



*Note: Staff reports can be accessed at [www.mncppc.org/pgco/planning/plan.htm](http://www.mncppc.org/pgco/planning/plan.htm).*

## Preliminary Plan 4-03039

Application	General Data
<b>Project Name:</b> <b>HORIZON HOUSE CONDOMINIUMS</b>  <b>Location:</b> North side of Largo Road, approximately 2,500 feet west of the intersection with MD193.  <b>Applicant/Address:</b> W.F. Chesley Real Estate, Inc. 2200 Defense Highway, Suite #101 Crofton, MD 21114	Date Accepted: 05/06/03
	Planning Board Action Limit: 07/14/03
	Plan Acreage: 25.32
	Zone: R-M
	Lot: 1
	Election District: 07
	Planning Area: 73
	Council District: 06
	Municipality: N/A
	200-Scale Base Map: 202SE11

Purpose of Application	Notice Dates
<b>RESIDENTIAL SUBDIVISION</b>	Adjoining Property Owners: (CB-15-1998) N/A
	Previous Parties of Record: (CB-13-1997) N/A
	Sign(s) Posted on Site: 06/25/03
	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 4-03039  
Horizon Condominiums, Parcel "A"

OVERVIEW

The subject property consists of approximately 22.9 acres of land in the R-M Comprehensive Design Zone. It is currently undeveloped. Prior applications approved include the Basic Plan (A-9550) and the Comprehensive Design Plan (CDP-0202).

The District Council approved a Basic Plan, A-9550, on June 23, 1986, which rezoned the property from the R-E Zone to the R-M Zone. A year later, the Council approved a revised basic plan for the subject property in which a development cap of 261 mid-rise units for the elderly and physically handicapped was established.

A decade later, on April 9, 1998, the Planning Board approved SDP-9005/01 by PGCPB No. 98-78 for the subject property with a total of 181 units of elderly housing. A basic plan amendment was approved on November 15, 2001, which allows a maximum of 261 units of senior citizen housing and/or mid-rise (three- to four-story) residential condominium to be constructed on the subject site. Finally, CDP-0202 was approved in June 2002. The proposed preliminary plan is in general conformance with that CDP, although some revisions need to be made.

The property is subject to the conditions of approval of Zoning Map Amendment A-9550, which reclassified the property to the R-M Zone. The proposal satisfies those conditions. Conditions relating to the preliminary plan stage are discussed fully in the appropriate finding below.

Preliminary Plan 4-02007 was approved in June 2002. That preliminary plan included one parcel and one outparcel. The applicant at that time proposed to develop the site with 121 units for assisted living. The outparcel was set aside for future development of up to 140 market-rate condominiums. The applicant has decided to proceed with all market-rate units. Therefore, the subject application is for one parcel on which will be developed 261 condominium apartments. If this application is approved, the prior preliminary plan will be null and void.

Ten condominium buildings are proposed. Most of these are three-story buildings, with one being a three/four-floor split. A clubhouse and a separate maintenance building are also proposed, along with an outdoor common area. It should be noted that the proposed layout of the site is not a consideration at the preliminary plan stage. Some indication of the layout must be submitted for review of tree conservation plans and to see if impacts to environmental features will require variation approval or a finding that impacts have been minimized. While there is in the record a proposed layout, design issues regarding building location and internal circulation will be examined further at the Specific Design Plan stage.

The Basic Plan and the Comprehensive Design Plan mandate a 100-foot undisturbed buffer along MD 202. The preliminary plan shows that buffer, but its composition will be further examined at the Specific Design Plan stage.

## SETTING

The property is located on the north side of MD 202 (Largo Road), approximately 1,500 feet west of MD 193. It is surrounded by the Robert M. Watkins Regional Park to the west, north and east. Further east is the Perrywood Manor Subdivision. To the southeast, across MD 202, is the Riverdale Baptist Church. To the southwest is the Largo Landing Senior Citizen Apartments, a senior housing facility. Access to the subject site is proposed to line up with the access to the existing senior center across MD 202.

## 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-M	R-M
Use(s)	Undeveloped	Apartment Condominiums
Acreage	25.3	25.3
Lots	0	0
Parcels	1	2
Dwelling Units:		
Multifamily	0	261

2. **Environmental**—Approximately 97 percent of this site has existing forest cover. Streams, wetlands, 100-year floodplain, severe slopes, and areas of steep slopes with highly erodible soils are found to occur on the property. MD 202 has been identified as a transportation-related noise generator. The soils found to occur according to the Prince George’s County Soil Survey include Adelphia fine sandy loam, Bibb silt loam, Collington fine sandy loam, Collington loamy fine sand, and Monmouth fine sandy loam. Although some of these soils have limitations with respect to drainage and infiltration, those limitations will have the greatest significance during the construction phase of any development on this property. According to available information, Marlboro clay is not found to occur on this property. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program publication titled “Ecologically Significant Areas in Anne Arundel and Prince George’s Counties,” December 1997, there are rare, threatened, or endangered species found to occur in the vicinity of this property. There are no designated scenic and historic roads in the vicinity of this property. This property is located in the Western Branch watershed of the Patuxent River Basin and in the Developing Tier as reflected in the adopted General Plan. The property is in Water and Sewer Category W-3 and S-3 and will be served by public systems.

## **Basic Plan, A-9550 (Zoning Ordinance No. 4-2002)**

The original approval of A-9550 contained nine conditions and two considerations. The amended Basic Plan, A-9550, contains seven conditions, three of which are related to environmental issues.

- 2. An acoustical analysis shall be performed as part of the Specific Design Plan to determine whether any noise mitigation is needed as a result of the property's proximity to MD 202.**

*Comment:* An acoustical analysis or noise study was submitted for review. That analysis located the 65 dBA (Ldn) noise contour on this property at 408 feet from the centerline of MD 202. The 65 dBA (Ldn) noise contour has been accurately located on the Preliminary Plan of Subdivision. The analysis provided information with respect to the need for structural modifications to be addressed during the review of the Specific Design Plan and building permit applications. This issue is discussed in detail below. No further information is required with respect to the location of the 65 dBA Ldn noise contour. A Phase II noise study should be required at the time of Specific Design Plan showing noise attenuation measures.

- 3. No living area of a residential structure may be placed to a depth below grade to where it would be reasonable to believe the natural water table rises during occasional or seasonal extreme wet weather.**

*Comment:* No information about ground water was submitted for review. A report regarding the local groundwater on the site should be submitted with the Specific Design Plan. No living area of a residential structure may be placed to a depth below grade to where it would be reasonable to believe the natural water table rises during occasional or seasonally extreme wet weather.

- 4. No incremental factor shall be permitted for any lands or facilities which are located in floodplains, which are part or all of a storm water management system or which are areas required in accordance with the legislative actions implementing the Patuxent River Policy Plan.**

*Comment:* The site contains floodplains, areas required for implementing the Patuxent River Policy Plan, and a stormwater management facility. The issue of incremental factors will be addressed at the time of Specific Design Plan. The Specific Design Plan should include a calculation of the area of Patuxent River Primary Management Area Preservation Area, including the area of the 100-year floodplain, all areas set aside for stormwater management facilities, and the area of any proposed impacts. This calculation will be used to ensure that no incremental factor is permitted for any lands or facilities which are located in floodplains, which are part or all of a stormwater management system or which are areas required in accordance with the legislative actions implementing the Patuxent River Policy Plan.

## **Comprehensive Design Plan, CDP-0202; PGCPB No. 02-127**

The CDP included the following applicable conditions.

- 8. The Preliminary Plan of Subdivision and Specific Design Plan shall show either the approximated 65 dBA (Ldn) contour or a Phase I Noise Study shall be submitted**

**that indicates the location of the 65 dBA (Ldn) contour for the master planned capacity of MD 202 and the resulting contour shall be shown on the plan.**

*Comment:* This condition should be carried forward. The Preliminary Plan of Subdivision shows the location of the 65 dBA Ldn noise contour. The noise contour shall be shown on all subsequent plans submitted. The Preliminary Plan and Specific Design Plan shall either show the approximated 65 dBA (Ldn) contour or a Phase I Noise Study shall be submitted that indicates the location of the 65 dBA (Ldn) contour for the master planned capacity of MD 202, and the resulting contour shall be shown on the plan.

- 11. The 100-foot-wide buffer shown on the Comprehensive Design Plan shall be covenanted in a manner to prevent any building or structure within its limits or removal of vegetation required as part of the buffer at time of Specific Design Plan application. The buffer shall include berms and plantings, including preservation of existing vegetation where appropriate, sufficient to filter the view of dwelling units from the road. The buffer shall vary in height and width and setback from the road right-of-way to provide visual variety and a more natural appearance.**

*Comment:* As shown on the plans submitted, the 100-foot-wide buffer is reduced by 10 feet due to the public utility easement along MD 202 (the CDP does not show the easement and the 100-foot-wide buffer is measured from the property line). Within the remaining 90 feet, only 60 feet of the buffer is proposed to be preserved for approximately 1,300 linear feet along MD 202. In the remaining 460 linear feet, the preserved area is shown to be reduced to 25 feet in width. The remaining areas within the 100 foot-wide buffer are proposed to be landscaped. The previous condition states that the preservation of existing vegetation is required “where appropriate.” At a minimum, this should include the entire 60-foot-wide portion of the required 100 foot-wide buffer. Prior to signature approval of the Preliminary Plan, the design of the area along MD 202 should be revised to result in the preservation of a 60-foot-wide buffer for its entirety, and the clearing and grading on the property to the east should be eliminated.

### **Woodland Conservation**

The revised Detailed Forest Stand Delineation (FSD) date stamped as received by the Environmental Planning Section on June 11, 2003, has been found to generally address the requirements for Detailed Forest Stand Delineations in accordance with the criteria established by the Woodland Conservation and Tree Preservation Technical Manual.

This property is subject to the provisions of the Prince George’s County Woodland Conservation Ordinance because there are previously approved Tree Conservation Plans for the property, TCPI/5/02 and TCPII/121/97. This application proposes significant changes to the concept, layout and density of the proposed development on this site. Whereas Preliminary Plan of Subdivision 4-02007 proposed a single, four-story building with 121 units, this application proposes nine residential buildings with 232 units and a club house.

The revised TCPI/5/02-01, date stamped as received by the Environmental Planning Section on June 27, 2003, has been reviewed and was generally found to address the requirements of the Prince George's County Woodland Conservation Ordinance. This 25.32-acre property has a 20 percent, or 4.58-acre, Woodland Conservation Threshold and a 4.21-acre replacement requirement for a total requirement of 8.81 acres. In addition, the plan proposes clearing 0.5 acre of woodland on the adjacent M-NCPPC property, which is to be replaced on a 1:1 basis at the

same location. The requirement is proposed to be satisfied by 5.26 acres of on-site preservation in priority retention areas, 1.59 acres of on-site reforestation in priority reforestation areas and 2.00 acres of off-site mitigation at a location to be determined prior to the issuance of any permits. Previous applications had provided all of the woodland conservation ordinance requirements on-site. TCPI/5/02-01 is recommended for approval subject to several conditions included in the staff recommendation.

## **Noise**

MD 202 is classified as an expressway with a noise impact zone (65 dBA Ldn noise contour) extending approximately 408 feet from the centerline of the roadway as reflected by the Phase I Noise Study submitted with this application. The 65 dBA Ldn noise contour has been accurately shown on the Preliminary Plan of Subdivision. It should be noted that the recommendations in the study were based on the site layout approved with Preliminary Plan of Subdivision 4-02007. Because the proposed development of this site has changed from a single residential building that was generally setback from MD 202, to ten smaller buildings, six of which are located much closer to MD 202, a new noise study will be necessary to make recommendations based on the new design and the placement of residential structures within the 65 dBA Ldn noise contour.

The noise issues associated with this site were discussed at length during the review of the previous preliminary plan. The applicant testified that all outdoor activity areas were beyond the limits of the 65 dBA Ldn noise contour. The revised plans clearly show extensive proposed buildings and outdoor activity areas within the 65 dBA Ldn noise contour. A Phase II Noise Study should be submitted with the Specific Design Plan. That study should address the noise attenuation measures necessary to reduce interior noise levels to 45 dBA Ldn or less and exterior noise levels to 65 dBA Ldn or less for all outdoor activity areas for proposed buildings located within the 65 dBA Ldn noise contour. Prior to the issuance of building permits for any building located entirely or partially within the 65 dBA Ldn noise contour, the architectural plans for that building should contain a certification, by a professional engineer with competency in acoustical analysis, stating that the residential structures within the 65 dBA (Ldn) noise contour are designed to reduce the interior noise level to 45 dBA (Ldn) or less.

## **Patuxent River Primary Management Area (PMA)**

Section 24-101(b)(10) defines the Patuxent River Primary Management Area (PMA) as including streams, a 50-foot stream buffer, the 100-year floodplain, adjacent wetlands, a 25-foot wetland buffer, adjacent slopes in excess of 25 percent and adjacent slopes between 15 and 25 percent with highly erodible soils (soils having a K-factor greater than 0.35). The plans as submitted show the various components and the ultimate limit of the PMA. The PMA has been accurately shown on the Preliminary Plan of Subdivision and the TCPI. No additional information with respect to the location of the PMA is required.

The Subdivision Ordinance [Section 24-130(b)(5)] requires the preservation of the PMA in a natural state to the fullest extent possible. The previous application on this site proposed a single building that was of a design that was standard for the proposed use. At the time, the applicant was unwilling to revise the standard design for the building in order to preserve more of the PMA. Staff recommended that the Planning Board find that the PMA had been preserved to the fullest extent possible with the single building design option.

The revised plans show approximately the same impacts to the PMA as the previous application; however, the design concept and density have changed significantly. The buildings are now

individual buildings that can be designed in such a way to ensure preservation of the PMA to the fullest extent possible. The redesign to accommodate the Subdivision Ordinance requirements was requested by staff but the plans have not been revised. The layout shown on the TCPI is conceptual in nature and will be evaluated further prior to the submittal of the Specific Design Plan. The SDP should show the preservation of the PMA to the fullest extent possible by relocating buildings, parking areas, service structures, stormwater management facilities, and/or through the use of additional retaining walls.

3. **Community Planning**—The property is in Planning Area 73, Largo-Lottsford Community. The 2002 General Plan places the property in the Developing Tier. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial Centers, and employment areas that are increasingly transit serviceable. The 1990 Largo-Lottsford Master Plan recommends high urban residential land use for the property. A senior citizen housing symbol is shown on the plan map. Private open space is also shown along the northern, western and southern boundaries as a buffer from surrounding land uses.

A master plan guideline (page 70) states that there should be adequate open space at the perimeter of multifamily developments to serve as a buffer between the development and adjacent lower density residential development. The property was zoned R-M through the District Council approval (with conditions) of A-9550. The property was retained in the R-M Zone through the District Council approval of the Largo-Lottsford Sectional Map Amendment in 1990. In February 2002, the District Council approved an amendment to the Basic Plan allowing for residential condominium use on the site.

There are no master plan issues raised through the review of this application other than ensuring that an adequate open space buffer is provided between the proposed development and the lower density residential use to the east. This application is not inconsistent with the 2002 General Plan Development Pattern policies for the Developing Tier.

4. **Parks and Recreation**—The above referenced subdivision is located within the previously approved limits of Preliminary Plan 4-88020. In accordance with Section 24-134 (a)(3)(D) of the Prince George's County Subdivision Regulations, the subject subdivision is exempt from Mandatory Dedication of Parkland requirements because the Commission accepted the conveyance of 10.02 acres of parkland for Preliminary Plan 4-88020.

However, the submitted Tree Conservation Plan, TCPI/5/02-01, shows 0.5 acre of woodland clearing and grading on adjacent parkland in order to maximize development of the site. The Department of Parks and Recreation (DPR) is in the process of design and construction of the main entrance road and bridge to Watkins Regional Park at this location. The proposed grading and woodland clearing on park property at this location will negatively impact the park project.

While the applicant has approached the DPR staff requesting permission to clear and grade the 0.5 acre of public parkland, DPR has not agreed to recommend the conveyance of easement over this area. Staff is of the opinion that the applicant should consider other alternatives in the development of the site to minimize the parkland impact.

5. **Trails**—No master plan trails issues are identified in the Adopted and Approved Largo-Lottsford Master Plan. However, the existing wide asphalt shoulders along MD 202 currently serve to accommodate bicycle traffic, and it is encouraged that these be preserved. Also, prior applications for the subject site have included extensive internal path networks. Any internal trail

should be designed to current standards and be accessible in accordance with the Americans With Disabilities Act.

6. **Transportation**—The current application is planning to construct of a total of 261 residential condominium units. Using the appropriate ITE trip generation rates for residential condominium, the proposed development would generate 134 AM and 141 PM peak-hour trips.

Staff reevaluated the traffic study that was submitted in 2001 and in support of a basic plan amendment for the same site. Staff reviewed the submitted traffic study and with the input from the local agencies (the Maryland State Highway Administration and the Prince George's County Department of Public Works and Transportation), concluded that the critical intersection of MD 202 and White House Road is currently operating at acceptable levels of service (D with CLV = 1,325, and C with CLV = 1,186) during the AM and PM peak hours, respectively. With the additional traffic generated by the proposed development, this intersection would continue to operate at adequate levels of service (D with CLV below 1,450) during both peak periods. However project-generated traffic will impact operation of the existing left-turn traffic movement from MD 202 to White House Road. There is also concern about the lack of an exclusive left-turn lane along northbound MD 202 at the proposed site access.

The applicant is proposing a single access along MD202 that is directly opposite of the access road serving the Largo Landing Senior Citizen Apartments. The submitted plan shows the needed 200 feet for the MD 202 right-of way, as existing. MD 202 is a divided expressway and is maintained by the State Highway Administration. As a result, provision of a left-turn storage lane along MD 202 southbound and at the proposed site access would improve the safety of all vehicular traffic in the area.

THE BUS, Prince George's County's public transit system, operates service along MD 202. Currently there are bus stops on both sides of MD 202 and in the vicinity of the proposed access driveway. Considering the potential for increased usage of this service with the proposed use, provision of all weather bus shelters at these bus stops would greatly enhance the comfort and safety of the residents and visitors who would use the county bus system.

The left-turn storage lanes and the bus shelters were both included in the Planning Board's approval of 4-02007.

Based on these findings and an analysis of the traffic data for the basic plan amendment, the subject preliminary plan will have no adverse impact on the surrounding traffic network provided adequate conditions are imposed.

7. **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).



**Impact on Affected Public School Clusters**

Affected School Clusters #	Elementary School Cluster 2	Middle School Cluster 2	High School Cluster 2
Dwelling Units	261 sfd	261 sfd	261 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	62.64	15.66	31.32
Actual Enrollment	6,182	4,896	9,660
Completion Enrollment	234	197	393
Wait Enrollment	96	225	451
Cumulative Enrollment	39.12	16.44	32.88
Total Enrollment	6,613.76	5,350.10	10,568.20
State Rated Capacity	6,616	4,638	8,770
Percent Capacity	99.97%	115.35%	120.50%
Funded School	N/A	N/A	Frederick Douglass addn.

Source: Prince George's County Planning Department, M-NCPPC, January 2003

These figures are correct on the day the referral memorandum was written. They are subject to change under the provisions of CB-40 and CR-23. Other projects that are approved prior to the public hearing on this project will cause changes to these figures. The numbers that will be used in the resolution are the ones that will apply to this project.

The affected middle and high school cluster percent capacities are greater than 105 percent. There is no Funded School in the affected middle cluster. Frederick Douglass addition is the Funded School in the affected high cluster. Therefore, this subdivision can be approved with conditions, including a six-year waiting period, per Section 24-122.02.

8. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of fire and rescue facilities.
  - a. The existing fire engine service at Kentland Fire Station, Company 46, located at 10400 Campus Way South, has a service travel time of 3.17 minutes, which is within the 3.25-minute travel time guideline.
  - b. The existing ambulance service at Kentland Fire Station, Company 46, has a service travel time of 3.17 minutes, which is within the 4.25-minute travel time guideline.
  - c. The existing paramedic service at Kentland Fire Station, Company 46, has a service travel time of 3.17 minutes, which is within the 7.25-minute travel time guideline.
  - d. The existing ladder truck service at Kentland Fire Station, Company 33, located at 7701 Landover Road, has a service travel time of 9.42 minutes, which is beyond the 4.25-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, an automatic fire suppression system should be provided in all new buildings proposed in this subdivision, unless the Prince George's County Fire/ EMS Department determines that an alternative method of fire suppression is appropriate.

9. **Police Facilities**—The proposed development is within the service area for Police District II-Bowie. In accordance with Section 24-122.1(c) of the Prince George's County Subdivision Regulations, existing county police facilities will be adequate to serve the proposed Horizon House Condominiums development. This police facility will adequately serve the population generated by the proposed subdivision. The Planning Board's current test for police adequacy is based on a standard for square footage in police stations relative to the number of sworn duty staff assigned. The standard is 115 square feet per officer. As of June 30, 2002, the County had 874 sworn staff and a total of 101,303 square feet of station space. Based on available space, there is capacity for additional 69 sworn personnel.
10. **Health Department**—The Health Department reviewed the application and had no comments to offer.
11. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan, # 8001290-1998-03, 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 30, 2004. However, that approval was for a development with much less disturbance. The Department of Environmental Resources requires a revision to that approved plan to account for the additional disturbance. Development must be in accordance with this approved plan, or any revisions thereto.
12. **Cemeteries**—The applicant's engineer has certified that there are no cemeteries on or adjacent to the subject property.
13. **Public Utility Easement**—The proposed preliminary plan does not include the required 10-foot-wide public utility easement parallel and contiguous to all public rights-of-way. Prior to signature approval, this easement must be included on the plan.
14. **Effect on Prior Approval**—Preliminary Plan 4-02007 was approved for this property in June 2002. Approval of this application will render that preliminary plan null and void.

## RECOMMENDATION

APPROVAL, subject to the following conditions:

1. Prior to signature approval of the preliminary plan:
  - a. The applicant shall revise the TCPI/5/02-01 plan to remove clearing and grading on M-NCPPC park property.
  - b. The applicant shall receive approval of a new Stormwater Concept Plan or a revision to the approved plan, Concept 8001290-1998-03, to account for the additional disturbance. The new approval number and date shall be included on the preliminary plan.

- c. The required 10-foot-wide public utility easement shall be included parallel and contiguous to MD 202.
2. All internal pathways or trails shall be a minimum of six feet wide and asphalt and shall be handicapped accessible and free of above-ground utilities and utility boxes.
3. If road frontage improvements are required along MD 202 (Largo Road), the existing wide shoulders shall be preserved to safely accommodate bicycle traffic, per the concurrence of SHA.
4. The following note shall be placed on the final plat:

“An automatic fire suppression system shall be provided in all proposed buildings in accordance with National Fire Protection Association Standard 13 and all applicable Prince George's County laws, unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate.”
5. At the time of Specific Design Plan review, a Phase II Noise Study shall be submitted to address exterior and structural noise attenuation measures that will be required to attenuate exterior noise levels in outdoor use areas to 65 dBA Ldn and interior noise levels to 45 dBA Ldn.
6. The Preliminary Plan of Subdivision and Specific Design Plan shall show either the approximated 65 dBA (Ldn) contour or a Phase I Noise Study shall be submitted that indicates the location of the 65 dBA (Ldn) contour for the master planned capacity of MD 202 and the resulting contour shall be shown on the plan.
7. A Phase II Noise Study shall be submitted with the Specific Design Plan. That study shall address the noise attenuation measures necessary to reduce interior noise levels to 45 dBA Ldn or less and exterior noise levels to 65 dBA Ldn or less for all outdoor activity areas for proposed buildings located within the 65 dBA Ldn noise contour.
8. Prior to the issuance of building permits for any building located entirely or partially within the 65 dBA Ldn noise contour the architectural plans for that building shall contain a certification, by a professional engineer with competency in acoustical analysis, stating that the residential structures within the 65 dBA (Ldn) noise contour are designed to reduce the interior noise level to 45 dBA (Ldn) or less.
9. A report regarding the local groundwater on the site shall be submitted with the Specific Design Plan. No living area of a residential structure may be placed to a depth below grade to where it would be reasonable to believe the natural water table rises during occasional or seasonally extreme wet weather.
10. The Specific Design Plan shall include a calculation of the area of Patuxent River Primary Management Area Preservation Area, including the area of the 100-year floodplain, all areas set aside for stormwater management facilities, and the area of any proposed impacts. This calculation will be used to ensure that no incremental factor is permitted for any lands or facilities which are located in floodplains, which are part or all of a stormwater management system, or which are areas required in accordance with the legislative actions implementing the Patuxent River Policy Plan.

11. Prior to approval of the Specific Design Plan, the design of the area along MD 202 shall be revised to result in the preservation of a 60-foot-wide buffer for its entirety (except for approved driveway entrances), and the clearing and grading on the property to the east shall be eliminated.
12. Prior to signature approval of the Preliminary Plan of Subdivision, the Type I Tree Conservation Plan, TCPI/5/02-01, shall be revised as follows:
  - a. Eliminate the discrepancies in the worksheet that show the preservation of more woodlands than are reflected by the Woodland Conservation Areas shown on the plans.
  - b. Remove all Woodland Conservation Areas from easements that would allow for future disturbances to the woodlands.
13. Prior to the acceptance of the Specific Design Plan and the Type II Tree Conservation Plan, the applicant shall obtain written authorization from the Department of Parks and Recreation (DPR) for the proposed off-site clearing on the M-NCPPC land to the east of the subject property. In the event DPR does not grant permission for the proposed off-site clearing, the plans shall be revised accordingly.
14. Development of this subdivision shall be in compliance with the approved Type I Tree Conservation Plan (TCPI/05/02). 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/05/02), 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."
15. At the time of Specific Design Plan, a Type II Tree Conservation shall be approved.
16. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the Patuxent River Primary Management Area preservation area and shall be reviewed by the Environmental Planning Section prior to certificate approval. In addition, the following note shall be placed on the plat:

"Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation is prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is permitted."
17. The following note shall be placed on the final plat:

"Prior to the issuance of any permits which impact wetlands, wetland buffers, streams or Waters of the U.S., copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans shall be submitted to the M-NCPPC Planning Department."
18. The layout shown on the TCPI is conceptual in nature and shall be evaluated further prior to the submittal of the Specific Design Plan. The SDP shall show the preservation of the PMA to the

fullest extent possible by relocating buildings, parking areas, service structures, stormwater management facilities, and/or through the use of additional retaining walls.

19. Preliminary Plan 4-02007 is hereby null and void.
20. The following improvements shall be bonded for construction prior to the issuance of any building permit, except upon written waiver provided to the applicant by the appropriate operating agency:
  - a. Provision of a left-turn storage lane along MD202 southbound lanes and at the proposed site access, per MD SHA Standards.
  - b. Provision of two bus shelters for existing bus stops on both sides of MD202 and in the immediate vicinity of the proposed access road.
  - c. Extension of the existing left-turn lane along MD202 northbound at its intersection with White House Road and per MD SHA Standards.

STAFF RECOMMENDS APPROVAL OF TYPE I TREE CONSERVATION PLAN TCPI/05/02-01.