



Note: Staff reports can be accessed at www.mncppc.org/pgco/planning/plan.htm

PRELIMINARY PLAN

4-02063

| Application | General Data | |
|---|-----------------------------|----------|
| Project Name: COLLINGBROOK Location: Southwest quadrant of John Hanson Highway and Church Road. Applicant/Address: Michael Carnock 10451 Twin Rivers Road, Suite 240 Columbia, MD 21044 | Date Accepted | 08/06/02 |
| | Planning Board Action Limit | 02/02/03 |
| | Tax Map & Grid | 054/C-02 |
| | Plan Acreage | 235.06 |
| | Zone | R-E |
| | Lots | 191 |
| | Parcels | 2 |
| | Planning Area | 74A |
| | Council District | 06 |
| | Municipality | BOWIE |
| | 200-Scale Base Map | 205NE12 |

| Purpose of Application | | Notice Dates | |
|--|--------------------------|---|------------|
| RESIDENTIAL SUBDIVISION This case was continued from the Planning Board hearing of 11/21/02. | | Adjoining Property Owners (CB-15-1998) | N/A |
| | | Previous Parties of Record (CB-13-1994) | N/A |
| | | Sign(s) Posted on Site | 11/05/02 |
| | | 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 Plan of Subdivision 4-02063
Collingbrook Lots 1–18, Block A; Lots 1-22, Block B; Lots 1–6, Block C; Lots 1–5, Block D; Lots 1–5, Block E; Lots 1–2, Block F; Lots 1–22, Block G; Lots 1–23, Block H; Lots 1–62, Block I; Lots 63, 64, 65, Block J; Lots 1–23, Block R; and Parcel A & B

OVERVIEW

The subject property is located on Tax Map 54 in Grid C-2 and is known as Parcels 9, 12, 15 and 17. The property is comprised of approximately 235.06 acres of land in the R-E Zone. The applicant is proposing to subdivide the property into 191 single-family dwelling unit lots utilizing the optional design approach of lot size averaging (LSA). LSA allows for flexibility in the minimum lot size without increasing the allowable density provided for in the Zoning Ordinance, as discussed further in Finding #12 of this report. The applicant is proposing lots that range in size from 30,000 square feet to five acres.

This property was the subject of a previously approved preliminary plan of subdivision known as Collingbrook Meadows, 4-88128. The Planning Board approved the subdivision for 211 lots. The application subsequently expired prior to record plat.

The property has frontage on John Hanson Highway to the north and Church Road to the west. Access to the property will be via Church Road at two locations. The northern-most access will serve 185 lots. The southern access will serve the remaining six lots. The applicant has proposed the dedication of 21.6 acres of land to the Parks Department for the fulfillment of the requirement of mandatory dedication of parkland, as discussed further in Finding 4 of this report. Parcel 53 is a 2.5-acre parcel of land that is currently interior and landlocked by the proposed subdivision. Discussion regarding the Stout Property (Parcel 53) is found in Finding 13 of this report.

The property has frontage on the Baltimore-Washington Railroad right-of-way to the east. Section 24–121 of the Subdivision Regulations requires that residential lots adjacent to transit rights-of-way will be platted with a lot depth of 300 feet. Originally the applicant proposed lots adjacent to this transit right-of-way with lot depths of less than 300 feet. The applicant has subsequently revised the preliminary plan to demonstrate 300-foot lot depths and conformance to this design criteria. Lots abutting John Hanson Highway also reflect a minimum 300-foot lot depth as required by Section 24-121.

SETTING

The subject property is located in the southeast quadrant of the intersection of John Hanson Highway (US 50) and Church Road. The property is located west of the City of Bowie. The property is surrounded by large-acreage tracts of generally undeveloped R-E-zoned land. The Fairwood development is located north of the subject property across John Hanson Highway. Freeway Airport is located west of the property across Church Road.

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-E | R-E |
| Use(s) | Residential | Residential |
| Acreage | 235.06 | 235.06 |
| Lots | 0 | 191 |
| Parcels | 4 | 2 |
| Dwelling Units: | | |
| Detached | 0 | 191 |

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. A revision to the preliminary plan of subdivision reconfigured the lotting pattern originally submitted to minimize the proposed impacts to the Patuxent River primary management area (PMA) located on this property. Although the TCPI was not revised to show the new lotting pattern, it is apparent that the new layout results in less proposed woodland clearing and more on-site preservation of woodlands.

The Type I Tree Conservation Plan, TCPI/37/02, has been found to address the requirements of the Prince George’s County Woodland Conservation Ordinance. Based on the revised preliminary plan of subdivision, the area of woodland clearing will be reduced by approximately four acres, which will further reduce the overall site requirements and provide more on-site preservation.

This 235.07-acre property has a net tract area of 225.4 acres and a woodland conservation threshold (WCT) of 25 percent, or 56.35 acres. In addition, there is a replacement requirement of 24.5 acres for clearing woodlands above the WCT. The total requirement of 80.25 acres is proposed to be satisfied by 47.35 acres of on-site preservation in priority retention areas, 10.5 acres of on-site reforestation, and 23.0 acres on off-site mitigation at a site to be determined at the time of review of the TCPII. TCPI/37/02 is recommended for approval.

Several unnamed streams and the Collington Branch, a tributary to the Patuxent River, are located on this property. Section 24-130(b)(5) of the Subdivision Ordinance provides for the protection of streams and the associated buffers, which compose the PMA. The PMA includes the 50-foot stream buffer, adjacent areas of 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 steep slopes on highly erodible soils. The PMA has been correctly shown on the preliminary plan of subdivision.

The Subdivision Ordinance, in Section 24-130(b)(5), requires that the PMA be preserved in a natural state to the fullest extent possible. The letter of justification, dated October 11, 2002, has been reviewed with respect to minimizing the proposed PMA impacts. The letter of justification proposes five distinct impacts to the PMA that are generally associated with the roads and stormwater management facilities on the property.

Proposed impact No. 1 will result in approximately 0.5 acres of PMA disturbance for the construction of the main access road into the property. The stream and associated PMA where the impacts are proposed bisect the property into two distinct areas. If the proposed impacts were not allowed, 86 percent of the property would be inaccessible.

Proposed impact No. 2 is associated with the construction of roads and an alternative water quality facility. The total area of PMA proposed to be disturbed is 1.52 acres at the head of a wetland area coming off the larger stream and wetland associated with impact No. 1.

Proposed impact No. 3 is associated with an alternate stormwater management pond, which may be required by the Department of Environmental Resources. In the event the pond is not required, the proposed impacts would be greatly reduced. The total PMA impact for this area is 0.20 acres.

Proposed impact No. 4 is associated with a stormdrain outfall that is necessary to safely convey stormwater to a location where the flow will not result in erosion of the soils and pollution. The total PMA impact for this area is 0.14 acres.

Proposed impact No. 5 is associated with grading near alternate stormwater facility "C." As noted with proposed No. 4, this impact may not be necessary if other alternative stormwater management techniques are used. The total PMA impact for this area is 0.02 acres.

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.

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

The approval of the proposed impacts will allow for the construction of an access road onto and through the property and for the construction of stormwater management and water quality facilities. 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 safely conveying stormwater to the stream, avoiding erosion and the subsequent stream pollution, and by allowing for safe access to 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 location of the stream and the associated PMA that bisects the property so that over 86 percent of the property would be inaccessible. The other impacts are necessary for access and general safety issues including the safe conveyance of stormwater to the streams.

- (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;**

As noted above, failure to allow for the proposed PMA disturbances would severely affect the development of this property. Due to the configuration of the site and the existing topography, no other reasonable options are possible that would further reduce or eliminate the number and extent of the proposed impacts.

The Environmental Planning Section supports all of the five proposed PMA impacts with conditions as outlined in the recommendation section of this report.

This application proposes no PMA impacts for the construction of a sewer outfall, even though the main trunk line is located along Collington Branch to the east of the property. Instead, the proposal is to connect into an eight-inch line located in the neighboring subdivision of Woodmore Highlands. It should be noted that future proposed PMA impacts for connections to the sewer outfall in Collington Branch will require a reevaluation of this impact.

The Adelphia, Mixed Alluvial, Monmouth, and Shrewsbury soils found on this property have an assortment of limitations including high water tables, impeded drainage, slow permeability, and slopes. Although these limitations will ultimately affect the construction phase of this development, there are no limitations that would affect the site design or layout. The Department of Environmental Resources may require a soils study addressing the soil limitations with respect to the construction of homes at the time of building permit.

Several transportation-related noise impacts have been identified that affect the layout and design of this site. The facilities that potentially affect this site include US 50, A-44, PT-1, PT-2 and the Philadelphia, Baltimore and Washington Railroad. According to the Transportation Planning Section, the reservation of the proposed alignments for A-44 and PT-1 and PT-2 will not be pursued and therefore potential noise impacts need not be addressed for these areas. This limits the potential adverse noise impacts to US 50 and the PB&W railroad for which a Phase I Traffic Noise Study was submitted for review.

The Phase I Noise Study was evaluated and found to address the current and projected noise impacts associated with both transportation facilities. The conclusion of the study was that US 50 currently has noise levels that will affect this proposed development and that those noise levels will need to be mitigated. The study further concluded that the projected noise levels associated with the railroad will not result in adverse noise impacts to this development and, therefore, will not need to be mitigated. The preliminary plan was further evaluated and determined to provide the required 300-foot lot depth for transportation facilities.

Prior to the issuance of any building permits for Lots 10–15, Block A; 1–9, Block R (revised Block J); 16–22, Block G with building envelopes located within the unmitigated 65 dBA Ldn noise contour, a Limited detailed site plan should be approved by the Planning Board or its designee. That plan should address the design and location of the proposed noise barrier along US 50 and structural requirements for the houses if necessary, to attenuate interior noise levels to 45 dBA or less. A Phase II Noise Study should also be required as part of the submittal requirements for the limited detailed site plan.

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 Department of Environmental Resources. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program publication entitled, “A 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, which is located along the western property line, is a designated scenic and historic road. The applicant has limited the impact to this road to the greatest extent possible with no lot having direct vehicular access onto Church Road. The majority of this property is located in the Collington Branch watershed and a small portion in the Northeast Branch watershed of the Patuxent River basin. The property is located in the Developing Tier as reflected in the adopted 2002 General Plan.

3. **Community Planning**—The subject property is located within the limits of The *Bowie-Collington-Mitchellville & Vicinity Master Plan* (1991), in Planning Area 74A in Community VII. The 2002 General Plan located the property in the Developing Tier. The master plan recommended land use for the property is suburban development. The proposed preliminary plan is consistent with the land use recommendations contained in the master plan.

Proposed arterial A-44 and the US 50/A-44 interchange are located in the central part of the property. A proposed primary road is shown connecting from Church Road through the site and a proposed park property with a bridge over A-44. There are two PT-1 alignments proposed on this property. The PT-1 alternate 1 alignment is in the northern part of the property along US 50 and the proposed US50/A44 interchange. The PT-1 alternate 2 diverts south into the property from the US 50 alignment and then turns east across the property. The following is from the transportation chapter of the master plan and addresses the PT-1 alignment as it pertains to the property:

“As a [sic] alternative and or addition to the PT-1 alignment, future studies should consider the use of US 50 (I-595) for an east-west alignment. Alternative alignments from US 50 (I-595) to the Bowie Town Center could be accommodated generally by using the rights-of-way of A-44 or MD 197. The use of US 50 (I-595) could provide an opportunity to ultimately have two possible east–west public transit facilities serving the Bowie area: one oriented to the New Carrollton Metro line via US 50 (I- 595), generally reflected as on this proposed subdivision, and one oriented to the Addison Road/Largo Metro line via the existing PT-1 right-of-way.”

Implementations for these master plan road alignments are discussed further in the Transportation Section of this report, Finding 6.

4. **Parks and Recreation**—In accordance with Section 24-134 of the Subdivision Regulations, the

applicant has proposed the dedication of 21.6 acres of land to the Parks Department for the fulfillment of the requirement of mandatory dedication of parkland. Parcel A, to be dedicated, is located in the southeast quadrant of the intersection of John Hanson Highway and Church Road.

Access to the park property will be provided directly onto Church Road. At this time there is no internal access proposed from this subdivision to the park property. However, the Parks Department has indicated that as the park is developed, internal pedestrian access may be provided in the vicinity of Lot 7, Block A. The proposed park property has frontage on an internal public street in this development.

Prior to the approval of the final plat, the applicant should submit a letter demonstrating that the Department of Parks and Recreation has conducted a site inspection of Parcel A and found that the land to be dedicated to M-NCPPC is in acceptable condition for conveyance.

5. **Trails**—The *Adopted and Approved Bowie-Collington-Mitchellville and Vicinity Master Plan* includes a master plan trail proposal that impacts the subject site. Church Road is designated as a master plan trail/bikeway corridor. Based on prior discussions with the Department of Public Works and Transportation (DPW&T) and representatives of the Fairwood development, it was determined that Church Road will be an open section roadway, with six-foot wide asphalt shoulders along both sides. These shoulders will serve as the master plan bicycle facility for the subject site and adjacent communities.

The City of Bowie's recently adopted trails master plan designates the former A-44 right-of-way as a multiuse trail corridor. This proposal is not included in the *Adopted and Approved Bowie-Collington-Mitchellville and Vicinity Master Plan*, but may be incorporated into the future trails and bikeway element of the countywide master plan of transportation.

Staff recommends that an eight-foot-wide asphalt trail be constructed along the south side of Deer Creek Way through the subject site. The trail would be constructed within the right-of-way for which (DPW&T has jurisdiction. If DPW&T does not concur with this recommendation, the trail will not be required. This trail could be in place of a standard sidewalk in this location if required by DPW&T.

This trail will accommodate bicycle and pedestrian traffic through the site and will provide access to the planned bikeway on Church Road, as well as the planned M-NCPPC parkland. This trail will also provide a connection through the subject site for the planned trail along the A-44 right-of-way, at the time it is implemented.

6. **Transportation**—The transportation staff determined that a traffic study detailing weekday analyses was needed. In response, the applicant submitted a traffic study dated September 2002. 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*. Comments from the State Highway Administration (SHA) are attached. The study was also referred to the county's Department of Public Works and Transportation and the City of Bowie.

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.

Analysis of Traffic Impacts

The traffic study for Preliminary Plan 4-02063 examined the site impact at five intersections in the area:

MD 450/Church Road (signalized)
Church Road/Mount Oak Road (unsignalized)
Church Road/Woodmore Road (unsignalized)
MD 193/Lottsford Road/Woodmore Road (signalized)
Church Road/site entrance (future)

The existing conditions at the study intersections are summarized below:

| EXISTING TRAFFIC CONDITIONS | | | | |
|---|-----------------------------------|--------|------------------------------------|----|
| Intersection | Critical Lane Volume (AM & PM) | | Level of Service (LOS, AM & PM) | |
| MD 450 and Church Road | 899 | 1,384 | A | D |
| Church Road and site entrance | future | | | |
| Church Road and Mount Oak Road | 70.8* | 202.2* | -- | -- |
| Church Road and Woodmore Road | 35.9* | 112.1* | -- | -- |
| MD 193 and Lottsford Road/Woodmore Road | 1,203 | 1,241 | C | C |
| *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 traffic study reviewed approved development in the area. Background development for the subject property includes eight area developments, including Fairwood and Oak Creek Club subdivisions. Background conditions also assume the widening and relocation of MD 450, which is fully funded in the state's Consolidated Transportation Program (CTP). Background conditions are summarized below:

| BACKGROUND TRAFFIC CONDITIONS | | | | |
|---|-----------------------------------|--------|------------------------------------|----|
| Intersection | Critical Lane Volume (AM & PM) | | Level of Service (LOS, AM & PM) | |
| MD 450 and Church Road | 789 | 1,137 | A | B |
| Church Road and site entrance | future | | | |
| Church Road and Mount Oak Road | 118.6* | 321.5* | -- | -- |
| Church Road and Woodmore Road | 68.3* | 245.8* | -- | -- |
| MD 193 and Lottsford Road/Woodmore Road | 1,244 | 1,292 | C | C |
| *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 site is proposed for development as a residential subdivision. The site is proposed to be developed with 191 single-family detached residences. The site trip generation would be 143 AM peak-hour trips (28 in, 115 out) and 172 PM peak-hour trips (113 in, 59 out). The site trip distribution used in the traffic study has been based on the applicant's original submittal of 196 lots. The insignificant change in the service level at nearby intersection between 196 and 191 lots did not warrant recalculating the level of service at each intersection. The following has been deemed acceptable for the evaluation of site impacts. Therefore, we obtain the following results under total traffic:

| TOTAL TRAFFIC CONDITIONS | | | | |
|---|-----------------------------------|--------|------------------------------------|----|
| Intersection | Critical Lane Volume (AM & PM) | | Level of Service (LOS, AM & PM) | |
| MD 450 and Church Road | 803 | 1,155 | A | C |
| Church Road and site entrance | 12.7* | 14.5* | -- | -- |
| Church Road and Mount Oak Road | 227.1* | 539.5* | -- | -- |
| Church Road and Woodmore Road | 111.8* | 367.0* | -- | -- |
| MD 193 and Lottsford Road/Woodmore Road | 1,253 | 1,310 | C | D |
| *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 analysis indicates that the two intersections of Church Road with Mount Oak and Woodmore Roads both fail as unsignalized intersections, while the remaining intersections would operate acceptably with site traffic. Typically when the transportation staff observes that an unsignalized intersection fails, the staff requests that a traffic signal warrant study be completed for the intersection. After that study has been reviewed and the responsible operating agency determines that a signal is warranted, the applicant is required to bond and install the signal.

Given that the Planning Board has, for several past developments, approved the payment of a pro-rata share for signalization and realignment of the two critical intersections, staff believes that the same condition is applicable to the subject case. With signalization and realignment, the resulting critical intersection would operate at level-of-service (LOS) D, with a critical lane volume of 1,377 in the AM peak hour and LOS D with a CLV of 1,444 in the PM peak hour. Therefore, the pro-rata improvements will provide adequacy at this location.

At the time of the Franklin Property preliminary plan (4-88266), and at the direction of the Planning Board, staff did develop a cost estimate for the above-mentioned improvement, along with a formula for determining pro-rata contributions from developments that would affect the intersection. The following formula was developed by staff and used as the basis for the Planning Board approval of the Franklin Property and other preliminary plan applications subsequent to that approval:

Pro-rata=number of PM peak-hour trips (vph) / 1,276 x \$2,000,000

where,

\$2,000,000=total estimated cost of the realignment plus the installation of a traffic signal.

1,276=PM base volume (vph) within the study area from Franklin Property traffic study.

The parameters for the analysis of the subject site are identical to those used for the Kings Isle Estates subdivision. As the pro-rata is based on proportional impacts, the subject property's pro-rata share would be comparable to other earlier nearby subdivisions, at an amount of \$254,468 or \$1,332.29 per lot.

Once again, these improvements identified were previously included as conditions of approval in the following Planning Board cases:

| <u>Preliminary Plan</u> | <u>Resolution #</u> | <u>Preliminary Plan #</u> |
|--------------------------------|----------------------------|----------------------------------|
| Franklin Property | 89-158 | 4-88266 |
| Ashleigh Cluster | 92-17 | 4-91117 |
| Hopkins Property | 92-37 | 4-91122 |
| Grovehurst | 92-51 | 4-92002 |
| Kings Isle Estates | 97-199 | 4-97020 |
| Rodenhauser Property | 02-154 | 4-02029 |

In this case, the applicant proposes, with a final determination to be made by the Department of Public Works and Transportation (DPW&T), to either: (a) pay the pro-rata share, as required above; or (b) utilize existing funds collected, along with funding by the applicant, to provide interconnected signals at the existing Church Road/Woodmore Road and Church Road/Mount Oak Road. Staff has noted that both intersections, if they remain as unsignalized intersections, would operate acceptably if signalized.

DPW&T was initially concerned that considerable money should not be invested in signalization of two "T" intersections when the intent of the department was to realign the "T"s to create a single four-way intersection. However, DPW&T has determined that even with the development of the subject site plus another site on the west side of Church Road, the department will be far short of the funding needed to realign the intersections. Therefore, while the realignment will eventually occur, it probably will not occur in the short term.

Given that signalization will probably needed at the two existing intersections soon, DPW&T does advise that considerable physical improvements will be needed to have signalization implemented

successfully. All approaches are currently single-lane approaches, and will need to be upgraded. Therefore, the physical improvements required by DPW&T will likely include the following:

- a. Two lanes along southbound Church Road approaching Mount Oak Road.
- b. Two lanes along northbound Church Road approaching Woodmore Road.
- c. Two lanes along eastbound Woodmore Road approaching Church Road.
- d. Two lanes along westbound Mount Oak Road approaching Church Road.
- e. A four-lane section (two lanes northbound and two lanes southbound) along Church Road between Woodmore and Mount Oak.

Staff notes that regardless of whether two signals (with all needed physical improvements) are installed or the intersections are realigned and signalized in accordance with the pro-rata, staff believes that adequate transportation facilities will exist at this location.

Staff believes that with the development underway in the area of Church Road/Mount Oak Road/Woodmore Road may become problematic. If DPW&T deems synchronized signals at the two “T” intersections to be an appropriate means of addressing these issues, staff would support such signalization. Without a cost estimate in hand, however, staff is uncomfortable with the applicant providing such improvements in lieu of the pro-rata payment. Staff would support further discussions with DPW&T concerning the needed cost estimates, and while staff is not opposed to the applicant utilizing funds which have been paid if the signalization costs exceed the pro-rata share, if the signalization costs are less than the pro-rata share, the costs should be applied against the pro-rata share.

SHA did provide comments, which are attached. The state identified no issues with the findings of the study.

Plan Comments

The A-44 facility crosses the subject property north to south. The plan was referred out for potential reservation. Both the State Highway Administration and the county’s Department of Public Works and Transportation have provided comments in writing. Also, staff has had informal communication with the City of Bowie. Both transportation agencies have expressed support for the process of reservation, but neither agency expressed a willingness to pursue purchase of the proposed right-of-way. The City of Bowie does not support reservation for A-44. Therefore, staff finds that the requirements for placement of a property in reservation under Subtitle 24 have not been met. No agency has supported the reservation and offered a time period required to complete a purchase.

Two separate alternates for the PT-1 public transportation facility also cross the subject property. These alignments cross the site west to east. The plan was referred out for potential reservation to all agencies, including the Maryland Department of Transportation. Once again, none of the agencies expressed a willingness to pursue purchase of the proposed right-of-way. The City of Bowie is supportive of reservation for PT-1, but has not provided evidence that either the city or any other agency is willing to work to complete a purchase. Therefore, staff finds that the requirements for placement of a property in reservation under Subtitle 24 have not been met. No agency has supported the reservation and offered a time period required to complete a purchase.

General Note 24 on the preliminary plan of subdivision would propose to place portions of the site within the A-44 right-of-way into reservation, but the same note proposes no action along the PT-1 right-of-way. While staff generally supports an applicant’s proffer of reservation, in this case staff is

hard-pressed to treat one right-of-way differently from another. Staff has no reason to recommend that either right-of-way be preferred for preservation. Therefore, if A-44 is reserved, PT-1 should also be reserved. Given that the agency comments have not provided the criteria required by law for placement of a future right-of-way in reservation, staff will not recommend that either right-of-way be reserved.

Church Road is a master plan collector facility under the master plan, and dedication along Church Road as shown on the plan is acceptable. US 50 is a master plan freeway facility. Right-of-way consistent with master plan recommendations already exists along US 50; therefore, no further dedication along US 50 is required of this plan. However, even though the applicant has indicated no desire for any lots to have direct access to US 50, staff would request that any lots having frontage along US 50 be platted with a note to indicate that the lots shall not have direct access to US 50.

The master plan includes a primary roadway facility that is intended to connect portions of the property east of A-44 to Church Road. Portions of Deer Creek Way and Derby Ridge Road meet the intent of this primary facility. Given the limitations of the property, staff supports the intersection of Deer Creek Way with Church Road at the location shown on the plan.

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.

7. **Schools**—The Growth Policy and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and the *Adequate Public Facilities Regulations for Schools* (CR-23-2001 and CR-38-2002) and concluded the following. This recommendation is based on the originally submitted preliminary plan that proposed 196 lots. These findings are subject to change in accordance with the provisions of CR-23-2001 and CR-38-2002 and will be revised to reflect 191 lots in the Planning Board's preliminary plan resolution if the subdivision is approved.

Finding

Impact on Affected Public School Clusters

| Affected School Clusters # | Elementary School Cluster 3 | Middle School Cluster 2 | High School Cluster 2 |
|----------------------------|-----------------------------|-------------------------|-----------------------|
| Dwelling Units | 196 sfd | 196 sfd | 196 sfd |
| Pupil Yield Factor | 0.24 | 0.06 | 0.12 |
| Subdivision Enrollment | 47.04 | 11.76 | 23.52 |
| Actual Enrollment | 5864 | 4397 | 12045 |
| Completion Enrollment | 339 | 201 | 412 |
| Wait Enrollment | 128 | 189 | 377 |
| Cumulative Enrollment | 158.88 | 91.50 | 183.00 |
| Total Enrollment | 6536.92 | 4890.26 | 13040.52 |
| State Rated Capacity | 5054 | 3648 | 10811 |
| Percent Capacity | 129.34% | 134.05% | 120.62% |

| Affected School Clusters # | Elementary School Cluster 3 | Middle School Cluster 2 | High School Cluster 2 |
|-------------------------------|--------------------------------|----------------------------|--------------------------|
| Funded School | Bowie, Whitehall | Ernest Everett Just | Frederick Douglass addn. |

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

The affected elementary, middle, and high school clusters' capacities are greater than 105 percent. Bowie and Whitehall are the funded schools 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 with a three-year waiting period.

Based on this information, staff finds that the subdivision may be approved in accordance with Section 24-122.02 of the Subdivision Regulations. These findings are subject to change in accordance with the provisions of CR-23-2001 and CR-38-2002.

8. **Fire and Rescue**—The Growth Policy and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of fire and rescue facilities 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* and concluded the following:
 - a. The existing fire engine service at Bowie Fire Station, Company 43, located at 16400 Pointer Ridge Drive, has a service response time of 8.89 minutes, which is beyond the 5.25-minute response time guideline.
 - b. The existing ambulance service at Bowie Fire Station, Company 43, located at 16400 Pointer Ridge Drive, has a service response time of 8.89 minutes, which is beyond the 6.25-minute response time guideline.
 - c. The existing paramedic service at Bowie Fire Station, Company 43, located at 16400 Pointer Ridge Drive has a service response time of 8.89 minutes, which is beyond the 7.25 minutes response time guideline.

The existing fire engine service, ambulance service and paramedic services at Bowie Fire Station, Company 43, located at 16400 Pointer Ridge Drive, have a service response time of 8.89 minutes, each is beyond the response time guideline. This finding is based on using the existing road system and existing stations for response times.

The planned Bowie New Town emergency services facility that is shown in the county's Capital Improvement Program (item #LK510650) will be the first new station that will provide ambulance and paramedic service to this development. The estimated cost of an emergency services facility is \$2,600,000 + \$129,000 (ambulance) + \$129,000 (paramedic unit)=\$2,858,000 total cost.

In order to mitigate the ambulance and paramedic service response time deficiencies the applicant should participate in providing a fair share contribution toward the construction of the Bowie New Town emergency services facility. The fee amount is based on the total cost of the facility (\$2,858,000) 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 facility. The fair share fee is \$328.00 per dwelling unit for this development.

Bowie EMS Facility—CIP item #LK510650

Cost=\$2,600,000 +\$129,000(ambulance) + \$129,000 (paramedic ambulance)=\$2,858,000

Population=26,998

\$2,858,000/\$26,998=\$106.00 per person

\$106.00/person x 3.10 household size=\$328.00 per dwelling unit

The applicant should provide a fee to Prince George's County, which shall serve as a fair share contribution toward the construction of the Bowie New Town emergency services facility. The fee should be paid on a per dwelling unit basis prior to the issuance of each building permit.

9. **Police Facilities**—The proposed development is within the service area for District II-Bowie Police Station. In accordance with Section 24-122.1(c) of the Subdivision Regulations, the existing county police facilities will be adequate to serve the proposed Collingbrook development. This police facility will adequately serve the population generated by the proposed subdivision.
10. **Health Department**—The Health Department notes that the property contains an extensive illegal dump site that contains a large quantity of tires, asphalt shingles, farm equipment, and vehicles. Any hazardous materials located on this site should be removed and properly discarded or stored prior to approval of the final plat of subdivision.

The existing dwelling(s) on Parcel 53 are utilizing private well and septic systems. The existing well and septic systems should be field located prior to grading in the area of Parcel 53. Grading in the vicinity of these systems could cause a disruption in existing service. The existing dwelling(s) should be connected to public systems at the time that public water and sewer is available. Appropriate abandonment of the existing systems should be in accordance with COMAR by a licensed well driller or witnessed by a representative of the Health Department.

11. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. Stormwater Management Concept Plan # 16754-2002-00 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 the approved plan.

The applicant has proposed two alternatives for the management of stormwater on this site. Convention would require the creation of five stormwater management ponds. This proposal (#16754-2002-00) has been approved by DER. However, the applicant is also pursuing the use of low-impact development (LID) techniques on this site. In order to determine the feasibility of LID, more detailed grading plans are required.

The applicant has made provision for both options of stormwater management in the layout for this subdivision. However, a determination as to which method of stormwater management to be utilized is necessary prior to the approval of the final plat(s) of subdivision. If conventional stormwater management is utilized, the proposed ponds should be located on open space parcels to be conveyed to a homeowners association. The creation of a homeowners association will be necessary to except the conveyance of the parcels that contain stormwater management ponds.

Currently, the preliminary plan shows approximately ten lots where the stormwater management ponds would be located, if necessary. These lots are identified clearly on the preliminary plan. In the

event that the applicant obtains approval of LID, the stormwater management ponds will not be required and a homeowners association will not be necessary. The applicant has not proposed other open space parcels other than those that would be required for stormwater management.

12. **Lot Size Averaging**—The applicant has proposed to utilize the lot size averaging (LSA) provision provided for in Section 24-121(a)(12) of the Subdivision Regulations for development of this property.

The property is approximately 235 acres and in the R-E Zone. Section 27-423 of the Prince George's County Zoning Ordinance establishes the zoning requirements for LSA. Specifically, in the R-E Zone:

- A. The maximum number of lots permitted is equal to the gross acreage divided by the largest minimum lot size in the zone.
- B. At least 50 percent of the lots created shall equal or exceed the largest minimum lot size in the zone (40,000 square feet).

For the 235 acres located in the R-E Zone, 255 lots would be allowed. The applicant proposes 191 lots; 97 of the proposed lots meet or exceed 40,000 square feet. Therefore, the proposed subdivision meets the minimum Zoning Ordinance standards for lot size averaging.

If the applicant proposes to develop the site utilizing conventional stormwater management techniques as discussed in Finding 11 of this report, the lot yield would be reduced by ten. The proposed number of lots would be reduced to 181. The applicant would propose 92 lots to meet or exceed 40,000 square feet. Therefore, the proposed subdivision would meet the minimum Zoning Ordinance standard for LSA under that scenario.

Further, Section 24-121(a)(12) requires that the Planning Board make the following findings in permitting the use of lot size averaging. The following discussion is applicable to either of the scenarios discussed above regarding lot yield

- A. The subdivision design provides for better access, protects or enhances historic resource or natural features and amenities, or otherwise provides for a better environment than that which could be achieved by the exclusive use of standard lots.**

The site has several significant environmental features to include wetlands, floodplain and steep and severe slopes. The applicant has utilized LSA to locate these features on the largest lots and the lots at the perimeter to provide adequate usable yards for all the proposed lots. The proposed subdivision layout protects and enhances the existing natural features of the site that could not be accomplished utilizing conventional R-E zoning standards.

- B. The subdivision design provides for an adequate transition between the proposed lot sizes and locations of lots and the lots, or lot size standards, of any adjacent residentially zoned parcels.**

The subject property is surrounded primarily by acreage properties with the exception of Parcel 14 of the Rodenhouser property. Parcel 14 recently received preliminary plan approval in conformance

with conventional development in the R-E Zone. The lots abutting the Rodenhouser property to the southeast meet or exceed the minimum 40,000 square-foot lot size required in the R-E Zone.

The remaining abutting parcels range in size from 6 acres to 110 acres. In general, all of the lots abutting the perimeter of the subdivision meet or exceed the minimum lot size in the R-E Zone (40,000). However, four lots along the perimeter of the subdivision are proposed at 30,000 square feet. These lots abut Parcel 19, a six-acre property never having been the subject of a record plat. Parcel 19 is currently landlocked, however the applicant has proposed a stub street along the northern property line of Parcel 19. In the event that Parcel 19 is developed, it would be a natural extension of the subject development. The rears of the four 30,000 square-foot lots would abut the rears of the lots fronting the stub street extension, causing these four lots to be internal to “the subdivision.”

C. The subdivision design, where applicable, provides for an adequate transition between the proposed natural features of the site and any natural features of adjacent parcels.

The subject property has significant environmental features on site that extend into surrounding properties. The applicant has proposed the largest lots in the subdivision, 40,000 square feet and greater, abutting these natural features. The proposed design provides an appropriate transition to the adjacent properties in the vicinity of the floodplain, wetlands, and steep and severe slopes.

Staff supports the applicant’s proposal to utilize the LSA provision for the development of this property.

13. **Access to the Stout property, Parcel 53**—Parcel 53 is a 2.5-acre parcel of land that is currently owned by the estate of Harry and Zelda Stout (Liber 4129, Folio 547). Parcel 53 is interior and landlocked by the proposed subdivision. Parcel 53 is served by an existing driveway that crosses the subject property and connects to Church Road. The applicant has proposed to create Parcel B, a 7,982 square-foot parcel of land to contain a relocated driveway to serve Parcel 53. Parcel B will serve as a connection from Parcel 53 to a proposed internal public right-of-way within the subdivision. The property owner of Parcel 53 would then access Church Road through internal public streets.

Parcel B is to be conveyed to the property owner of Parcel 53. Through development of this property the applicant is required to ensure uninterrupted access from Church Road to Parcel 53. Staff recommends that the access apron and driveway materials for Parcel 53 located on Parcel B be constructed in a manner consistent with the surrounding lots.

The applicant has contacted the estate of Mr. Stout regarding the realignment of the existing driveway. It is important to note that the current deed (Liber 4129, Folio 547) for the Stout property contains a clause that allows the grantor of the easement the right to relocate the easement. Staff is recommending that the conveyance of Parcel B occur at the time of record plat, and that the applicant provide evidence of the acceptance of Parcel B, for access, from the property owner of Parcel 53 prior to approval of the final plat of subdivision for any portion of the property affected by the existing driveway serving Parcel 53. The preliminary plan locates the existing driveway. Evidence would be submitted at the time of approval of the final plat of subdivision in the form of an executed deed of the conveyance. The deed should contain the signature of the property owner of Parcel 53 and state the purposes for the creation and conveyance of Parcel B.

The orientation of the lots to the west and south of Parcel 53 (Lots 14–18, Block A and Lot 1, Block

R) will be oriented where the rears of the dwellings will face the front and side of the dwelling on Parcel 53. Staff recommends that a limited detailed site plan be approved to evaluate views and appropriate screening of the dwellings on Lots 14–18, Block A.

14. **Zoning Standard Conformance**—The Prince George’s County Zoning Ordinance establishes the minimum lot standards for development in the R-E Zone. The proposed development is utilizing the LSA provision provided for in Section 24-121 of the Subdivision Regulations and Sections 27-423 and Section 27-442 of the Zoning Ordinance.

The applicant was advised that the preliminary plan must reflect lots that conform to the minimum lot standards required by the Zoning Ordinance. Staff has reviewed three revised preliminary plans formally submitted to the Subdivision Section for review. Those plans have demonstrated a varying degree of conformance to the minimum lot standards. Staff advised the applicant on each occasion that the plan must be revised to demonstrate conformance to the lot standards prior to the Planning Board hearing. The applicant has been advised that failure to propose lots that conform to the minimum zoning standard could result in a loss of those lots.

Section 27-442(d) Table III of the Zoning Ordinance establishes the minimum width of a lot at the front building line for the construction of a dwelling unit. In the R-E Zone, by utilizing LSA, the minimum width of a lot at the front building line is 120 feet for a lot of 40,000 gross square feet and 100 feet for a lot of less than 40,000 gross square feet.

Lots 47 and 48, Block I, require a minimum lot width at the front building line of 120 feet. The maximum width of Lot 47, Block I, is 110 feet. A variance to the minimum lot width would be required on Lot 47, Block I; at no place is the lot 120 feet wide. The maximum width of Lot 48, Block I, is 110 feet. A variance to the minimum lot width would also be required on Lot 48, Block I; at no place is the lot 120 feet wide. A variance to the minimum lot width has not been submitted. Therefore, staff is recommending that Lot 47, Block I, be removed and the lot area be distributed between adjoining lots. This redistribution and reduction in one lot would ensure conformance to the minimum lot standards required by the Zoning Ordinance.

Due to the significant environmental features on this site, establishing the minimum building envelope on each lot affected by these features is necessary to ensure that adequate yard areas are provided. In addition, establishing the building envelope is a tool to ensure the protection of environmental features and nondisturbance to conservation easement areas.

The lot width at the front building line on Lots 17–21, Block G, are incorrectly shown. The dwelling on Lot 17, Block G, in order to meet the minimum lot width at the front building line, would be required to be located a minimum of 120 feet from the front street line. The dwelling on Lot 18, Block G would be required to be located 210 feet from the front street line. In both cases this would require the dwelling to be constructed in the conservation easement area. A variation to Section 24-130 is required to locate a dwelling within the primary management area (PMA). A variation to Section 24-130 was not submitted for the construction of these dwellings in the PMA. Therefore, staff is recommending that Lot 17, Block G, be removed and that lot area be distributed between adjoining lots. This redistribution and reduction in one lot would ensure conformance to the minimum lot standards required by the Zoning Ordinance and allow for the appropriate siting of the dwelling units while preserving the conservation easement area.

Lots 19–21, Block G, meet the minimum zoning standards for development with a revision to the

preliminary plan to accurately locate the 120-foot required lot width at the front building line. Lots 19–20, Block G, have adequate lot width for the construction of a dwelling. Conformance to the LSA standards must be demonstrated by the applicant prior to signature approval, to take into account any reduction in the number of lots proposed.

RECOMMENDATION

APPROVAL, subject to the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the plan shall be revised as follows:
 - a. To correctly label the sideyard building setbacks as a minimum of 17 feet and 18 feet in the setback diagram.
 - b. To correct the lot width at the front street line on Lot 4, Block C, to meet the minimum of 50 feet.
 - c. To correctly show the lot width at the front building line as a cord, not an arc, on all of the lots where the front building setback is less than the required lot width at the front building line.
 - d. To revise the language labeling the park trail connection in the vicinity of Lot 7, Block A, and re-label it “possible future park access location” only, removing the delineation of a trail.
 - e. To remove reference to the provision of private streets.
 - f. To provide a note that the applicant shall construct, at its cost, an access apron and driveway across Parcel B to serve Parcel 53. Construction shall occur at the time of construction of Dove Court. The driveway and apron shall be constructed of the same materials and to the same standards as the abutting lots, if agreed to by the property owner of Parcel 53.
 - g. To re-label Lots 63 and 65, Block J as Block I.
 - h. To re-label Block R as Block J.
 - i. To delete Lot 47, Block I, and incorporate the lot area into adjoining lots.
 - j. To delete Lot 17, Block G, and incorporate the lot area into adjoining lots.
 - k. To locate the existing well and septic system serving Parcel 53 or provide evidence that the existing systems are located entirely on Parcel 53.
2. At the time of approval of the final plat of subdivision, which contains one or more of the following lots; Lots 14–18, Block A; and Lot 1, Block R (revised Lot 1, Block J) the applicant shall:
 - a. Submit an executed deed of conveyance of Parcel B to the property owner of Parcel 53. The deed of conveyance shall include the signature of the property owner of Parcel 53. If agreed to by the owner of Parcel 53, the deed shall include the following:

- (1) A requirement that the applicant, his heirs, successors and/or assignees construct an access apron and driveway crossing Parcel B at the time of construction of Dove Court. The driveway will be constructed of the same materials and to the same standard as the abutting lots.
 - (2) A requirement that the applicant, his heirs, successors and/or assignees shall ensure uninterrupted access from Parcel 53 to Church Road through the construction phase of this development.
 - (3) Identify that the recordation of the deed of conveyance of Parcel B to the property owner of Parcel 53 shall be the responsibility of the applicant, his heirs, successors and/or assignees.
3. Prior to approval of the final plat the applicant shall submit evidence from the Health Department that any hazardous materials located on this site have been removed and properly discarded or stored.
4. Prior to approval of the final plat, in accordance with Section 24-134 and 24-135 of the Subdivision Regulations, the applicant, his heirs, successors and or assignees shall dedicate Parcel A, approximately 21.64 acres, to The Maryland-National Capitol Park and Planning Commission (M-NCPPC). Lands to be dedicated 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, 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 that 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, DPR shall require that a performance bond be posted to warrant restoration, repair, or improvements made necessary or required by the 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 any permits.
 - e. Stormdrain 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 utility easements shall be proposed on lands owned by or to be conveyed to M-NCPPC without the prior written consent of DPR, which 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.
 - h. The applicant, his successors and/or assigns shall submit a letter to the Subdivision Section, Development Review Division, prior to final plat indicating that the Department of Parks and Recreation has conducted a site inspection and found the land to be dedicated to M-NCPPC in acceptable condition for conveyance.
5. Prior to the issuance of building permits, if open space parcels are necessary for implementation of stormwater management, the applicant, his heirs, successors and/or assignees shall demonstrate that a homeowners association has been established and that the open space parcels have been conveyed to the homeowners association.
6. 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 site plan or shall require the written consent of the Development Review Division. This shall include, but not be limited to: the location of sediment control measures, tree removal, temporary or permanent stormwater management, utility placement, and stormdrain outfalls. If such proposals are approved, a written agreement and financial guarantee shall be required to warrant restoration, repair, or improvements required by the approval process.
7. Development of this property shall be in conformance with the approved Stormwater Management Concept Plan #16754-2002-00.
8. No building permits shall be issued for this subdivision until the capacity, as adjusted pursuant to the School Regulations, at all the affected school clusters are less than or equal to 105 percent or three years have elapsed since the time of the approval of the preliminary plan of subdivision; or pursuant to the terms of an executed school facilities agreement whereby the subdivision applicant, to avoid a waiting period, agrees with the County Executive and County Council to construct or secure funding for construction of all or part of a school to advance capacity.
9. In conformance with the *Adopted and Approved Bowie-Collington-Mitchellville and Vicinity Master Plan*, the applicant and the applicant's heirs, successors, and assignees shall construct a six-foot wide asphalt shoulder along the subject property's entire frontage of Church Road to safely accommodate bicycle traffic along this master plan bicycle corridor, unless modified by the Department of Public Works and Transportation at the time of improvements within the right-of-way

of Church Road.

10. The applicant or the applicant's heirs, successors, and assignees shall construct an eight-foot-wide asphalt trail along the entire length of the south side of Deer Creek Way through the subject site, unless modified by the Department of Public Works and Transportation at the time of improvements within the right-of-way of Deer Creek Way. This trail will accommodate bicycle and pedestrian traffic through the site and will provide access to the planned bikeway on Church Road, as well as the planned M-NCPPC parkland (Parcel A). This trail will also provide a connection through the subject site for the planned master plan trail along the A-44 right-of-way.
11. Prior to the issuance of each building permit, the applicant's heirs, successors, and assignees shall pay a fair share contribution (\$328 per dwelling unit) toward the construction of the Bowie New Town emergency services facility to Prince George's County.
12. At the time of final plat approval, the applicant shall dedicate a right-of-way along Church Road as shown on the preliminary plan of subdivision. Improvements within the dedicated right-of-way shall be determined by DPW&T.
13. The final plat shall include a note that direct access to US 50 or Church Road is denied from this subdivision.
14. Prior to the issuance of any building permit, the applicant shall pay to Prince George's County the following share of costs for improvements to Church Road/Mount Oak Road/Woodmore Road realigned intersection:

A fee calculated as \$1,332.29/residence x (*Engineering News-Record* Highway Construction Cost Index at time of payment)/*Engineering News-Record* Highway Construction Cost Index for November 1991).
15. In lieu of Condition 14 above, and only with the full agreement of the County Department of Public Works and Transportation (DPW&T), the applicant shall perform the following prior to approval of the initial building permit:
 - a. The applicant shall complete all required studies for signalization of the Church Road/Mount Oak Road and the Church Road/Woodmore Road intersections. Such studies will consider future traffic and will consider the two signals to have synchronized or interconnected operations. The scope of these studies will be determined by DPW&T.
 - b. If the signals (or one of the two signals) are deemed to warranted by DPW&T, the applicant shall bond the signal(s) along with any needed physical improvements, signage, and pavement markings.
 - c. The physical improvements needed shall be determined by DPW&T, and may include the following:
 - (1) Two lanes along southbound Church Road approaching Mount Oak Road.
 - (2) Two lanes along northbound Church Road approaching Woodmore Road.
 - (3) Two lanes along eastbound Woodmore Road approaching Church Road.

- (4) Two lanes along westbound Mount Oak Road approaching Church Road.
- (5) A four-lane section (two lanes northbound and two lanes southbound) along Church Road between Woodmore and Mount Oak.

The applicant shall provide an estimate of the cost of such improvements to DPW&T prior to their bonding and completion. The cost of the needed improvements will be offset against the payment shown in Condition 14 above if the cost is deemed by DPW&T to be less than the inflation-adjusted payment of \$254,468 (the pro-rata in condition 3 times 191 residences). If the cost of the needed improvements will exceed the inflation-adjusted payment of \$254,468, DPW&T may consider allowing the applicant to utilize funds that have been paid by other area developments and are being held by DPW&T for improvements to the subject intersections.

- 16. Prior to the issuance of permits for Lots 14–18, Block A, and Lot 1, Block R (revised Lot 1, Block J), the applicant, his heirs, successors and/or assignees shall submit a copy of the recorded deed of conveyance of Parcel B to the property owner of Parcel 53.
- 17. Prior to the approval of building permits for Lots 14–18, Block A, and Lot 1, Block R (revised Lot 1, Block J), a limited detailed site plan (LDSP) shall be approved by the Planning Board or its designee. The LDSP shall evaluate views of Parcel 53. Recommendations may include but not be limited to landscaping, fencing and architecture.
- 18. Prior to the approval of grading permits for those lots that may contain sewer or septic systems serving Parcel 53, the dwelling(s) located on Parcel 53 shall be connected to the public system(s).
- 19. Prior to signature approval of TCPI/3/7/02, the plan shall be revised as follows:
 - a. The revised lotting pattern shown on the preliminary plan of subdivision shall be shown on the TCPI.
 - b. The proposed limits of disturbance shall be shown on the tree conservation plan and all woodland conservation areas shall be clearly shown with a shading pattern and labeling. Areas of woodland saved but not counted shall be labeled accordingly and shall be considered as cleared on the worksheet.
 - c. The worksheet on the plan shall be revised to account for the reduced acreage of woodland clearing and the increased acreage of woodland conservation tree save.
- 20. Development of this subdivision shall be in compliance with an approved Type I Tree Conservation Plan (TCPI/37/02). The following note shall be placed on the final plat of subdivision:

This development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/37/02), 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.
- 21. Prior to the approval of permits, a Type II Tree Conservation Plan shall be approved.

22. Prior to the approval of the Type II Tree Conservation Plan, the proposed PMA impacts shall be further minimized where possible by use of alternative stormwater management and water quality management techniques, and by the a reevaluation of the proposed grading once better topographic information is available.
23. Prior to the issuance of any building permits for lots with building envelopes located within the unmitigated 65 dBA Ldn noise contour (Lots 10–15, Block A; 1–9, Block R (revised Block J); 16–22, Block G), a limited detailed site plan shall be approved by the Planning Board. That plan shall address the design and location of the proposed noise barrier along US 50 and structural requirements for the houses if necessary to attenuate interior noise levels to 45 dBA or less. A Phase II Noise Study will be required as part of the submittal requirements for the limited detailed site plan.
24. 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
25. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain all of the Patuxent River Primary Management Area except for approved impacts. 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."

STAFF RECOMMENDS APPROVAL OF TREE CONSERVATION PLAN TCPI/37/02.