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PRELIMINARY PLAN

4-02048

Application	General Data	
Project Name: THE RIDGES III Location: South side of Floral Park Road, approximately 2,000 feet east of the intersection of Floral Park Road and Windbrook Drive. Applicant/Address: Ridges of Brandywine, LLC 2812 Chesterfield Road Washington, D.C. 20008	Date Accepted	06/14/02
	Planning Board Action Limit	12/01/02
	Tax Map & Grid	143/D-02&03
	Plan Acreage	118.33
	Zone	R-A
	Lots	30
	Parcels	5
	Planning Area	84
	Council District	09
	Municipality	N/A
	200-Scale Base Map	217SE04

Purpose of Application	Notice Dates	
RESIDENTIAL SUBDIVISION	Adjoining Property Owners (CB-15-1998)	N/A
	Previous Parties of Record (CB-13-1994)	N/A
	Sign(s) Posted on Site	10/14/02
	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 Plan 4-02048
The Ridges III: Lots 1-6, Block A; Lots 1-23, Block B; Lot 1, Block C and Parcels A, B, C,
D and E

OVERVIEW

The subject property is approximately 118.34 acres of land in the R-A Zone. It is identified as Parcel 4 on Tax Map 143 in Grid E-2. The applicant is proposing to subdivide the property into 30 lots and 4 parcels using the varying lot size standards provided for in Section 27-442(a)(1)(b) of the Zoning Ordinance. That standard provides for greater flexibility in the minimum lot size without allowing an increase in the allowable density of the zone. This is discussed further in Finding 12 of this report. The applicant is proposing lots ranging in size from 1.2 acres to 3.0 acres. Conventional R-A-zoned lots require a two-acre minimum lot size. The remaining acreage (Parcels A – E) totals 47.98 and will be conveyed to a homeowners association for open space. The site is a natural extension of the approved preliminary plan application for The Ridges II subdivision (4-01094). The Ridges II is a 29-lot subdivision in the R-A Zone on 118.60 acres, abutting to the west.

The subject preliminary plan has frontage on Floral Park Drive. Access is proposed via Floral Park Drive. In addition, access is proposed via an internal public street connection to the west from the proposed Ridges II subdivision. The application is a resubmittal of a previously submitted preliminary plan for the subject property. The previous Preliminary Plan, 4-01095, for the Ridges III, was withdrawn in order to allow the applicant to address concerns of the Environmental Planning Section regarding impacts to on-site environmental features. This is discussed further in the variation section of this report, Finding 3.

SETTING

The site is located on the south side of Floral Park Drive approximately 600 feet west of its intersection with Springfield Road. To the west is the proposed Ridges II subdivision, which consists of 29 single-family lots. To the south and east is vacant R-A-zoned land. The surrounding community is generally undeveloped and rural in character.

FINDINGS AND REASONS FOR STAFF RECOMMENDATION

1. Development Data Summary – The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone(s)	R-A	R-A
Use(s)	Residential	Residential
Acreage	118.33	118.33
Lots	0	30
Parcels	1	5
Detached	0	30

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

This 118.3-acre property has a net tract area of 100.78 acres, a Woodland Conservation Threshold (WCT) of 50 percent or 50.39 acres, replacement requirements totaling 11.78 acres, and a total requirement of 62.17 acres. This 62.17-acre requirement is being satisfied by 59.71 acres of on-site preservation in priority retention areas and 2.46 acres of on-site reforestation. It is noted that the revision boxes on the plan sheets have been properly used to document several phases of revisions made since March 2002; however, the plan has not been signed and dated by a Qualified Professional. TCPI/35/01 is recommended for approval with conditions.

A review of the available information indicates that streams, wetlands, 100-year floodplain, severe slopes, and areas of steep slopes with high erodible soils are found to occur on the property. No transportation-related noise impacts have been found to affect this property. The soils found to occur on this property, according to the Prince George’s County Soil Survey, include Aura gravelly loam, Aura and Croom gravelly loam, Beltsville silt loam, Chillum silt loam, Croom Gravelly sandy loam, Fallston sandy loam, Iuka fine sandy loam, Mattapeake fine sandy loam, Mixed alluvial land, Ochlockonee sandy loam, Sassafras gravelly loam, Sassafras sandy loam, Sassafras-Collington-Aura gravelly sandy loam, and Westphalia fine sandy loam. Many of these soils have significant limitations that will ultimately affect some aspect of 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-4 and W-4. 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. Floral Park Road is a designated scenic and historic road. This property is located in the Piscataway Creek watershed of the Potomac River basin and in the Rural Tier as reflected in the adopted General Plan.

3. Variation to Section 24-130—Section 24-130(b)(6) and (7) of the Subdivision Ordinance provides for the protection of streams and the associated buffers, which comprise the expanded buffer. The expanded buffer includes the 50-foot stream buffer, adjacent wetlands, the 25-foot wetland buffer, the 100-year floodplain, adjacent slopes in excess of 25 percent (severe slopes), and adjacent slopes between 15 and 25 percent on high erodible soils (steep slopes).

Section 24-113(a) of the Subdivision Regulations sets forth the required findings for approval of variation requests. While the requirements for granting zoning variances must be accompanied by specific findings, the requirements for granting subdivision variations are considered less onerous than the granting of zoning variances. Section 24-113(a) reads:

- “(6) Where a property located outside the Patuxent River Watershed and the Chesapeake Bay Critical Areas Overlay Zones contains a perennial stream, the plat shall provide a buffer at least fifty (50) feet in width measured from each bank. The Planning Board may require the expansion of this buffer to include the one hundred (100) year floodplain, adjacent slopes of twenty-five percent (25%) or greater, and highly

erodible soils on slopes of fifteen percent (15%) or greater and additional area deemed necessary to protect the stream or one hundred (100) year floodplain.

- “(7) Where a property located outside the Chesapeake Bay Critical Areas Overlay Zones contains a nontidal wetland, the plat shall provide a buffer at least twenty-five (25) feet in width measured from the edge of the wetland. The Planning Board may require the expansion of this buffer to include adjacent slopes of twenty-five percent (25%) or greater and highly erodible soils on slopes of fifteen percent (15%) or greater.”

The preliminary plan accurately demonstrates the location of the streams, the 50-foot stream buffer, and the expanded buffer. The plans also accurately show the locations of the wetlands, the associated 25-foot wetland buffer, and the expanded wetland buffer.

As noted in the ordinance quoted above, impacts to streams, wetlands, 100-year floodplain, and the expanded buffers shall be avoided. However, when impacts to those features cannot be avoided, the Planning Board may grant a variation to the Subdivision Regulations. A variation justification should address the findings in accordance with Section 24-113 of the Subdivision Regulations. During the review of the previous application for this property (4-01094) there was extensive discussion regarding the proposed impacts. Efforts were made to avoid the disturbances and when that was not possible, to minimize the proposed impacts.

This application proposes 13 impacts to the expanded buffer. The variation as submitted identifies 12 of those impacts. The variation impacts are labeled A-L. The impact not addressed is associated with grading in the expanded buffer on proposed Lot 4, Block B.

The variations for proposed impacts D, F, G, H, J, and L are supported without conditions. Impacts A and B are supported with a condition, because the proposed impacts are necessary but could be further minimized once better quality topography is available and final grading is addressed.

Impacts C, E, K, and I are not supported because the impacts can either be avoided or the extent of the impact is excessive with respect to the benefit being provided. The impact shown on Lot 4, Block “B,” is not supported because it was not part of the variation request.

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

The variations that are supported or supported with conditions are associated with the construction of roads, driveways, or safety features as identified by the Department of Environmental Resources. The approval of these impacts will not create conditions detrimental to the public safety, health, or welfare, or injurious to other property. In fact the approvals will help to avoid such conditions by providing safe access to the property and eliminating some of the existing unsafe conditions on the property.

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

The conditions of the property are unique with respect to the existing road stub and stream locations because access to this property cannot be gained without impacts to the streams or the expanded buffer.

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

No other variances, departures, or waivers are required. All appropriate federal and state permits must be obtained before the construction can proceed

(4) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out;

Due to the configuration of the site, the locations of the streams, and the extent of the expanded buffer on this property, no other reasonable options are possible which would further reduce or eliminate the number and extent of the proposed impacts while allowing for the development of the property under its existing zoning.

In summary, proposed expanded buffer impacts D, F, G, H, J, and L are supported without conditions, proposed impacts A and B are supported with a condition, and proposed impacts C, E, I, K, and the impacts on Lot 4, Block “B,” are not supported.

Impact K, which is not supported, is requested to provide a sewer extension to Lot 1, Block C, which is a single lot fronting on Floral Park Road in the northeast corner of the property. The amount of disturbance proposed for this extension is excessive for the purposes of realizing one additional lot. The applicant is proposing to disturb 19,975 square feet of wetlands buffer, Waters of the U.S., and the extended buffer to install a sewer line that will extend from the internal Street B through the environmental feature north to Floral Park Road to serve one lot.

Staff recommends that Lot 1, Block C, be preserved and incorporated into the homeowners open space Parcel B. Incorporating Lot 1 into Parcel B will also assist in the preservation of the scenic and historic nature of Floral Park Road as discussed further in the Community Planning Section of this report.

4. Community Planning—The subject property is within the limits of the *1993 Subregion V Master Plan*, in Planning Area 84 in the Danville-Piscataway community. The 2000 Interim General Plan locates the property in the Rural Tier. The Master Plan land use recommendation for this property is for a semi-rural living area at residential densities up to 0.5 dwelling unit per acre. The applicant’s proposal is consistent with the master plan land use recommendations, however, the scenic historic nature of Floral Park Road is not being preserved to the extent possible.

The master plan recommends the primary design concept for land use in rural areas is to maintain large parcels of undeveloped land to preserve rural character. On larger properties, especially, there are opportunities to preserve rural characteristics along with residential development.

To date, regulations that would allow open space or rural cluster (hamlet) subdivisions have not been adopted. Varying Lot Size as permitted in the R-A Zone pursuant to Section 27-442 of the Zoning

Ordinance allows some flexibility in design, although not to the degree recommended by the master plan to achieve rural living area design concepts.

The preliminary subdivision application is fairly consistent with the county's rural land use policies with the exception of Lot 1, Block C. The Master Plan design guidelines (p. 52) that pertain to review of this site include:

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

The applicant is proposing a dwelling fronting on Floral Park Road. Because of the environmental constraints of the lot the applicant will be required to locate the dwelling toward the front of the lot along Floral Park Road. Locating a new dwelling at this location could interfere with the existing viewshed and rural character of Floral Park Road. There are existing farm dwellings along Floral Park Road in this vicinity. By preserving this area of the property as open space the applicant would be preserving the historic and scenic nature of Floral Park Road. Staff recommends that Lot 1, Block C, be removed and the area of that lot be included in the HOA open space to ensure the preservation of the rural character.

5. Parks and Recreation—In accordance with Section 24-134(a) of the Subdivision Regulations the proposed subdivision is exempt from the requirement of mandatory dedication of parkland because all of the proposed lots are greater than one acre in size.
6. Trails—The *Adopted and Approved Subregion V Master Plan* recommends a master plan trail within the Pepco right-of-way and a master plan trail through the subject site from Floral Park Road

to the Pepco right-of-way. However, based on previous discussions with the applicant and staff regarding the previous submissions for the Ridges III, staff concurs with the subject application plan showing the internal master plan trail connection running along Street A and Street B from Floral Park Road to the HOA land. The location of the trail along these roadways is acceptable due to the environmental constraints within Parcels B and E (HOA land).

There is no trail/bike facility recommended along the subject property's frontage of Floral Park Road in the *Subregion V Master Plan*. However, if road improvements are required by DPW&T, wide asphalt shoulders are encouraged to accommodate bicycle traffic. Floral Park Road is anticipated to remain an open section roadway.

In conformance with the *Adopted and Approved Subregion V Master Plan*, the applicant and the applicant's heirs, successor's and/or assignees shall construct an eight-foot wide, asphalt master plan trail along Streets A and B from Floral Park Road to the HOA land along Street B, as shown on the submitted plan.

The master plan trail should be ramped and ADA compatible at all road intersections and should be free of all above-ground utilities and street trees.

If road improvements are required by DPW&T along Floral Park Road, seven- to ten-foot-wide asphalt shoulders are encouraged to accommodate bicycle traffic.

7. Transportation—The applicant has not prepared a traffic impact study nor was one required by the transportation staff, given the limited amount of development being requested. The applicant did, however, conduct peak-hour traffic counts at the nearest major intersections at the request of staff. 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*.

Growth Policy - Service Level Standards

The subject property is located within the Rural Tier, as defined in the General Plan for Prince George's County. As such, the subject property is evaluated according to the following standards:

Links and signalized intersections: Level-of-service (LOS) C, with signalized intersections operating at a critical lane volume (CLV) of 1,300 or better.

Unsignalized intersections: The Highway Capacity Manual procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

Staff Analysis of Traffic Impacts

The application is a plan for a residential subdivision consisting of 29 single-family detached residences. The proposed development would generate 22 AM (4 in, 18 out) and 26 PM (18 in, 8

out) peak hour vehicle trips as determined using the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*. The site was analyzed using the following trip distribution:

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

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

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

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

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

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With site traffic, the following operating conditions were determined:

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

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

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

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

8. Schools—The Historic Preservation and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and the *Adequate Public Facilities Regulations for Schools* (CR-23-2001 and CR-38-2002) and concluded the following. These findings are subject to change in accordance with the provisions of CR-23-2001 and CR-38-2002.

Finding

Impact on Affected Public School Clusters

	Affected School Clusters #		
	Elementary School Cluster 6r	Middle School Cluster 3	High School Cluster 3
Dwelling Units	30 sfd	30 sfd	30 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	7.20	1.80	3.60
Actual Enrollment	4,549	4,959	9,317
Completion Enrollment	122	43	172
Wait Enrollment	10	15	30
Cumulative Enrollment	79.20	27.78	55.56
Total Enrollment	4,767.40	5,046.58	9,578.16
State-Rated Capacity	4,512	5,114	8,767
Percent Capacity	105.66%	98.68%	109.25%
Funded Schools	n/a	n/a	Surrattsville addn.

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

The affected elementary and high school cluster percent capacities are greater than 105 percent. There is no Funded School in the affected elementary school cluster. The Surrattsville addition is the Funded School in the affected high school cluster. Therefore, this subdivision can be approved with a six year waiting period.

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

The affected high school cluster percent capacity is greater than 105 percent. The Surrattsville addition is the Funded School in the affected high school cluster. Therefore, this subdivision can be approved with a three-year waiting period.

9. Fire and Rescue—The Growth Policy and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of fire and rescue facilities and concluded the following:
 - a. The existing fire engine service at Brandywine Fire Station, Company 40, located at 14201 Brandywine Road, has a service response time of 9.58 minutes, which is beyond the 5.25-minute response time guideline.
 - b. The existing ambulance service at Brandywine Fire Station, Company 40, located at 14201 Brandywine Road, has a service response time of 9.58 minutes, which is beyond the 6.25-minute response time guideline.
 - c. The existing paramedic service at Brandywine Fire Station, Company 40, located at 14201 Brandywine Road, has a service response time of 9.58 minutes, which is beyond the 7.25-minute response time guideline.

The Growth Policy and Public Facilities Planning Section has concluded that the entire development is beyond the recommended response times from existing facilities which provide ambulance and paramedic service. Therefore, the development will not be adequately served by ambulance and

paramedic services. This finding was based on using the existing road system and the existing stations.

The staff found that the planned Brandywine Special Study Area Emergency Services Facility that is shown in the *Subregion V Master Plan* will be the first new station which will provide ambulance and paramedic services to this development. The estimated cost of an emergency service facility is \$1,405,000.

In order to mitigate the ambulance and paramedic service response time deficiencies, staff recommends that the applicant participate in providing a fair share contribution toward the planned Emergency Services Facility. The fee amount is based upon the construction cost of the station (\$1,405,000) and divided by the total population within the entire service area in 2006 (10,024). The service area includes those areas that will be served by the planned facility.

The Growth Policy and Public Facilities Planning Section recommends that the applicant provide a fee to Prince George's County which will serve as a fair share contribution toward the construction of the Brandywine Special Study Area Emergency Services Facility. The fee should be paid prior to the issuance of building permits. The fair share fee is calculated at \$440.00 per dwelling unit.

\$1,405,000	—	total project cost
$\$1,405,000/10,024 = \140.16	—	total cost per person
$30 \text{ dwelling units}/3.13 \text{ household size} = 93.9$	—	total number of residents
$93.9 \times \$140.16 = \$13,161$	—	total cost to the development
$\$13,161/30 = \440	—	per dwelling unit

10. Police Facilities—The proposed development is within the service area for District IV- Oxon Hill. In accordance with Section 24-122.01(c) of the Subdivision Regulations the existing county police facilities will be adequate to serve the proposed Ridge III development. This police facility will adequately serve the population generated by the proposed subdivision
11. Health Department—The Health Department has reviewed the preliminary plan and has no comment.
12. Stormwater Management—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is not required. A Stormwater Management Concept Plan, #31505-2001-00, has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. Development must be in accordance with this approved plan.
13. Varying Lot Size—Section 27-442(a)(1)(b) of the Zoning Ordinance provides for varying lot sizes in the R-A Zone for the subdivision of 25 acres or more. The subject property is 118.34 acres in size. The minimum lot size of at least 60 percent of the lots is required to be 2 acres. The applicant is proposing 30 lots; 19 lots are proposed in excess of 2 acres. The applicant is allowed one 1-acre lot for every 25 acres of gross tract acres in the subdivision. The applicant is not proposing any one-acre lots. The remaining lots in the subdivision can be provided at a minimum lot size of 50,000 square feet (1.14 acres). The applicant is proposing the remaining 11 lots with lot sizes ranging between 1.20 and 1.91 acres.

Specifically, 18 lots are required to meet a minimum lot size of 2 acres. The applicant is proposing 19. The applicant is allowed 4 one-acre lots based on the tract area of 118.33 acres; the applicant is

proposing none. The remaining 11 lots, which are allowed at 1.14 acres (50,000 square feet), are proposed with lots areas ranging from 1.2 to 1.9 acres. The density allowed for this property using conventional R-A zoning standards is 59 lots; the applicant is proposing 30 lots.

The subdivision plan as proposed conforms to the standards established by Section 27-442(a)(1)(b) of the Zoning Ordinance for Varying Lot Size.

RECOMMENDATION

APPROVAL, subject to the following conditions:

1. All land to be dedicated to a Homeowners Association shall be subject to the following conditions:
 - a. Conveyance shall take place prior to the issuance of building permits.
 - b. All manmade debris shall be removed from the land to be conveyed.
 - c. The conveyed open space shall not suffer the disposition of construction materials, soil filling, discarded plant materials, refuse or similar waste matter.
 - d. Any disturbance of land to be conveyed to a homeowners association shall require the written consent of the Development Review Division, Environmental Planning Section. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management, utility placement and storm drain outfalls. If such proposals are approved, a written agreement and financial guarantee, if deemed appropriate by staff, shall be required to warrant restoration, repair or improvements required by the approval process.
2. The final plat of subdivision shall carry a note that development is pursuant to varying lot standards.
3. Development of this subdivision shall be in accordance with the approved Stormwater Management Concept Plan, #31505-2001-00.
4. Prior to signature approval the preliminary plan shall be revised:
 - a. To revise the general notes to provide for Parcel E
 - b. To provide a note indicating the total acreage to be conveyed to the HOA
 - c. The Type I Tree Conservation Plan shall be signed and dated by a Qualified Professional.
 - d. To clearly delineate the master plan trail alignment
 - e. To remove Lot 1 Block C and incorporate that portion of the property into Parcel B, to be dedicated to the HOA. Conformance to the Varying Lot Size standards must be maintained
5. Prior to 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.

6. In conformance with the *Adopted and Approved Subregion V Master Plan*, the applicant and the applicant's heirs, successor's and/or assignees shall construct an eight-foot-wide, asphalt master plan trail along Streets A and B from Floral Park Road to the HOA land along Street B, as shown on the approved preliminary plan.
7. Development of this subdivision shall be in compliance with an approved Type I Tree Conservation Plan (TCPI/35/01). 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 (TCPI/35/01), 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.
8. Prior to the issuance of permits, a Type II Tree Conservation Plan shall be approved
9. The applicant shall provide a fee to Prince George's County which shall serve as a fair share contribution toward the construction of the Brandywine Special Study Area Emergency Services Facility. The fee shall be paid prior to the issuance of each building permit. The fair share fee is \$440.00 per dwelling unit.
10. No building permits shall be issued for this subdivision until the percentage capacity, as adjusted pursuant to the School Regulations, at all the affected school clusters are less than or equal to 105 percent or 6 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.
11. At the time of final plat approval, the applicant shall dedicate right-of-way along Floral Park Road of 40 feet from the center line of the existing pavement.
12. Prior to the approval of the TCPII for this property the proposed impacts to the expanded buffer shall be modified as follows:
 - a. Eliminate proposed impacts C, E, I, K and the impacts shown on Lot 4, Block "B."
 - b. Proposed buffer impacts A and B shall be further reduced by refining the grading or by using other alternative methods such as retaining walls to help minimize these impacts.
13. A conservation easement described by bearings and distances shall be placed on the Final Plat of Subdivision. The conservation easement shall contain all 100-year floodplain, stream buffers and wetland buffers, except for approved variation requests, and be reviewed by the Environmental Planning Section prior to certificate approval. 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 allowed."

14. Prior to the issuance of any permits which impact wetlands, wetland buffers, streams or Waters of the U.S., copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans shall be submitted to the Environmental Planning Section of the M-NCPPC Planning Department.
15. Prior to signature approval of the Preliminary Plan of Subdivision the Type I Tree Conservation Plan shall be signed and dated by a Qualified Professional.

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