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PRELIMINARY PLAN

4-02055

Application	General Data
Project Name: CHURCH OF THE NAZARENE PROPERTY CLUSTER Location: East side of Woodyard Road, approximately 1,000 feet north of Dower House Road. Applicant/Address: Marco Homes 4303 Northview Drive Bowie, MD 20715	Date Accepted 07/09/02
	Planning Board Action Limit 01/10/03
	Tax Map & Grid 108/F-02
	Plan Acreage 13.03
	Zone R-R
	Lots 19
	Parcels 3
	Planning Area 82
	Council District 09
	Municipality N/A
	200-Scale Base Map 209SE09

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 09/20/02
	Variance(s): Adjoining Property Owners N/A
Staff Recommendation	Staff Reviewer: Del Balzo
APPROVAL	APPROVAL WITH CONDITIONS
	DISAPPROVAL
	DISCUSSION
	X

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Preliminary Plan of Subdivision 4-02055
Church of the Nazarene Property Cluster
Lots 1 – 19 and Parcels “A,” “B” and “C”

OVERVIEW

The subject property consists of approximately 13.03 acres of land in the R-R Zone. Currently undeveloped and wooded, the property is found on Tax Map 108, Grid F-2 and is identified as Parcels 178 and 182. The applicant proposes a residential subdivision of 19 single-family detached lots. Access is proposed from a public street connection to Dower House Road between existing homes. No access is proposed from Woodyard Road.

The property has more than 373 feet of frontage on Woodyard Road. The applicant proposes maintaining this frontage as woodlands for a depth of more than 450 feet. Proposed lots are clustered near existing lots in Melwood Hills Subdivision.

SETTING

The property is located on the east side of MD 223 approximately 1,000 feet northeast of its intersection with Dower House Road. It is surrounded by properties in the R-R Zone. To the northwest is the Melwood Church of the Nazarene; to the east is farmland; to the south and west are single-family detached homes in the cluster subdivision of Melwood Hills.

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	R-R	R-R
Use(s)	Undeveloped	Single-family detached homes
Acreage	13.03±	13.03±
Lots	0	19
Parcels	2	3
Detached Dwelling Units	0	19

2. **Cluster Development Data Proposed by the Applicant–**

Zone	R-R
Gross Tract Area	13.03± acres
Area with Slopes Greater than 25%	0.0 acres
Area within Preliminary 100-year Floodplain	0.0 acres
Cluster Net Tract Area	13.03± acres
Minimum Lot Size Permitted	10,000 sq.ft.
Minimum Lot Size Proposed	11,077± sq.ft.
Number of Lots Permitted	26
Number of Lots Proposed	19
Flag lots Proposed	0
Cluster Open Space Required	2.85± acres
2/3 of Required Open Space to be Located Outside of the 100-Year Floodplain and Stormwater Management Facilities	1.90± acres
Cluster Open Space Proposed Outside of the 100-Year Floodplain and Stormwater Management Facilities	4.51± acres
Cluster Open Space Provided	5.80± acres
Mandatory Dedication Required	0.65 acres
Mandatory Dedication Proposed	Fee-in-lieu
Total Open Space Required (Cluster plus Mandatory Dedication)	4.90± acres
Total Open Space Provided	5.80± acres
Open Space to be Conveyed to Homeowners' Association	5.80 acres
Open Space to be Conveyed to M-NCPPC	0.0 acres
Open Space to be Conveyed to Prince George's County	0.0 acres
Slopes Exceeding 25% in grade	0.0 acres
25% of Steep Slopes	N/A
Area of Steep Slopes to be Disturbed	N/A
Area of Nontidal Wetlands and Waters of the U.S.	0.0 acres

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

3. **Cluster Findings**-The design for the proposed cluster subdivision meets the purposes and criteria for approval of cluster developments in the R-R Zone found in Subtitles 27-Zoning and 24-Subdivision of the Prince George's County Code. The following findings are required in accordance with Section 24-137 of the subdivision regulations:

- a. **Individual lots, streets, buildings and parking areas will be designed and situated in conformance with the provisions for woodland conservation and tree preservation set forth in Subtitle 25 of the Prince George's County Code, and in order to minimize alteration of the historic resources or natural site features to be preserved.**

Comment: The proposed lots in this preliminary plan are clustered in the southern and western portion of the site where they abut lots of similar size in the existing subdivision. The northern and eastern portions of the property are encumbered with a Patuxent River Primary Management Area (PMA). Woodland conservation is proposed in the PMA. A stormwater management facility is proposed outside the PMA. This arrangement minimizes impacts on the existing natural features.

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

Comment: The cluster open space on this property is proposed for conservation and buffering purposes. It will be solely used for Woodland Conservation (except the small area used for stormwater management). The woodland conservation area will also serve as a buffer from Woodyard Road. The closest buildable lot to Woodyard Road is more than 450 feet away.

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

Comment: As noted, the cluster open space will protect the irreplaceable Primary Management Area and existing woodlands.

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

Comment: While the open space is not intended for recreational purposes (it is intended for preservation), it is easily accessible from proposed Road “A.”

- e. **Cluster open space intended for scenic value will achieve this purpose through the retention of irreplaceable natural features described above; or where such natural features do not exist, such techniques as berms planted with trees and the use of landscaping material may be required to eliminate visual monotony of the landscape.**

Comment: This open space will preserve the scenic vista of Woodyard Road in that it will provide woodland conservation for a depth of more than 450 feet from Woodyard Road.

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

Comment: The relationship between the development and the land is the best possible in this situation. Some of the lots are clustered in an area where they abut compatible lots, some back to open space, and some back to a church. The lots backing to the church will require bufferyards in accordance with the *Landscape Manual*. Open space is preserved more fully in this plan than could be achieved under conventional subdivision methods.

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

Comment: Streets are relatively short in this subdivision; only two short cul-de-sacs are proposed. The clustering of homes in the location abutting the existing subdivision reduces the need for long streets to reach the rear of the property. Lots abutting other developed lots will be oriented in a back-to-back configuration. This is a standard lotting pattern, well established as acceptable.

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

Comment: As noted, there are 450 feet of woods between Woodyard Road and the nearest proposed lot. This will greatly minimize any effects of traffic and noise on the proposed residents. Proposed homes are on lots large enough to avoid any impacts of shadows. Privacy is enabled in this subdivision; it can be simply achieved with fencing if so desired by the homeowners.

- i. **Not more than one-fourth (1/4) of any of the land having slopes greater than twenty five percent (25%) will be removed or altered, and then only when the slopes are isolated, small, or otherwise occur as insignificant knolls, so that the design of the development or cluster open space will not be adversely affected.**

Comment: There are no slopes in excess of 25 percent.

- j. **Appropriate landscape screening techniques will be employed at each entrance to the**

subdivision and along adjoining existing streets, so as to assure the compatibility of the appearance of the cluster subdivision with that of surrounding existing and planned residential development not approved for cluster development, and to provide an attractive appearance from streets. Individual lots shall also be appropriately landscaped in such a manner as to provide an attractive appearance.

Comment: Room exists for such landscaping to be required. Because this subdivision will be accessed from an internal street in an existing cluster subdivision, compatibility should not be a problem. However, such landscaping and buffering techniques can be reviewed at the time of Detailed Site Plan.

4. **Environmental**— A review of the information available indicates that 100-year floodplain and severe slopes are not found to occur on this property. A stream is located on this site and the preliminary plan indicates that wetlands have been previously identified on this property. The site is located in the Charles Branch watershed, which is a tributary to the Patuxent River. The soils found to occur on this property according to the Prince George's County Soil Survey are in the Adelpia, Marr and Westphalia series. The Adelpia soils have hydric inclusions. The Westphalia soils are considered highly erodible, and the Marr soils do not pose any difficulties for development. There are no rare, threatened, or endangered species located in the vicinity of this property based on information provided by the Maryland Department of Natural Resources - Natural Heritage Program. No historic or scenic roads are affected by this proposal. There is no Marlboro clay on this site. This site is within the 65 dBA noise contour for Andrews Air Force Base. Woodyard Road is proposed within the *Subregion VI Master Plan* to be improved to an arterial of either four or six lanes. The project is located in the Developing Tier, based on the adopted *General Plan*. The property is in Water and Sewer Service Categories W-3 and S-3 and will be served by public systems.

The revised Preliminary Plan and Tree Conservation Plan do not include information in the revision boxes concerning what revisions have been made to the plans. This information is needed to help staff follow the sequence of revisions. As revisions made to the plans are submitted, the revision boxes on each plan sheet shall be used to describe what revisions were made, when, and by whom. Prior to signature approval, and as required revisions made to the plans are resubmitted, the revision boxes on each plan sheet need to be used to describe what revisions were made, when, and by whom.

This site is subject to the provisions of the Woodland Conservation Ordinance because it is larger than 40,000 square feet in size and contains more than 10,000 square feet of woodland. A Tree Conservation Plan and Forest Stand Delineation are required. The Forest Stand Delineation (FSD) submitted with this application has been reviewed and was found to address the criteria for an FSD as found in the Woodland Conservation and Tree Preservation Technical Manual. No additional information is required with respect to the FSD

The Type I Tree Conservation Plan (TCPI) submitted with this application is in need of revision. The Woodland Conservation Worksheet indicates that 3.07 acres of woodlands will be preserved, but that 2.94 acres of woodland will not be cleared. An area for future road dedication is also listed as previously dedicated land. This acreage may not be counted as previously dedicated as it has not yet been dedicated. The Woodland Conservation Worksheet must be revised to show the correct amount of woodland preservation and previously dedicated land. In addition, the TCPI shows a proposed tree line but not a proposed limit of disturbance (LOD). Because the site is not fully wooded, an

LOD is necessary on this plan. Prior to signature approval, the following revisions need to be made to the TCPI.

- a. Remove the 0.38 acres listed as previously dedicated land.
- b. Revise the Woodland Conservation Worksheet to show the correct amount of woodland preservation.
- c. Show the location of the Limit of Disturbance.

A stream is found to occur on this property and notes on the preliminary plan indicate that wetlands also occur on this site. A wetlands study has been submitted with the revised plans. The study identifies pockets of wetlands as part of the stream. Staff has field checked this location and verified it to be correct. However the 50-foot stream buffer has not been shown as previously requested. The 50-foot stream buffer shall be shown on the Preliminary Plan of Subdivision and the TCPI. The Patuxent River Primary Management Area (PMA) on this site encompasses the 50-foot stream buffer. The Subdivision Ordinance mandates that the PMA be preserved to the fullest extent possible (Section 24-130(b)(5)). The Preliminary Plan and TCPI do not show any impacts to the PMA. Prior to signature approval, the Preliminary Plan and the Type I Tree Conservation Plan need to show the 50-foot stream buffers. All environmental features should be shown within the legend of the TCPI and Preliminary Plan. No further information is required with regard to the wetlands delineation.

The subdivision lies between the 65 and 70 dBA Ldn noise contours generated by overflights from Andrews Air Force Base. Noise is not expected to be a major concern on this site because the noise levels from Andrews Air Force Base may be within acceptable limits for the proposed residential use, and noise mitigation is difficult to provide in outdoor activity areas from a downward noise source. Prior to the issuance of building permits, the applicant must submit documentation, certified by a professional engineer with competency in acoustical analysis, that the building shells will attenuate exterior noise of 65-70 dBA Ldn to an interior level of 45 dBA Ldn or less.

In addition, Woodyard Road is proposed within the *Subregion VI Master Plan* to be improved to an arterial of either four or six lanes. Staff has calculated that the 65 dBA Ldn for a 6-lane arterial will be located approximately 266 feet from the centerline of Woodyard Road. There are no existing or proposed residential uses within this 65dBA Ldn noise contour. No further information is required concerning noise from Woodyard Road. Building permits need to contain certification by a professional engineer with competency in acoustical analysis that the building shells within the noise corridors of Andrews Air Force Base will attenuate exterior noise to an interior level of 45 dBA Ldn or less.

A DER approved Stormwater Management Concept Plan was submitted to the Development Review Division, as previously requested, on October 2, 2002. This plan showed grading and clearing into the PMA and woodland save areas that was not shown on the revised TCPI and Preliminary Plan. This grading and clearing appears excessive for the proposed stormwater management facilities. Prior to approval of a Detailed Site Plan, a DER approved Technical Stormwater Management Plan must be submitted. This plan shall show the PMA as preserved and no impacts will be shown on the Technical Stormwater Management Plan that have not been approved on the TCPI. This plan must show the same limits of disturbance as the TCPI and must not show any impacts to the Patuxent River Primary Management Area.

5. **Community Planning**—The 2002 General Plan places the property in the Developing Tier. The 1993 *Subregion VI Study Area Master Plan* recommends residential land use at the Low Suburban density. The subject property was retained in the R-R (Rural-Residential) Zone in the *Sectional Map Amendment for the Subregion VI Study Area*, approved May 1994. The proposed subdivision is generally consistent with the land use recommendation in the approved master plan.

The plan recommends that “the established Low Suburban (R-R) character of this community continue” (page 92). In addressing the specific area between Woodyard Road and the Queensland community to the east, the plan cautions, “(D)evelopment of this tract at a higher density level would increase pressure for similar development on nearby land.” While the lot sizes in this proposal of 11,000 square feet are smaller than the standard lot sizes of 20,000 square feet in the R-R Zone, the overall density of this site is consistent with the density standards for the R-R Zone. The proposed subdivision is designed in accordance with the cluster subdivision regulations, which does not infer a consideration to change the density of new development. The cluster subdivision technique appears to be suited for this site due to the presence of environmental constraints on the portion of the site closest to Woodyard Road. It consists of lots that are basically the same size as the adjoining existing residential cluster development along Dower House Road and is interior to that development so that the visible character of the area from Woodyard Road is unchanged.

6. **Parks and Recreation**—The proposal is subject to the mandatory park dedication requirements of Section 24-134 of the Subdivision Regulations. Because the size and location of available land are unsuitable for park purposes, staff recommends that the applicant pay a fee-in-lieu of mandatory park dedication pursuant to Section 24-135.
7. **Trails**— There are no master plan trails issues associated with this application. The Transportation Planning Section recommended that standard sidewalks be provided on both sides of all internal streets. However, the Department of Public Works and Transportation will determine the appropriateness of internal sidewalks.
8. **Transportation**—Because the proposed subdivision is only 19 lots, it is too small to require a traffic study. Recent traffic counts associated with the reconsideration of Woodyard Estates (Preliminary Plan 4-88269) were available and were analyzed. 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 Developing 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) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 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

This subdivision would receive its access onto Dower House Road opposite existing Actium Drive. Therefore, the critical intersection for this development is the intersection of MD 223 and Dower House Road, which is currently unsignalized. The transportation staff had available counts taken during the spring of 2001. These counts indicate that the critical intersection operates with a maximum delay in the AM peak hour of 88.4 seconds, and a maximum delay in the PM peak hour of 164.2 seconds. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections; therefore, the critical intersection operates unacceptably under existing traffic.

Staff has identified several approved developments in the area that would affect the subject intersection. With approved development added, the critical intersection would operate as follows: AM peak hour – maximum delay of +999 seconds; PM peak hour – maximum delay of +999 seconds. While staff is reporting the results of the Highway Capacity Manual computations in both cases, the number is not so important as understanding that the delays in the minor street left-turn movements are outside the normal computational range and are excessive.

With the development of 19 residences, the site would generate 14 AM and 17 PM peak hour vehicle trips (despite the name of the preliminary plan, there is not a church nor an expansion of a church included in the current plan). The site was analyzed with the following trip distribution: 20 percent – south along MD 223, 30 percent – west along Dower House Road; 50 percent - north along MD 223. Given this trip generation, staff has analyzed the impact of the proposal. With the site added, the critical intersection would, as noted above, operate with excessive delays exceeding the normal range of the computational procedure.

Therefore, the MD 223/Dower House Road intersection, which is unsignalized now and has no current plans for signalization, operates unacceptably during both peak hours with the development of the subject property, with vehicle delay exceeding 50.0 seconds in both peak hours for minor street left-turn movements. Delays are excessive now and in the future. 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 if it is deemed warranted by the appropriate operating agency. The warrant study is, in itself, a more detailed study of the adequacy of the existing unsignalized intersection.

A number of properties in the area have been approved with a requirement to pay a pro rata share toward improvements at the critical intersection and at the intersection of MD 223/Rosaryville Road. This pro rata arrangement was developed during 1991 and 1992, a time at which payment of a pro rata share was an allowable means for the Planning Board to find transportation adequacy under Section 24-124. As a result, several other properties have been required to pay a pro rata share toward these intersections. During a reconsideration of the Woodyard Estates case (Preliminary Plan 4-88269) in 2001, the Planning Board re-evaluated the pro rata payment methodologies in this area. Given the findings in that case, the subject property should pay \$152.61 toward improvements, including signalization, at the MD 223/Dower House Road intersection. This is the same amount per dwelling unit that Woodyard Estates is paying. The impact of this property on the MD 223/Rosaryville Road intersection is three trips in each peak hour – this is below the threshold of five

trips at which the Planning Board should consider imposition of conditions at this location, and so the impact at the MD 223/Rosaryville Road intersection should be considered to be de minimus.

With signalization and other improvements which would be funded by the pro rata payment, the MD 223/Dower House Road intersection would operate as follows: AM peak hour – Level of Service B, with a critical lane volume of 1,106; and PM peak hour – Level of Service D, with a critical lane volume of 1,435. With signalization and improvements, the service levels in both peak hours would be acceptable at Level of Service D or better.

Plan Comments

MD 223 is a master plan arterial facility. The current plan correctly shows correct dedication of 60 feet from the center line of the existing roadway. At one time, Dower House Road extended was planned to utilize McCormick Drive and continue south through the subject property to utilize Arethusa Lane. That collector extension beyond MD 223 has since been moved to the northeast, and does not affect the subject property.

Based on the preceding findings, adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code if the application is approved with the transportation related conditions included in this report.

9. **Schools**—The Historic Preservation 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 CR-38-2002). **The following findings are subject to change in accordance with the provisions of CR-23-2001 and CR-38-2002.**

Impact on Affected Public School Clusters

	Affected School Clusters #		
	Elementary School Cluster 4	Middle School Cluster 2	High School Cluster 2
Dwelling Units	20 sfd	20 sfd	20 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	4.80	1.20	2.40
Actual Enrollment	5264	4397	12045
Completion Enrollment	263	201	412
Wait Enrollment	591	189	377
Cumulative Enrollment	50.88	96.10	192.48
Total Enrollment	6173.68	4884.30	13028.60
State Rated Capacity	4594	3648	10811
Percent Capacity	134.39%	133.89%	120.52%
Funded School	Rosaryville	Ernest Everett Just	Frederick Douglass addn.

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

The affected elementary, middle, and high school cluster percent capacities are greater than 105 percent. Rosaryville is the Funded School in the affected elementary school cluster. Ernest Everett Just 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 subject to conditions, in accordance with Section 24-122.02, including a three-year waiting period.

10. **Fire and Rescue**—The Historic Preservation 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 Forestville Fire Station, Company 23, located at 8321 Old Marlboro Pike, has a service travel time of 6.69 minutes, which is beyond the 5.25-minute travel time guideline.
- b. The existing ambulance service at Forestville Fire Station, Company 23, has a service travel time of 6.69 minutes, which is beyond the 6.25-minute travel time guideline.
- c. The existing paramedic service at Clinton Fire Station, Company 25, located at 9025 Woodyard Road, has a service travel time of 6.31 minutes, which is within the 7.25-minute travel time guideline.

These findings are in conformance with the *Adopted and Approved Public Safety Master Plan 1990* and the *Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities*. To alleviate the negative impact on fire and rescue services due to the inadequate service discussed, a sprinkler system is usually required. The Fire Department requires that a fire suppression system be installed in all residential structures in accordance with National Fire Protection Association Standard 13D and all applicable Prince George's County laws. Because this is a requirement of law for all residential structures, no condition is necessary.

The entire development is beyond the recommended response times from existing facilities which provide ambulance service. Therefore the development will not be adequately served by ambulance services. This finding was based on using the existing road system and the existing stations.

The staff found that the planned Melwood-Westphalia EMS Facility will be the first due station which will provide ambulance services to this development. The Melwood-Westphalia EMS Facility is shown in the *Approved Public Safety Master Plan, July 1990*. The Historic Preservation and Public Facilities Planning Section with the cooperation of the Fire Department has estimated the cost of an EMS facility to be approximately \$1,405,000. This project is not contained in the current county CIP.

To mitigate the ambulance service response time deficiencies, the staff recommends that the applicant participate in providing a fair share contribution toward the planned Melwood-Westphalia EMS Facility. We recommend that the applicant provide this fee prior to issuance of the first building permit. The fee amount is based upon the construction cost of the facility and the purchase of one ambulance unit divided by the total amount of residential and employment population within the entire service area in 2006. The service area includes those areas that will be served by the planned Melwood-Westphalia EMS Facility. The fair share fee is \$212.00 per dwelling unit.

The applicant shall provide a fee to Prince George's County, which shall serve as a fair share contribution toward the construction of the Melwood-Westphalia Emergency Services Facility. The

fee shall be paid prior to the issuance of building permits. The fair share fee is \$212.00 per dwelling unit.

11. **Police Facilities**—The proposed development is within the service area for District V-Clinton. In accordance with Section 24-122.01(c) of the Subdivision Regulations, existing county police facilities will be adequate to serve the proposed Church of the Nazarene Cluster development. This police facility will adequately serve the population generated by the proposed subdivision.
12. **Health Department**—The Health Department reviewed the application and noted that the property is littered with trash and debris. This must be removed and properly stored or discarded at the time of grading. The Health Department also notes that the property is heavily impacted by runoff from the adjacent developed sites. This information is taken into account in the stormwater management plans.
13. **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, # 8447-2002-00, has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. The approval is valid through June 12, 2005. Development must be in accordance with this approved plan.

As noted in the Finding 4 of this report, Environmental Issues, the approved Stormwater Management Plan shows ponds impacting the PMA. This is neither necessary nor acceptable. The ponds have been removed from the PMA on the revised preliminary plan. At the time of Detailed Site Plan, technical approval of the Stormwater Management Plan should also remove the ponds from the PMA.

14. **Cemeteries**—The applicant's engineer has certified on the plan that there are no cemeteries on the property.

RECOMMENDATION

APPROVAL, subject to the following conditions:

1. Prior to signature approval of the preliminary plan and the TCPI, and as required revisions made to the plans are re-submitted, the revision boxes on each plan sheet shall be used to describe what revisions were made, when, and by whom.
2. Prior to signature approval, the TCPI shall be revised as follows:
 - a. Remove the 0.38 acre listed as previously dedicated land.
 - b. Revise the Woodland Conservation Worksheet to show the correct amount of Woodland preservation.
 - c. Show the location of the Limit of Disturbance.
3. Prior to signature approval, the preliminary plan and the Type I Tree Conservation Plan shall be revised to show the 50-foot stream buffers. All environmental features shall be shown within the legend of the TCPI and Preliminary Plan.

4. Building permits shall contain certification by a professional engineer with competency in acoustical analysis that the building shells within the noise corridors of Andrews Air Force Base will attenuate exterior noise to an interior level of 45 dBA Ldn or less.
5. Prior to approval of the Detailed Site Plan, a DER approved Technical Stormwater Management Plan must be submitted. This plan shall show the same limits of disturbance as the TCPI and shall not show any impacts to the Patuxent River Primary Management Area.
6. 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 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."

7. Development of this subdivision shall be in compliance with the approved Type I Tree Conservation Plan (TCPI/35/02). 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/35/02), 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. A Type II Tree Conservation Plan shall be approved at the time of Detailed Site Plan.
9. A Detailed Site Plan shall be approved prior to the approval of final plats.
10. Prior to the issuance of building permits, the applicant, its successors and/or assignees shall pay a pro rata share of the cost of the road improvements identified below:
 - a. Construct/lengthen the eastbound right-turn lane along the Dower House Road approach to MD 223 for a distance of 250 feet.
 - b. Construct/lengthen the northbound left-turn lane along the MD 223 approach to Dower House Road for a distance of 450 feet.
 - c. Conduct the necessary studies and provide a traffic signal at the intersection of MD 223 and Dower House Road.
11. The pro rata share shall be payable to Prince George's County, with evidence of the payment provided to the Planning Department with each building permit application. The pro rata share shall be calculated as follows:

For the improvements at MD 223/Dower House Road listed in Condition 3, the amount of \$496.69 per dwelling unit x (Engineering News Record Highway Construction Cost Index at

time of building permit application)/(Engineering News Record Highway Construction Cost Index for second quarter, 2001).

12. The applicant, his heirs, successors and/or assignees shall pay a fee to Prince George's County which shall serve as a fair share contribution toward the construction of the Melwood-Westphalia Emergency Services Facility. The fee shall be paid prior to the issuance of building permits. The fair share fee is \$212.00 per dwelling unit.
13. 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.

STAFF RECOMMENDS APPROVAL OF THE TYPE I TREE CONSERVATION PLAN, TCPI/35/02,
WITH REVISIONS