application	General Data
Project Name: Fairwood, Phase II-Part I; Phase I-Part III & P/O II	Date Accepted 03/14/2002
	Planning Board Action Limit 05/22/2002
Location: South of Annapolis Road (MD 450), east of Enterprise Road and north of US 50	Tax Map & Grid 046 A-4
	Plan Acreage 266.33
Applicant/Address: Rouse Fairwood L.P 10275 Little Patuxent Parkway Columbia MD 21044	Zone M-X-C
	Lots 292
	Parcels 25
	Planning Area 71A
	Council District 06
	Municipality N/A
	200-Scale Base Map 207NE11

Purpose of Application		Notice Dates	
Residential Subdivision for a maximum of 591 dwelling units		Adjoining Property Owners (CB-15-1998)	N/A
		Previous Parties of Record (CB-13-1994)	N/A
		Sign(s) Posted on Site	5/01/02
		Variance(s): Adjoining Property Owners	N/A
Staff Recommendation		Staff Reviewer: Whitney Chellis	
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 Subdivision Plat 4-02023
Fairwood Phase II, Part 1; Phase I, Part 3; Phase I, part of Part 2

Phase II, Part 1

Block AA, Lots 1 - 66, and Parcels A - K
Block BB, Lots 1 - 102, and Parcels A - E
Block CC, Lots 1 - 123, and Parcels

Phase I, part of Part 2

Block K, Lot 36 and E and F

Phase I, Part 3

Block I, Parcels I and J
Block O, Parcels A - D

OVERVIEW

The subject property is found on Tax Maps 54 and 46, being all of Parcel 1; part of Parcel 42, for right-of-way dedication for Fairview Drive; and part of Parcel 78, for right-of-way dedication for Church Road. The proposed preliminary plan is part of the Fairwood development approved by Zoning Ordinance No. 24-1994, File A-9894-C, for 1,058 acres in the Mixed-Use Community Zone (M-X-C). Currently Fairwood is divided into two phases. Each phase is further divided into parts. Phase I, which is approximately 471 acres, is proposed in three parts. Phase I Part I is the subject of Preliminary Plan 4-97024 for 240 acres and was approved by the Planning Board on July 7, 1997, PGCPB Resolution No. 97-194. Phase I Part II is the subject of Preliminary Plan 4-00057 for 211 acres and was approved by the Planning Board on January 4, 2001, PGCPB Resolution No. 01-07(C). The subject application is 266.33 acres and is for the development of Phase I Part 3; Phase II, Part 1; and for the reconfiguration of a portion of Phase I, Part 2.

Development in the M-X-C Zone is guided by Part 10 of the Prince George's County Zoning Ordinance. Specifically, Section 27-546.08 sets forth the following order of approvals in the M-X-C Zone requiring a Preliminary Development Plan, a Comprehensive Sketch Plan, Preliminary Plan of Subdivision, a Final Development Plan, Detailed Site Plan and Final Plat of Subdivision. Unique to the M-X-C Zone is the requirement that the Preliminary Plan of Subdivision and the Final Development Plan be filed concurrently. However, concurrent action by the approving authority is not required. The Final Development Plan for Fairwood, Phase II, Part I, FDP-0201, was submitted concurrently with this application and is pending.

The Preliminary Development Plan for Fairwood was approved as part of Zoning Map Amendment A-9894-C for the overall development. This Preliminary Development Plan set forth the total development scenario of 1,799 dwelling units with 100,000 square feet of retail and 250,000 square feet of office/service/institutional. Comprehensive Sketch Plan CP-9504 was approved for Phase I in its entirety, 471 acres, and Comprehensive Sketch Plan CP-0101 was approved for Phase II in its entirety, 586.69 acres.

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

A preliminary plan (4-97024) and a final development plan (FDP-9701) have been approved for Phase I, Part 1 (240 acres). The preliminary plan for Phase I, Part 1, includes 172 lots and 43 parcels, with 412 dwelling units. Of the 412 dwelling units in Phase I, Part 1, the applicant has proposed to construct 243 condominium townhouses. A preliminary plan (4-00057) and a final development plan (FDP-0001) have been approved for Phase I, Part 2. The preliminary plan for Phase I, Part 2, includes 320 lots and 25 parcels, with 534 dwelling units. Of those 534 dwelling units the applicant has proposed to construct 217 fee-simple townhouses. The subject preliminary plan for Phase II, Part 1, in general, includes 292 lots and 25 parcels, with 591 dwelling units. Of the 591 dwelling units the applicant is proposing 292 single-family detached and a maximum of 300 dwelling units constructed as townhouse units or multifamily, or a combination of both.

Based on the distribution noted above, the cumulative number of townhouses proposed would exceed the maximum number of allowable townhouses. However, the applicant has requested flexibility to distribute townhouses between Phase I and Phase II with no intention of exceeding the maximum allowable. It is the applicant's intent to use this conceptual phase of planning to explore each parcel's potential for the maximum number of townhouses in the layout where permitted. At the time of detailed site plan the applicant will lock in the total number of townhouses to no more than 449, the maximum allowed pursuant to Section 27-546.03 of the Zoning Ordinance. Moreover, the Planning Board, through the approval of the preliminary plan, is not increasing the maximum number of townhouse units allowed in the zone, only allowing a greater degree of flexibility during this conceptual phase of planning. This approval is not to be construed as authorization to increase the allowable townhouse units as set forth in Section 27-546.03 of the Zoning Ordinance.

SETTING

The Fairwood property is located on the southeast side of Annapolis Road, approximately 700 feet from the intersection of Enterprise Road (MD 193) and Annapolis Road (MD 450), north of John Hanson Highway (US 50). The subject property is interior to the Fairwood Turf Farm development and has frontage on Church Road to the east and US 50 to the south. This portion of the development is almost entirely located on the west side of the PEPCO right-of-way and has frontage on the realigned Church Road. The property is zoned M-X-C and abuts M-X-C-, R-E- and R-L-zoned properties. The proposed preliminary plan entirely surrounds the Fairview Historic Site and Cemetery, which is not part of this application. Provisions are being made to preserve adequate access to both properties.

FINDINGS AND REASONS FOR STAFF RECOMMENDATION

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

The general land uses required are divided into four distinctive categories. Section 27-546.02 lists and defines each of the following land uses: Community Use Area (CUA), Nonresidential Areas (NRA), Other Residential Areas (OR) and Single-Family Areas (SF). The single-family areas are low-density (SFLD) and medium-density (SFMD) residential. The approved CP-0101 for Phase II in accordance with the FDP has established the land use areas that are the underpinning of this proposed preliminary plan.

The following is a list of blocks, parcels, and lots proposed under this preliminary plan and the land use category associated to that property.

Phase II, Part 1

Block AA,

Lots 1 - 24, 63-66	SFLD, proposed SFD
Lots 25 - 62	OR, proposed SFD
Parcels A, B, C	SFLD, HOA open space
Parcels D, E	CUA, HOA open space
Parcels F, G, H	OR, multi-family/attach. (300 DU max)
Parcel I	OR, HOA open space
Parcel J	CUA, HOA open space
Parcel K	CUA, HOA open space

Block BB

Lots 1 - 102	SFLD, proposed SFD
Parcels A, B	CUA, HOA open space
Parcel C	SFLD, HOA open space
Parcel D	CUA, M-NCPPC park dedication

Block CC

Lots 1 - 123	SFMD, proposed SFD
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Phase I, part of Part 2

Block K

Lot 36	SFLD, proposed SFD
Parcels E, F	SFLD, HOA open space

(Note: Parcel D is being replaced with Lot 36)

Phase I, Part 3

Block I

Parcels I, J	CUA, no proposed use
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Block O

Parcels A, B, C, D	CUA, HOA open space
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The following is the current cumulative totals for land use allocation for Phase I, Part I II, and III; and Phase II, Part I.

Use	Acres	Percent	Required
Single Family Low Density	154.37	22%	10% min.
Single Family Medium Density	81.59	11%	20% min

Other Residential	158.94	22%	15% max.
Non-Residential	54.67	7%	5% min./20 max.
<u>Community Use Area</u>	<u>248.78</u>	<u>35%</u>	<u>30% min.</u>
	698.35	66%	100%

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

2. Environmental - The Environmental Planning Section has reviewed the above-referenced Preliminary Plan of Subdivision, TCPI, and assorted other information, date stamped as received on April 2, 9, and 17, 2002. The plans as revised have been found to generally address the environmental constraints of this site. The Environmental Planning Section has made the required findings and recommends approval of Preliminary Plan of Subdivision 4-02023, revised April 9, 2002, and Type I Tree Conservation Plan TCPI/19/02, revised April 9, 2002, subject to conditions.

Background

This application has been previously reviewed by the Environmental Planning Section in conjunction with the Basic Plan, A-9894-C; the Comprehensive Sketch Plan, CP-9504; and the Type I Tree Conservation Plan, TCPI/47/00; which were approved. The site has also been reviewed in conjunction with Comprehensive Sketch Plan CP-0101, and Type I Tree Conservation Plan TCPI/8/01, which are pending action by the District Council.

Site Description

This 266.33-acre property in the M-X-C Zone is located on the northwest quadrant of the intersection of US 50 and Church Road. 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. Transportation-related noise impacts have been found to impact this property.

The soils found to occur according to the Prince George's County Soil Survey include Adelphia fine sandy loam, Bibb silt loam, Collington fine sandy loam, Monmouth clay loam, Monmouth fine sandy loam, Mixed alluvial land, Shrewsbury fine sandy loam, and Westphalia fine sandy loams. Some of these existing soils have limitations which would have some impact on the development of this property. According to available information, Marlboro clay is not found to occur on this property.

The sewer and water service categories are S-3 and W-3. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program publication titled "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. Church Road is a designated scenic and historic road. This property is located in the Collington Branch and Northeast Branch subwatersheds of the Patuxent River watershed and in the Developing Tier as reflected in the adopted Biennial Growth Policy Plan.

The approval of the Basic Plan by the District Council and the approval of the Comprehensive Sketch Plan by the Planning Board (District Council action is pending) included numerous conditions, several of which dealt with environmental issues that were to be addressed during subsequent reviews. The environmental conditions to be addressed during the review of the Preliminary Plan of Subdivision are enumerated and discussed below.

Comprehensive Sketch Plan, CP-0101, PGCPB Resolution No. 02-17

2. Prior to approval of the Preliminary Plan of Subdivision and the Final Development Plan the following shall be provided:

- b. A noise study shall be submitted for each Preliminary Plat of Subdivision which contains land adjacent to US 50 and the realigned Church Road. The analysis shall include typical cross sections with the location of the 65 dBA noise contour.

US 50, which is located along the southern boundary of this application, is a transportation-related noise generator. The Preliminary Plan of Subdivision as submitted shows the location of the 65 dBA noise contour as being approximately 550 feet from the centerline of US 50. There is no indication how this noise contour was derived or if it is Leq or Ldn.

Because the proposed use is residential, the use of the Ldn is the appropriate measure for noise. The Environmental Planning Section's noise model shows that the 65 dBA Ldn noise contour is located approximately 2,100 feet from the centerline of US 50 based on a ten-year projected Annual Average Daily Traffic Count (AADT) of 117,900 vehicles traveling at a speed of 65 miles per hour with a hard landscape. This revised line would impact many of the proposed lots in this subdivision and would require noise mitigation measures to be provided.

The EPS noise model does not consider topography and other features that can affect how noise travels across the landscape. The EPS analysis establishing the 65 dBA Ldn at 2,100 feet from the center line of US 50 may be used or the applicant may submit additional information on how the location of the 65 dBA noise contour was determined.

As of this date no additional information has been submitted for review. Therefore, the 65 dBA Ldn will be located at a distance of 2,100 feet from the center line of US 50. Because many residential lots will be impacted, a Phase II Noise Study should be submitted with the Detailed Site Plan application.

- c. As part of the Preliminary Plan of Subdivision application, a viewshed analysis, as defined by the *Design Guidelines and Standards for Scenic and Historic Roads* (pages 4 and 5), for all residential areas of this application that abut Church Road shall be provided.

Church Road is a designated scenic and historic road. This application includes the proposed Church Road alignment but none of the adjacent residential lots or parcels which would be evaluated by a viewshed analysis.

The combination Simplified/Detailed Forest Stand Delineation (FSD), date stamped as received on April 2, 2002, has been reviewed and generally found to address the criteria for a Forest Stand Delineation as found in the Woodland Conservation and Tree Preservation Technical Manual. Areas of woodland in which disturbances were not proposed were not sampled, while the proposed areas of disturbance and some of the woodland edges were sampled. The additional information provided by the applicant has been reviewed and generally found to address the requirements for a Forest Stand Delineation in accordance with the Woodland Conservation and Tree Preservation Technical Manual.

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, there are more than 10,000 square feet of existing woodland on-site, and there are prior Tree Conservation Plan approvals or pending approvals. The Type I Tree Conservation Plan, TCPI/19/02, date stamped as received on April 9, 2002, has been reviewed and found to generally address the requirements of the Woodland Conservation Ordinance.

The TCPI for Fairwood has been prepared based on the assumption that all woodlands on residential lots will be cleared even though the ultimate limit of clearing may be significantly less than that reflected on these plans. The Environmental Planning Section agrees with this methodology because of the inherent problems associated with enforcement of woodland clearing on small residential lots. All clearing is being mitigated at a 2:1 ratio elsewhere on the Fairwood property.

The requirements for Fairwood are being tracked for the overall site and for each individual application. The total requirement for this application is 44.09 acres and the cumulative requirement for the project through this phase of the development is 126.43 acres. These requirements are being satisfied by a combination of on-site preservation and afforestation within each phase and on-site afforestation in other phases of the project. TCPI/19/02 is recommended for approval subject to conditions.

This property encompasses several unnamed tributaries to Northeast Branch, which is a tributary to the Patuxent River. Section 24-101 of the Subdivision Ordinance provides the definition of the features of the Patuxent River Primary Management Area (PMA). A Jurisdictional Determination (JD) as approved by the U.S. Army Corps of Engineers was submitted for informational purposes. The streams, 50-foot stream buffers, wetlands, 25-foot wetland buffers, 100-year floodplain, and the extended buffer which comprise the PMA are correctly reflected on the plans.

Section 24-130 of the Subdivision Regulations requires the preservation of the PMA in a natural state to the fullest extent possible. The plans as originally submitted proposed numerous PMA impacts, many of which could not be avoided and some of which could be further minimized and/or avoided.

After revising the plans, PMA impacts are still proposed. A Letter of Justification describing and justifying each of the proposed impacts to the PMA along with a map describing each of the impacts was submitted. The revised plan proposes 19 PMA impacts which are generally associated with the development infrastructure including roads, sewer alignments, and storm drain outfalls. The proposed impacts will disturb approximately 3.07 acres, or 7 percent, of the 43 $\frac{1}{2}$ acres of PMA found within the limits of this application. Furthermore, many of the proposed impacts will be temporary in nature.

The proposed PMA disturbances include five impacts for road construction, nine impacts for sewer outfall connections, four impacts for storm drain outfalls, and one impact for minimal grading near the rear of a lot.

The impacts for the roads have been generally minimized. Other alternative alignments were evaluated by staff, but each of those alternatives would have created additional impacts which would have been more detrimental to the PMA. All of the impacts associated with the road construction are supported.

The proposed disturbances for the sewer alignments have been evaluated and proposed impacts 1, 3, 4, 6, 7 and 9 have generally been avoided and/or minimized to the greatest extent possible. Other alternative alignments would likely result in more extensive impacts to more sensitive areas. However, proposed disturbances associated with impacts 2, 5 and 8 could be further reduced by a slight realignment of the sewer outfall. Although all of the impacts associated with the sewer alignment are supported, during the review of the Detailed Site Plan proposed impacts 2, 5 and 8 shall be further evaluated by the applicant in an attempt to further minimize the extent of the proposed impacts.

As a result of the plan revisions the stormwater management ponds have been located outside of the PMA. However, there are still four proposed PMA impacts associated with the construction of storm drain outfalls either conveying flow to the ponds or out of the ponds into the existing streams. The proposed impacts have been reduced so as to minimize the PMA impacts yet safely convey the stormwater flow to and from the proposed ponds.

The final impact is associated with some grading behind Lot 8, Block BB, in a non-wooded area. Although the grading is occurring within the PMA, the grading will not disturb the stream itself or woodlands located within the PMA. Furthermore, upon completion of the grading this area will be afforested to provide additional protection of the stream and the PMA. This proposed impact is supported.

3. Community Planning - The proposed Preliminary Plan for the Fairwood development is in conformance with the master plan recommendations for Large-Lot Alternative Low-Density development. Freeway Airport is located south of the subject property, south of US 50.

BACKGROUND

Location: Phase II, Part One is located north of US 50, east and west of Church Road. Phase I, Part Three is located between the PEPCO power lines and Church Road.

<u>Size:</u>	263± acres, includes both phases.
<u>Existing Uses:</u>	Undeveloped.
<u>Proposal:</u>	Phase II, Part One and Phase I, Part Three are proposing to develop the following: 76.23± acres for single-family low density; 43.59± acres for single-family medium density; 38.69± acres other residential; 0.46± acres for nonresidential use, and 104.28± acres of community uses.

GENERAL PLAN, MASTER PLAN AND SMA

<u>2000 Interim General Plan:</u>	Developing Tier.
<u>Master Plan:</u>	<i>The Bowie-Collington-Mitchellville and Vicinity Master Plan</i> (1991).
<u>Planning Area/Community:</u>	71A/Community VI.
<u>Land Use:</u>	The master plan recommends Large-Lot Alternative Low-Density development for this property to enhance opportunities for a planned community.
<u>Environmental:</u>	There is a natural reserve - primary management area in the western and eastern portion of the plan. This indicates environmentally sensitive areas.
<u>Historic Resources:</u>	The historic Fairview House and Cemetery is located in this phase, but is not part of this subdivision.
<u>Transportation:</u>	The plan recommendation for the following roads includes: <ul style="list-style-type: none">■ A-44 - 200'-300' right-of-way (6 lanes)■ Church Road - 90' right-of-way (4 lanes)
<u>Public Facilities:</u>	None identified.
<u>Parks & Trails:</u>	The plan recommends a trail system throughout the property. The plan shows a trail along US 50 and Church Road. The plan also recommends the 20±-acre Collington West Community Park.
<u>SMA/Zoning:</u>	<i>The Bowie-Collington-Mitchellville and Vicinity Sectional Map Amendment</i> (1991) rezoned this property from the R-A Zone to the R-E Zone. Subsequently, the property was rezoned by the District Council to the M-X-C Zone.

PLANNING ISSUES

There are no master plan issues raised by this application.

Airport Compatibility Issues include:

Phase II of the Fairwood proposal is located under the aircraft traffic pattern associated with Freeway Airport. Freeway Airport is a small, privately owned, public use, general aviation airport located directly across US 50 to the south. This airport has been in operation since the mid-1950s. Aircraft associated with flights to and from Freeway Airport are primarily small, light-weight, single-engine aircraft. The subject property is located underneath the runway approach/departure area of the standard airport traffic pattern area at the north end of Freeway Airport. The area most subject to negative impacts by aircraft operations is located east of the PEPCO power lines that bisect the property from north to south, north of US 50. Because of the height of these power lines, aircraft do not fly in a traffic pattern over the property located to the west of the power line.

There are presently no county regulations that specifically address development of this property for residential land use relative to the impact of air traffic in this area. The Planning Department staff has been engaged in a project to evaluate the need for regulations to enhance land use compatibility and safety in the vicinity of general aviation airports. To provide expert information about airport compatibility planning and related issues, an aviation consultant was engaged. The consultant produced a study entitled *Airport Land Use Compatibility and Air Safety Study for The Maryland-National Capital Park and Planning Commission, November 1, 2000*, by William V. Cheek and Associates. This report indicates that the land area underneath small airport traffic patterns has a slightly elevated risk of exposure to aircraft accidents and noise. On the basis of recommendations contained in the consultant report, the Planning Department prepared a proposal for airport land use compatibility regulations. The Planning Board transmitted the proposal to the District Council in 2001. The District Council has held several work sessions on the proposed regulations in 2002 and may introduce legislation to revise the Zoning Ordinance during the current legislative session.

The consultant study indicates that residential land use may be compatible in the areas around the periphery of airport flight traffic pattern areas if density is low and there is adequate disclosure to residents. Closer to the ends of the runway, where aircraft are very low to the ground, residential land uses are not compatible and should be minimized or avoided. To mitigate whatever risk exists, one strategy that is cited is to provide areas of open space that would allow pilots to land aircraft in an emergency such as parking lots, streets, or open fields.

This application addresses primarily the areas west of the PEPCO power line, which is designated as of Phase II Part I. East of the power line, the application only pertains to primary roads proposed in both Phases I and II: Fairwood Parkway and Church Road. No land use proposals east of the power line (except the two roads) are addressed in this application. Thus, there is no direct impact from aircraft operations at Freeway Airport on the proposals in this application.

Assuming regulations addressing airport land use compatibility are approved in the near future, they may indirectly affect the ability of the applicant to achieve their approved development yield. The ability to shift intended residential units away from the areas underneath the flight path east of the PEPCO power line in order to mitigate the negative impacts of aircraft operations may be restricted (or facilitated) by the development pattern proposed in this application. However, since development plan proposals have not been submitted for the area east of the PEPCO power line (except for two roads), it is impossible to determine the significance of this issue at this time.

Finally, although not located directly under the flight path or the traffic pattern area, low-flying aircraft will be noticeable in and around the area encompassed by this application. Therefore, appropriate notification should be provided to prospective purchasers.

4. Parks and Recreation - The staff of the Department of Parks and Recreation (DPR) has reviewed the subject preliminary plan. The plan was reviewed for conformance with the requirements and recommendations of the adopted and approved *Bowie-Collington-Mitchellville and Vicinity Master Plan*, approved zoning application A-9894, the requirements of the M-X-C Zone and the Subdivision Regulations as they pertain to public recreation facilities.

The approved zoning map amendment, File A-9894-C, Zoning Ordinance 24-1994, includes the following development conditions regarding public parkland in Phase II of the Fairwood development as it is related to the subject application:

Condition 18.b. requires dedication to M-NCPPC of 10 acres for public parkland to be located along the western border of the site in accordance with Master Plan recommendations for the Collington West Community Park. The proposed location of this park is shown on the approved Preliminary Development Plan (PDP) dated March 30, 1993. That approval conditioned the park to be relocated 2,000 feet to the north (of the southwest corner of the site) in the proximity as shown on the subject preliminary plan.

Planning Board Resolution PGCPB No. 02-17, File CP-0101, Condition 2f in the Comprehensive Sketch Plan for Phase II, further states:

- The shape of the 10-acre parkland shall be determined at the time of Preliminary Plan. The parkland shall not be used for stormwater management facilities, tree conservation areas or utility easements. The dedicated parkland shall be usable for active recreation. Adequate vehicular access shall be provided to the parkland to be determined at the time of Preliminary Plan of Subdivision.●

The applicant has designated 10 acres (Parcel D) as an addition to existing Collington West Community Park along the southwestern border of the site. A 6.11-acre portion of the Collington West Community Park has been dedicated from the adjacent Marliegh community pursuant to Section 24-134 of the Subdivision Regulations for the fulfillment of the requirements for the mandatory dedication of parkland. The park will be developed with active recreation facilities to include two tennis courts, a playground, and a sitting area in accordance with an RFA recorded at Liber 10570, Folio 508.

The 10-acre portion of the community park for active recreation to be dedicated as part of the subject application should provide 10 usable acres. It is anticipated that these 10-acres could be used for active recreation to include athletic fields, picnic areas, and a parking lot. A portion of the mandatory dedication of parkland, however, is offset to the north from the existing parkland on the west. The offset of proposed dedication behind Lots 43-46, Block BB, creates a pocket of narrow land which is in steep slopes and not usable for active or passive recreation. This area is abutting a narrow strip of homeowners open space, Parcel O, of the Marliegh Subdivision to the west. It is staff's opinion that acceptance of this area of dedication will provide no benefit to the development of the Community Park and will further be a maintenance burden for the Department of Parks and Recreation (M-NCPPC). This area of land would be more appropriately added to the adjacent residential lots.

To provide the usable 10 acres as referred to in PGCPB No. 02-17, File CP-0101, staff recommends that the narrow strip of unusable area behind Lots 43-46, Block BB, adjacent to Parcel O of the Marliegh Subdivision, be replaced with the land area now designated as Lots 50 and 51, Block BB, adjacent to the existing Collington West Park to the west. This area will provide a more continuous parcel which is better suited for the development of recreational facilities as required by Planning Board Resolution PGCPB No. 02-17, Condition 2f (CP-0101) for Phase II, and better suits the needs of the community in the development of the Collington West Community Park.

As a further reduction in the required 10 acres of usable area for the development of the Collington West Community Park, the applicant has proposed grading on Parcel D, the park parcel to be dedicated. This grading is proposed to accommodate and support the development of residential lots and the access roads which serve those lots. This proposed grading will preclude the area being graded from being used to support the development of the parkland for recreation.

With regard to the requirement of adequate vehicular access, the applicant proposes access to the parkland via a secondary residential street within a 50-foot right-of-way. It is staff's opinion, based on experience in the development of community parks within residential developments, that this standard of roadway would not provide adequate two-way vehicular access to the public parkland and parking lot. At the time of development of the Marliegh Subdivision to the west, the Department of Parks and Recreation agreed to a 50-foot-wide right-of-way. Acceptance of this road standard in the adjacent subdivision was predicated on the anticipation that at the time of development of the subject property that additional access would be provided to the parking lot serving the park. The right-of-way abutting Parcel D in the subject development, unlike the right-of-way located in the Marliegh Subdivision, will provide access to the parking lot serving the Collington West Community Park and should be provided at a higher standard in anticipation of a greater number of vehicles.

The secondary residential street, identified as Goodloes Promise Drive, should be replaced with a primary residential street (60-foot right-of-way) to provide two-way vehicular access to the community park. Another option for the provision of two-way access would be to obtain approval from the Prince George's County Department of Public Works and Transportation for a reduced standard roadway as discussed. The Transportation Planning Section concurs with this evaluation and discusses this issue further in the Transportation section of this report.

CONCLUSION

The layout of the parkland should be revised as shown on Parks Exhibit ■A.● The proposed grading of the site should be revised to eliminate grading that will preclude any portion of Parcel D from being developed for park purposes. An adequate two-way street should be provided which will provide safe access to the Community Park. The proposed parkland does not fulfill the condition of the approved Comprehensive Sketch Plan, CP-0101, and is not entirely suitable for active recreation.

5. Trails - The trail and sidewalk network within the Fairwood Development is comprehensive and links all sections of the subject site. Two additional neighborhood connector trails were recommended off of Harley Toil Court and Newmans Toil Court and have been provided on a revised preliminary plan. There have been extensive discussions relating to the pedestrian and bicycle circulation in Fairwood. These are reflected in the resolutions for the previous approvals (including CP-9504, 4-97024, FDP-9701, and FDP-0001). The submitted preliminary plan appears to be in conformance with those prior approvals. Previous conditions which are applicable to the subject site are listed below, with additional comments on how they impact the subject application if appropriate.
 - a. Condition 2i, File CP-9504 - requires that all master plan trails (except within the PEPCO R-O-W) shall be clearly shown on each applicable preliminary plan of subdivision. The plan shall also show the location of all other trails (including feeder connections) and sidewalks connecting development pods with major destinations on the site. The plans shall include information on trail/sidewalk surfaces and widths.

This condition has been met with the subject application. Details regarding the pedestrian system not to be conveyed to M-NCPPC should be finalized at the time of Detailed Site Plan (DSP).
 - b. Condition 8, File 4-97024 - The entire Fairwood Development involves four master plan trails in conformance with the *Adopted and Approved Bowie-Collington-Mitchellville and Vicinity Master Plan*. Impacting the subject application is the master plan multiuse trail planned parallel to US 50 between the Northeast Branch and Church Road.

This condition has been met as a 10-foot-wide, asphalt master plan trail is shown across the entire southern portion of the subject site parallel to US 50.
 - c. Condition 8d, File 4-97024 - Requires that at the time of DSP review, the types of trails need to be identified on the plan with respect to surface materials and the width of said trails.

This condition has been met, with the exception of the pedestrian system not to be conveyed to M-NCPPC. As noted above, this can be addressed at the time of DSP.
 - d. Condition 3a, File FDP-9701 - Requires that six-foot-wide feeder trails shall be constructed from internal roadways to the Master Plan trails.

Numerous feeder trails are shown on the submitted plan. Two additional feeder trails were recommended from the end of Newmans Toil Court and Harleys Toil Court in Parcels B and C, respectively, and have been shown on the preliminary plan.

- e. Condition 16, File FDP-0001 - Establishes that vehicular crossings of the farm lanes shall be restricted to preserve the integrity of its overall character and implied pedestrian use.

This condition has been met on the submitted plan.

- f. Condition 5, File FDP-0001 - Requires that the surface of the farm lanes be asphalt, or another surface agreed to by the applicant, the Department of Parks and Recreation, and the Trails Coordinator. Another hard surface may be considered, in keeping with the character of the farm lanes, so long as it can accommodate all users (pedestrians, all bicyclists, roller blades, etc.) and complies with handicapped accessibility as required by that portion of Title 2 of the United States Code.

The width of the trails on the farm lanes shall be in conformance with prior approvals.

- 6. Transportation - The Transportation Planning Section has completed its review of the preliminary plan. The subject property consists of approximately 265 acres of land in the M-X-C Zone. The property is located south of MD 450 near the intersection of Bell Station Road. The application is for a mixed-use development that is proposed to include residential and community use areas. The property is the third portion of the larger planned development. These applications are being processed within the same general time frame.

For reasons discussed further below, the applicant did not prepare a traffic impact study, and the transportation staff did not request one. The findings and recommendations outlined below are based upon a review of the 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 Analysis

Issues regarding transportation adequacy along MD 450 for the entire Fairwood site were addressed during the review of previous applications associated with Phase I of Fairwood. While Phase I was reviewed as Comprehensive Sketch Plan CP-9504, the definitive findings were associated with Preliminary Plan of Subdivision 4-97024 and Final Development Plan FDP-9701. The applicant submitted considerable material in this regard when CP-0101, the underlying sketch plan for this site, was reviewed.

The 4-97024 and FDP-9701 applications included a condition requiring the applicant to make contributions of roadway improvements and cash payments totaling \$5.5 million, and the condition states that this contribution constitutes the entire financial responsibility of Fairwood toward MD 450, with Fairwood consisting of 1,799 dwelling units and 350,000 square feet of

nonresidential uses. This is Condition 10 of the Planning Board's resolution approving 4-97024 and Condition 4 of the District Council's order approving FDP-9701. The bearing of these conditions upon the findings required for the subject application was a matter of appeal to the Circuit Court. In reviewing the testimony provided and the studies conducted, the Circuit Court determined that there was substantial evidence to support a finding of adequacy for the entire project, and the Court let stand all previous decisions. The applicant and the State Highway Administration in 2001 executed an agreement that will provide for the funding as described in the condition. Therefore, the condition has been satisfied.

Therefore, the transportation staff did not anticipate reviewing a comprehensive study as a part of the subject application, and did not request one. Sufficient materials were reviewed in connection with past preliminary plans/final development plans. Specific on-site traffic issues were reviewed under CD-0101. With the review of past decisions and materials, staff believes that all needed findings can be made without benefit of a new traffic study. For these reasons, staff believes that adequate transportation facilities will exist to support the proposed development at intersections along MD 450 as well as at the major intersections along Church Road within Fairwood. Major capacity improvements along MD 450 are in the initial stages of construction, and the applicant is providing significant funding to ensure that these improvements are built as development of the Fairwood site begins.

Plan Issues

All uses would receive access via streets or driveways to Fairview Drive, the major street connecting Fairwood Parkway, the southwestern quadrant of the site, and Church Road. This phase will be connected to Church Road. The improvements to Church Road within the site will particularly improve connections for the entire Fairwood development to the south along Church Road.

Proposed dedication along Church Road is adequate. The right-of-way and proposed cross-section along Fairview Drive are consistent with prior approvals.

The transportation staff initially raised concerns concerning two local streets and excessive development on them (i.e., Goodloes Promise Drive and Lees Progress Drive/Hatties Progress Drive). Transportation staff generally has great concerns about long cul-de-sacs which are accessed by many lots. This concern was further heightened by the fact that an active public park will be placed along Goodloes Promise Drive. Discussions with the applicant indicated that the applicant is reluctant to create a situation where excessively wide streets create a potential for speeding. However, transportation staff notes that the standard cross-section within a 50-foot right-of-way, with parking on both sides, does not permit easy two-way traffic operations. Furthermore, a public park does not have a fixed trip generation, and so for the facilities within that park to be developed to full potential, good and safe two-way access must exist. The transportation staff and the Planning Board cannot recommend waiving public street standards without concurrence from the operating agency (in this case, the County Department of Public Works and Transportation (DPW&T)). However, staff will recommend the following conditions:

- a. The plan should be revised to show Lees Progress Drive as a 60-foot right-of-way between Fairview Drive and Hatties Progress Drive.

- b. At the time of final plat, Hatties Progress Drive should be revised to show a 60-foot right-of-way between Lees Progress Drive and Lockwoods Progress Drive. This requirement will be revised or waived with the approval by DPW&T of a revised cross-section which will allow safe two-way vehicular access along this section. This may be incorporated with a different pavement width or a partial prohibition of on-street parking, or other means which may be determined in consultation between the applicant and DPW&T.
- c. At the time of final plat, Goodloes Promise Drive should be revised to show a 60-foot right-of-way between Fairview Drive and the proposed park access point near Seatons Promise Drive. This requirement will be revised or waived with the approval by DPW&T of a revised cross-section which will allow safe two-way vehicular access along this section. This may be incorporated with a different pavement width or a partial prohibition of on-street parking, or other means which may be determined in consultation between the applicant and DPW&T.

Another concern is access to the ■other residential■ area which is Area B within Phase II, Part 1, of the FDP and Parcels F, G, and H on the preliminary plan. To the extent possible, access to this area should be accomplished through joint-use easements or roadways rather than by means of separate driveways within a short distance. Access to this area should be reviewed further at the time of Detailed Site Plan (DSP). Establishment of the one access easement to serve Parcels F, G and H should be accomplished through the final plat process either at the time of the first DSP or once the final configurations of Parcels F, G and H are determined by the applicant.

A-9894 and CP-0101 contain a number of transportation-related conditions. It is also important to note three earlier applications, CP-9504, 4-97024, and FDP-9701, and indicate that the plan is consistent with these approvals. With regard to the preliminary plan condition in 4-97024, staff would note that the condition is proposed to be repeated as a condition of approval for the subject plan; however, staff also takes notice that the required agreements between the applicant and the responsible agencies have been fully executed. The status of other related conditions is summarized below:

A-9894:

Condition 2: This condition concerns traffic calming to potentially lower the speed of traffic along C-48 through the community. This issue was discussed extensively during review of CP-0101, and will be addressed during Detailed Site Plan review.

Condition 3: This condition concerns the staging of the connection of Church Road between the subject property and MD 450. Traffic analyses provided by the applicant during review of CP-0101 have shown that the connection of Church Road between Phase II and Westwood is not needed for the development of Phase II. Existing Church Road, along with Fairwood Parkway, provide adequate connections between the Fairwood project and surrounding roadways.

Condition 20: This condition requires that alignments for several Master Plan roadways be established at the time of Comprehensive Sketch Plan. These alignments, to the extent applicable, were satisfactorily established upon approval of CP-0101.

Condition 21: This concerns the use of site design to encourage usage of transit and other nonvehicular modes. While the subject application uses good principles of arranging land uses, the potential for accessibility to transit and other modes should be further examined in regard to street layout, lotting patterns, pedestrian and bicycle facility locations, and building locations at the time of Detailed Site Plan.

CP-0101:

Condition 3: This condition requires an improvement at the existing MD 450/Church Road intersection in the event that construction on Phase II begins prior to Fairwood Parkway being constructed. This condition should be carried over to the subject plans to ensure that it is enforced.

Condition 4: This condition is similar to condition 3 above, and also should be carried over to the subject plans to ensure that it is enforced.

Condition 5: This condition requires dedication and construction along Church Road. The submitted plans reflect adequate dedication. However, this condition should be carried over to the subject plans to ensure that it is enforced.

Condition 6: This condition is the response to condition 2 of the Basic Plan. As it would be addressed as a part of the Detailed Site Plan, and as the subject plans are concerned with Church Road, this condition should be carried over to the subject plans to ensure that it is enforced.

In summary, the staff believes that these plans conform to A-9894, Comprehensive Sketch Plan CP-0101, and all other plans.

Recommendations

As noted earlier in this staff report, the Preliminary Plan of Subdivision and the Final Development Plan are being processed in the same general time frame. Based on the findings and analyses documented in this report, the Transportation Planning Section concludes that the required findings for a Preliminary Plan of Subdivision under Section 24-124 will be met by the subject application. The staff also concludes that the required findings for a Final Development Plan under Section 27-546.06(d)(2)(C) will be met by the subject application. This finding is contingent upon the conditions continued in this staff report.

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) and concluded the following.

Finding

Impact on Affected Public School Clusters

Affected School	Dwell- ing	Pupil Yield	Subdivi- sion	Actual Enroll-	Comple- tion	Wait En- rollment	Cumula- tive En-	Total Enroll-	State Rated	Percent Capac-	Funded School
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Clusters #	Units	Factor	Enrollment	Enrollment	Enrollment	Enrollment	Enrollment	Enrollment	Capacity	Capacity	
Elementary School Cluster 3	291 sfd, 300 mfd	0.24	141.84	5864	339	128	0	6472.84	5054	128.07%	Bowie, Whitehall
Middle School Cluster 2	291 sfd, 300 mfd	0.06	35.46	4397	201	189	6.19	4828.65	3648	132.36%	East Central
High School Cluster 2	291 sfd, 300 mfd	0.12	70.92	12045	412	377	12.36	12917.28	10811	119.48%	Frederick Douglass addn.

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

The affected elementary, middle, and high school cluster percent capacities are greater than 105 percent. Bowie and Whitehall are the Funded Schools 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.

Based on this information, staff finds that the subdivision may be approved subject to conditions at the end of this report, in accordance with Section 24-122.02.

8. Fire and Rescue - The Growth Policy and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of public facilities and concluded the following.
 - a. The existing fire engine service at Bowie Fire Station, Company 39, located at 15454 Annapolis Road, has a service response time of 6.44 minutes, which is beyond the 5.25-minute response time guideline.
 - b. The existing ambulance service at Bowie Fire Station, Company 39, located at 15454 Annapolis Road, has a service response time of 6.44 minutes, which is beyond the 6.25-minute response time guideline.
 - c. The existing paramedic service at Glenn Dale Fire Station, Company 18, located at 11900 Glenn Dale Boulevard, has a service response time of 8.76 minutes, which is beyond the 7.25-minute response time guideline.
 - d. The above findings are in conformance with the *Adopted and Approved Public Safety Master Plan 1990* and the *Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities*.

In order to alleviate the negative impact on fire and rescue services due to the inadequate service discussed above, the Fire Department recommends that all residential structures be fully sprinklered in accordance with National Fire Protection Association Standard 13D and all applicable Prince George's County laws. Because this is a requirement of law, no condition is necessary for the residential structures.

9. Police Facilities - The proposed development is within the service area for the District II- Bowie 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 Fairwood development and the population generated by the proposed subdivision.
10. Health Department - The existing Fairview Historic house is currently served by private well and septic systems and will remain on private systems. Prior to approval of the final plat of subdivision the applicant should provide the Health Department with a detailed report ensuring that construction will not disrupt the water supply system to the existing residence.

Any abandoned wells found within the confines of the subject property must be backfilled and sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnesses by a representative of the Health Department. Any abandoned septic tanks must be backfilled after a licensed scavenger has pumped them out.

The privy serving the trailer on Parcel I must be removed. To abandon the privy the contents should be removed, if possible, by a licensed scavenger and limed prior to backfilling. If the contents cannot be removed, the material should be limed and then backfilled.

A raze permit must be obtained through the Department of Environmental Resources prior to the removal of any existing buildings. Any hazardous materials located in the structures on site must be removed and properly stored or discarded prior to being razed.

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, #11337-2002-00, 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.

To ensure that the Department of Environmental Resources (DER) has continued access to the stormwater management facilities on site, the preliminary plan should be revised to locate the access easement to these facilities. The location of these easements should be approved by DER prior to signature approval of the preliminary plan of subdivision and reflected on the final plat(s) of subdivision.

12. **Historic** - This phase of development of Fairwood surrounds Historic Site 71A-13, Fairview and Cemetery. Fairview was built around 1800 by Baruch Duckett, who had served as a lieutenant in the Revolutionary War. His descendants have always lived there, including Oden Bowie, a veteran of the Mexican-American War, who also served in the State Legislature and was one of the Maryland's most noted governors. The stuccoed-brick Federal-style house is located on a 9.90-acre parcel along with several outbuildings. The cemetery is located on a separate half-acre parcel east of the house. These two properties remain in Bowie family ownership.

The Fairview house and the cemetery are separated by Fairview Drive. Access from the Fairview house property to Fairview Drive will be provided via a private right-of-way across Parcel B from Fairview Drive as provided for on pages 13 and 14 of the approved Comprehensive Sketch Plan (CP-0101), PGCPB Resolution No. 02-17 for Phase II of this development. There will be no vehicular access to the cemetery, however, pedestrian access will be provided via an easement recorded over the existing footpath which crosses Parcel D.

The Environmental Setting for Fairview, as defined in Subtitle 29-102 (a) (1), is the 9.90-acre parcel containing the Fairview house and the half-acre parcel containing the cemetery, both owned by Oden Bowie and his family and zoned R-E.

13. **Condition Conformance** - The Comprehensive Sketch Plan for Fairwood Phase II CP-0101, PGCPB Resolution 02-17, contains several conditions specifically relating to the review and approval of preliminary plans of development. The following is a discussion of those conditions relating to the subject preliminary plan application:

Condition 2b. requires a noise study be submitted at the time of preliminary plan which contains land area adjacent to US 50 and the realigned Church Road. The analysis shall include typical cross section with the location of the 65 dBA Ldn noise contour.

Condition 2c requires a viewshed analysis for all residential areas abutting Church Road.

This application does not propose any residential development abutting Church Road at this time. However, the plan does provide for dedication along Church Road. The applicant originally was asked to submit a viewshed analysis, but after further review staff determined that the this application is not subject to this condition.

Condition 2e requires the identification of lots and Community Use areas which may affect sight lines from Fairview Historic site.

The applicant has identified 20 lots on the preliminary plan based on the above recommendation, and staff is in agreement with the lots chosen by the applicant. Careful consideration of development on these lots will occur at the time of Detailed Site Plan (DSP) review.

Condition 2f requires that the shape of the 10-acre park site will be determined at preliminary plan review. This condition also requires that adequate vehicular access be provided from this development.

The applicant has proposed a configuration of land that does not meet all of needs of the Department of Parks and Recreation for development of the Collington West Community Park, which is a public park. In addition, the applicant has proposed inadequate access to the park from this development. The Department of Parks and Recreation has based

this assessment on careful consideration of the use of the park by the community. This issue is discussed further in the Parks section of this report.

Condition 3 requires improvements to Church Road should Fairwood Parkway not be constructed in its entirety from Church Road to existing MD 450 at the time that Phase II of Fairwood begins to discharge traffic onto Church Road.

This condition is discussed further in the Transportation section of this report and this preliminary plan is conditioned appropriately.

Condition 4 requires improvements to MD 450 should Fairwood Parkway not be constructed in its entirety from Church Road to existing MD 450 at the time that Phase II of Fairwood begins to discharge traffic onto Church Road and MD 450 has been relocated onto a new alignment by the State Highway Administration.

This condition is discussed further in the Transportation section of this report. This preliminary plan recommends appropriate conditions.

Condition 5 requires dedication of right-of-way along Church Road at the time of final plat approval.

This condition is discussed further in the Transportation section of this report. This preliminary plan recommends appropriate conditions.

Condition 14 restricts the use of Parcel B, Block BB, and Parcel D, Block AA, adjacent to the Fairview Historic site and cemetery. Within these areas no playgrounds, tot lots, ballfields, or any other kind of construction shall be permitted.

This preliminary plan recommends appropriate conditions to ensure conformance to this condition.

RECOMMENDATION

APPROVAL, subject to the following conditions:

1. No building permits shall be issued for this subdivision until the percent capacity, as adjusted pursuant to the School Regulations, 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.
2. All nonresidential structures shall be fully sprinklered in accordance with National Fire Protection Association Standard 13D and all applicable Prince George's County laws.
3. In accordance with Sections 24-134 and 24-135 of the Subdivision Regulations, the applicant, his heirs, successors and/or assignees shall dedicate to The Maryland-National Capital Park and Planning Commission (Parcel D) and shall be subject to the following:
 - a. An original, special warranty deed for the property to be conveyed (signed by the Assessment Supervisor, Washington Suburban Sanitary Commission) shall be submitted to the Subdivision Section of the Development Review Division, The Maryland-National Capital Park and Planning Commission (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, the DPR shall require that a performance bond be posted to warrant restoration, repair, or improvements made necessary or required by 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 building permits.

- e. Storm drain outfalls shall be designed to avoid adverse impacts on 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 the 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.
4. Prior to approval of the final plat(s) of subdivision or the Detailed Site Plan, whichever occurs first, which includes the following street(s) the applicant shall:
- a. Show Lees Progress Drive as a 60-foot right-of-way between Fairview Drive and Hatties Progress Drive.
 - b. Show Hatties Progress Drive as a 60-foot right-of-way between Lees Progress Drive and Lockwoods Progress Drive. This requirement will be revised or waived with the approval by DPW&T of a revised cross-section which will allow safe two-way vehicular access along this section. This may be incorporated with a different pavement width or a partial prohibition of on-street parking, or other means which may be determined in consultation between the applicant and DPW&T.
 - c. Show Goodloes Promise Drive as a 60-foot right-of-way between Fairview Drive and the proposed park access point near Seatons Promise Drive. This requirement will be revised or waived with the approval by DPW&T of a revised cross-section which will allow safe two-way vehicular access along this section. This may be incorporated with a different pavement width or a partial prohibition of on-street parking, or other means which may be determined in consultation between the applicant and DPW&T.
5. Access to Parcels F, G, and H shall be via one ingress/egress easement provided pursuant to Section 24-128(b)(9) of the Subdivision Regulations rather than by means of separate driveways for each parcel. A final plat shall be filed pursuant to Section 24-108 of the Subdivision Regulations to establish said easement at the time of submittal of the first Detailed Site Plan submittal for Parcel F, G, or H, or once the final configurations of Parcels F, G and H are established by the applicant. The location of the access easement shall be established at the time of the first Detailed Site Plan for Parcel F, G, or H.
6. If Fairwood Parkway is not constructed in its entirety from Church Road to MD 450 at the time that Phase II of Fairwood begins to discharge traffic onto Church Road, the applicant shall extend the existing right-turn lane along existing Church Road at existing MD 450. The extended lane shall be constructed to DPW&T requirements to a length of no less than 250 feet with taper.
7. If Fairwood Parkway is not constructed in its entirety from Church Road to existing MD 450 at the time that Phase II of Fairwood begins to discharge traffic onto Church Road, and if MD 450 has been relocated onto a new alignment by the State Highway Administration, the applicant shall widen existing MD 450 (which would be functioning as a service road at that time) to accept a double left-turn from northbound Church Road. This widening shall be constructed to the standards of the responsible operating agency.
8. At the time of final plat approval, the applicant shall dedicate a 90-foot right-of-way along Church Road as shown on the submitted plan. Improvements within the dedicated right-of-way shall be determined by DPW&T, and shall include a minimum of four travel lanes with paved shoulders on each side.
9. At the time of the applicable Detailed Site Plans, brick or stamped asphalt crosswalks, raised pavement markings, and/or other strategies which are appropriate to the function of the roadway should be considered at two or three key locations along Church Road within the Fairwood property subject to the approval of the county Department of Public Works and Transportation and acceptance of maintenance responsibility by the same agency.
10. Development of this subdivision shall be in accordance with the approved Stormwater Management Concept Plan, #11337-2002-00.
11. Prior to signature approval, the preliminary plan shall be revised:
- a. To locate the 22-foot wide vehicular ingress and egress easement, across Parcel B, Block BB, to the 9.90-acre parcel containing the Fairview house, Fairview Historic Site #71A-13. A note shall be added to the

- preliminary plan that the applicant, his heirs, successors and/or assignees shall construct a curb cut at the driveway apron to DPW&T standards at the time of road construction of Fairview Drive. The said easement shall be located on the record plat which includes Parcel B.
- b. To locate a pedestrian access easement across Parcel D, Block AA, to the half-acre parcel containing the Fairview cemetery. The said easement shall be located on the record plat which includes Parcel D.
 - c. To accurately locate entrance features where proposed.
 - d. To delineate the 65 dBA Ldn from US 50.
 - e. To locate all existing structures and the disposition of those structures to include the existing trailer on Parcel I.
12. The preliminary plan shall be revised to provide 10 acres of usable parkland suitable for active recreation in accordance with DPR Exhibit ■A,• for Parcel D.
13. The applicant shall either revise the grading plan to eliminate adverse impact to Parcel D to be dedicated to M-NCPPC or grade the parkland to provide usable land for active recreation. Prior to signature approval of the preliminary plan a revised grading plan shall be reviewed and approved by the Park Planning and Development Division staff to determine conformance to this condition.
14. All land to be dedicated to a homeowners association shall be subject to the following conditions:
- a. Conveyance shall take place prior to the issuance of building permits.
 - b. All manmade debris shall be removed from the land to be conveyed.
 - c. The conveyed open space shall not suffer the disposition of construction materials, soil filling, discarded plant materials, refuse or similar waste matter.
 - d. Any disturbance of land to be conveyed to a homeowners association shall be in accordance with an approved Detailed Site Plan or shall require the written consent of the Development Review Division. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management, utility placement and storm drain outfalls. If such proposals are approved, a written agreement and financial guarantee shall be required to warrant restoration, repair or improvements required by the approval process.
15. Prior to the issuance of building permits the applicant, his heirs, successors and/or assignees shall demonstrate that a homeowners association has been established and that the common areas have been conveyed to the homeowners association.
16. The applicant, his heirs, successors and/or assignees shall submit three original Recreational Facilities Agreements (RFA) to DRD for approval prior to the submission of final plats, for construction of recreational facilities on homeowners land. Upon approval by DRD, the RFA shall be recorded among the county Land Records.
17. The applicant, his heirs, successors and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee prior to building permits for the construction of recreational facilities on homeowners land.
18. The applicant, his heirs, successors and/or assignees shall submit three original Recreational Facilities Agreements (RFA) to the Park Planning and Development Division (PPD) for approval prior to the submission of final plats, for construction of recreational trail facilities on park property. Upon approval by PPD, the RFA shall be recorded among the county Land Records.
19. The applicant, his heirs, successors and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee prior to building permits for the construction of recreational facilities on park property.
20. Prior to approval of the final plat of subdivision for a portion of the property which abuts the Fairwood Historic house, the applicant shall provide the Health Department adequate information ensuring that construction will not disrupt the water supply system to the existing residence. Adequacy of the information will be determined by the Health Department.

21. At the time of final plat for the property containing the 10-acre park, the applicant, his heirs, successors and/or assignees shall dedicate Parcel D to The Maryland-National Capital Park and Planning Commission for the Collington West Community Park.
22. To ensure that the Department of Environmental Resources (DER) has continued access to the stormwater management facilities on site, the preliminary plan shall be revised to locate the access easement(s) to these facilities. The location of these easements shall be approved by DER prior to signature approval of the preliminary plan of subdivision and reflected on the final plat(s) of subdivision.
23. Any abandoned well or septic system shall be pumped, backfilled and/or sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative of the Health Department prior to final plat.
24. The final plat of subdivision shall provide a note indicating that the subject property is subject to low-flying aircraft.
25. Prior to signature approval of the Preliminary Plan of Subdivision, the plan shall be revised to show and label the unmitigated 65 dBA Ldn 2,000 feet from the centerline of US 50.
26. As part of the Detailed Site Plan application a Phase II Noise Study shall be submitted to address noise from US 50. The Phase II Noise Study may contain supporting documentation to revise the location of the 65 dBA contour and shall contain mitigation measures to reduce noise levels to below 45 dBA Ldn for interior noise and 65 dBA Ldn for exterior noise on residential lots.
27. Prior to signature approval of the Preliminary Plan of Subdivision the Type I Tree Conservation Plan, TCPI/19/02, shall be revised as follows:
 - a. The Type I Tree Conservation Plan, TCPI/19/02, shall be prepared at a scale of 1" = 100' prior to signature approval.
 - b. Stormwater management pond embankments and the 25-foot clear zone shall be reflected on the TCPI and all Woodland Conservation Areas shall be relocated outside of these areas. Woodland Planting Areas 7, 10, 14, 15, 17, 19, 27, and part of 20 are of particular concern.
 - c. Woodland Planting Areas 2, 7 and 12 shall be revised to be at least 35 feet wide either individually or in combination with an adjacent Woodland Conservation Tree Save Area. Areas which cannot be reconfigured to be at least 35 feet wide shall not be shown as Woodland Conservation Areas.
28. Prior to the submittal of the Detailed Site Plan for Phase II, Part One of Fairwood the applicant shall examine alternative alignments for the sewer outfalls and provide documentation to the Environmental Planning Section that the PMA impacts identified as Impacts 2, 5, and 8 have been minimized.

STAFF RECOMMENDS APPROVAL OF TYPE I TREE CONSERVATION PLAN TCPI/19/02