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Preliminary Plan 4-03065

Application	General Data
Project Name: PEACH PRESERVE Location: West side on Mitchellville Road, approximately 800 feet south of its intersection with Mount Oak Road. Applicant/Address: K & P Mitchellville, LLC. 13627 Annapolis Road Bowie, MD. 20720	Date Accepted: 07/14/03
	Planning Board Action Limit: 01/15/03
	Plan Acreage: 5.7
	Zone: R-80
	Lots: 14
	Parcel: 1
	Planning Area: 71B
	Council District: 04
	Municipality: BOWIE
	200-Scale Base Map: 203/4NE14

Purpose of Application	Notice Dates
RESIDENTIAL SUBDIVISION	Adjoining Property Owners: (CB-15-1998) N/A
	Previous Parties of Record: (CB-13-1997) N/A
	Sign(s) Posted on Site: 12/03/03
	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 4-03065
Peach Preserve Lots 1–14, Parcel A

OVERVIEW

The subject property is located on Tax Map 63, Grid B-2, and is known as Parcel A and Parcel 122. Parcel A is the subject of record plat WWW 41 @65, recorded in land records in 1961. Parcel 122 is the residue of the subdivision of land that created Parcel A. The property is approximately 5.74 acres and is zoned R-80. The property is improved with an existing single-family dwelling unit that is to be retained and relocated to one of the proposed lots. The dwelling is currently located in a proposed street right-of-way and will need to be relocated to implement this subdivision.

The applicant is proposing to subdivide the property into 14 lots for the construction of single-family dwelling units in conformance with the conventional standards for development in the R-80 Zone. All of the proposed lots meet or exceed the minimum 9,500-square-foot lot size required in the R-80 Zone. The proposed lots range in size from 9,500 to 23,956 square feet. Parcel A is approximately 1.28 acres and will be conveyed to a homeowners association (HOA). Parcel A will contain the required stormwater management facility.

The property is located on the west side of Mitchellville Road in the City of Bowie. The City of Bowie has reviewed the application and recommended approval with conditions as discussed further in Finding 12 of this report. The applicant is proposing to access the site via a dedicated public street that extends west into the site from Mitchellville Road. The street then splits and extends north and south with both extensions terminating into cul-de-sacs. The applicant's original submittal proposed to dedicate two public streets extending into the site from Mitchellville Road terminating in two cul-de-sacs. The original submittal created two distinct communities. The City of Bowie and the Transportation Planning staff requested that the applicant combine the site into one development with one access from Mitchellville Road. The original submittal as well as the redesigned layout proposes 14 lots.

The property to the north is developed with a day care center, approved in 1997 by special exception (SE-4255). The *Landscape Manual* will require additional setbacks and landscaping along the common property line with the day care center on this site which are greater than what would normally be required for the construction of the dwelling units. In addition, to the south is the existing Lake Village Manor Townhouse development. The *Landscape Manual* will also require along this property line additional setbacks and landscaping greater than what would normally be required for the construction of the dwelling units.

At the time of original submittal of the preliminary plan, the applicant had not planned the layout of the subdivision with these additional setbacks in mind. One lot in particular along the north property line (Lot 9) and one lot in particular along the south property line (Lot 5) were and are extremely shallow to accommodate the required setbacks and landscape buffer and still provide the required yard area. Staff

advised the applicant that the layout, when revised to accommodate one access point from Mitchellville Road, should provide for the additional setback and landscape buffers on the lots. To accommodate these additional setbacks the lots would need to be deeper. The revised plan submitted did not address this issue. Staff is concerned that these lots are too shallow and will not provide adequate yard area for the dwellings.

The Zoning Ordinance requires a 20-foot rear yard for the construction of a single-family dwelling in the R-80 Zone. A yard is defined by Section 27-107.01(260) as an open space area that is located on the same lot with a building, between the building and the lot line. The Zoning Ordinance establishes that the required yard shall be unobstructed and unoccupied from the ground up except for accessory buildings and structures as permitted elsewhere in the Zoning Ordinance, for example sheds. The definition specifically allows that landscaping can be located in a yard. Landscaping would include plantings such as trees and shrubs used to enhance the appearance of the yard; landscaping is utilized for aesthetic purposes as well as providing protection from sun, wind and weather. The Zoning Ordinance does not define landscaping. The Zoning Ordinance, Section 27-107.01(28.2) defines a “bufferyard” as one of several specific combinations of minimum building setbacks, landscape yards widths, and plant material requirements, as set forth in the *Landscape Manual*. A bufferyard is required by the Zoning Ordinance to establish additional setbacks where two uses located side by side are incompatible. A “buffer,” defined in Section 27-107.01(28.1), is a combination of physical space and vertical elements, such as plants, berms, fences, or walls, established or preserved to mitigate disparities between land uses. A bufferyard is specifically defined in spatial terms and reduces the area of the “yard” (open space) that can be used by the residence. The area of the bufferyard should be provided in addition to the required yard, not within the required open space of the yard.

In order to provide the required bufferyard and meet the minimum yard areas required by the Zoning Ordinance, staff recommends that the preliminary plan be revised to remove Lot 5, shorten the cul-de-sac, and redistribute the area of that lot between Lots 3–6, in accordance with Staff Exhibit A. In addition, the cul-de-sac in the vicinity of Lot 9 should be shortened and the lots and Parcel A be reconfigured in accordance with Staff Exhibit A. The minor lot line adjustments and reduced paving should create a reduction in the impact of the development. However, the revision would allow the yard areas required by the zoning ordinance to be free of the required bufferyard along the rear property lines. Currently the usable rear yards are 10 feet wide; the revision would ensure a 20-foot rear yard.

The Pointer Ridge park/school site is adjacent to the southwest. The park/school site provides opportunity for the active recreational needs of the existing community and should be made available to the residents of this community. The park/school site is improved with playgrounds and ball fields. The preliminary plan should provide for a designated access to the park on the homeowners open space parcel. For the fulfillment of the mandatory dedication of parkland requirement, the applicant should provide private recreation facilities in the form of a trail connection to the park/school site. The park property to the west is encumbered by wetlands, however, a site inspection has indicated that a trail connection could be accommodated along the southwest property line.

The Department of Parks and Recreation would like the opportunity to meet with the applicant to discuss the possible extent, location and materials of the trail. If at the time of review of the detailed site plan, if required, the Department of Parks determines that it is not feasible to construct the trail the applicant should pay a fee-in-lieu of mandatory dedication at the time of final plat.

The existing right-of-way of Mitchellville Road is offset in the vicinity of Lots 13 and 14. An important element of the preliminary plan is the vacation of a portion of the existing right-of-way of Mitchellville Road that is located on Lots 13 and 14. The lot sizes have been calculated to include the area of the right-of-way to be vacated. Without the vacation of the right-of-way included in the lots, staff would not

support the layout of these two lots. The vacation petition should be filed in accordance with Section 24-112 of the Zoning Ordinance as delineated on the submitted preliminary plan.

SETTING

The site totals 5.74 acres in the R-80 zone and is located on the west side of Mitchellville Road approximately 900 feet south of Mt. Oak Road. The property to the north is developed with a day care center and zoned R-80. The property to the south is zoned R-T and developed with townhouses. To the west is the Pointer Ridge park/school site. The park is owned by M-NCPPC and developed with tennis courts, ball fields, trails and playgrounds.

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-80	R-80
Use(s)	Residential	Residential
Acreage	5.74	5.74
Lots	0	14
Parcels	2	1
Dwelling Units:		
Detached	1	14

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. TCPI/49/03, stamped as received by the Environmental Planning Section on September 22, 2003, has been found to generally address the requirements of the Prince George's County Woodland Conservation Ordinance. Type I Tree Conservation Plan TCPI/49/03 is recommended for approval subject to the conditions.

As currently shown, the proposed woodland conservation areas on Lots 6 and 7 are not realistic because they are located on lots less than 20,000 square feet in size, are not likely to survive long term, and result in minimal useable area on the subject lots. In addition, the proposed reforestation on Lot 8 forces the house to be placed in close proximity to the primary management area (PMA) and does not provide for a realistic limit of disturbance. Therefore, the reforestation proposed on Lots 6–8 and the tree save area proposed on Lot 7 shall be eliminated and that portion of the requirements shall be satisfied by the use of off-site mitigation that is already proposed to satisfy a significant portion of the requirements for this site unless determined otherwise at the time of review of the detailed site plan if required.

This 5.74-acre property in the R-80 Zone has a 20 percent (1.15 acre) woodland conservation threshold. In addition, there is a 0.67-acre replacement requirement for clearing woodlands. The 1.81-acre requirement is proposed to be satisfied by 0.5 acre of on-site preservation in a priority retention area, 0.53 acre of on-site afforestation, and 0.78 acre of off-site mitigation at a site to be determined prior to the issuance of any permits. TCPI/49/03 is recommended for approval.

Although wetlands are found to occur on this property, there are no streams, areas of 100-year

floodplain, steep slopes with highly erodible soils or severe slopes. The wetlands and the associated 25-foot buffer have been accurately shown on the plans in accordance with the approved jurisdictional determination made by the U.S. Army Corps of Engineers. The wetlands and the associated 25-foot buffer comprise the Patuxent River PMA. The plans, stamped as received by the EPS on September 23, 2003, do not propose any disturbances to the PMA. At time of final plat, bearings and distances should describe a conservation easement. The conservation easement should contain all of the Patuxent River PMA.

There are no transportation-related noise impacts to this site. The soils found to occur, according to the Prince George's County Soil Survey, include Monmouth fine sandy loam and Shrewsbury fine sandy loam. The Shrewsbury soils have limitations with respect to high water tables and impeded drainage. According to available information, Marlboro clay is not found to occur in the vicinity of the property that is the subject of this application. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program publication entitled *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. There are no designated scenic or historic roads located in the vicinity. This property is located in the Collington Branch watershed of the Patuxent River basin.

3. **Community Planning**—The property is located within the limits of the Bowie-Collington-Mitchellville and Vicinity Master Plan (1991), Planning Area 71B in Community I. The land use recommendation is for a suburban land use. The proposed subdivision is consistent with the land use recommendation of the master plan. The 2002 General Plan locates the property within the Developing Tier. One of the visions for the Developing Tier is to maintain a pattern of low-to moderate density suburban residential communities. The proposed subdivision is consistent with this recommendation relating to the density.
4. **Parks and Recreation**—In accordance with Section 24-134(a) of the Subdivision Regulations, the Park Planning and Development Division recommends that the applicant provide recreational facilities for the fulfillment of the mandatory dedication of parkland requirements. The facilities will be in the form of a trail connection to the park/school site located to the southwest. The preliminary plan, if revised in accordance with Staff Exhibit A, can provide 25-foot-wide access window on HOA property for the construction of the trail to the park/school site. The Department of Parks and Recreation would like the opportunity to meet with the applicant to discuss the possible extent, location and materials of the trail. If at the time of review of the detailed site plan, if required, the Department of Parks determines that it is not feasible to construct the trail the applicant should pay a fee-in-lieu of mandatory dedication at the time of final plat. Any portion of the trail to be constructed on park property would be under the jurisdiction of DPR, if required.
5. **Trails**—One master plan trail impacts the subject site. The master plan recommends a master plan trail along the entire length of Mitchellville Road. This trail has been constructed along the west side of Mitchellville Road from MD 197 to Mount Oak Road. It is planned that this trail will be extended the entire length of Mitchellville Road, including along the subject property's frontage. If road frontage improvements are required by DPW&T, it is recommended that the trail be constructed along the subject property's entire road frontage of Mitchellville Road, per the concurrence of DPW&T. If road frontage improvements are not required at this time, the trail will be constructed through a DPW&T road improvement project. It should also be noted that there is M-NCPPC parkland immediately to the west of the subject site. The Pointer Ridge park/school site provides for active recreation in the form of playgrounds and ball fields. Staff recommends that the preliminary

plan be revised in accordance with Staff Exhibit A to provide a trail connection to this site.

6. **Transportation**—The applicant has not prepared a traffic impact study. It was not required by the transportation staff based on the proposed use of the site. The proposed development would generate 11 AM and 13 PM peak-hour vehicle trips as determined using *Guidelines for the Analysis of the Traffic Impact of Development Proposals* (revised September 2002). The site is 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.

The application is a plan for a residential subdivision consisting of 14 single-family detached residences. The traffic generated by the proposed plan would primarily impact the intersection of US 301 and Mitchellville Road, which is signalized. The transportation staff has available a count taken in September 2003. This count indicates that the critical intersection operates at LOS D (CLV 1,420) during the AM peak hour and LOS D (CLV 1,352) during the PM peak hour

Staff has assumed a growth rate of two percent on US 301 and on Mitchellville Road. With background growth added, the critical intersection would operate at LOS D (CLV 1,447) during the AM peak hour and LOS D (CLV 1,377) during the PM peak hour. Approximately 40 percent of the trips to and from the site are expected to use the US 301/Mitchellville Road intersection, during the AM and PM peak hours. With site traffic added, the critical intersection would still operate within the policy standard of LOS D (CLV 1,450) for intersections within the Developing Tier. Under total traffic conditions the critical intersection operates at LOS D (CLV 1,449) during the AM peak hour and LOS D (CLV 1,381) during the PM peak hour.

The proposed development site would have access to Mitchellville Road. Two internal cul-de-sacs would serve 12 of the 14 lots. The other two lots would have direct access to Mitchellville Road. Lots 1 and 14 with frontage along Mitchellville Road will need turnaround driveways to safely access Mitchellville Road. Staff notes that the planned development originally came in with two access points on Mitchellville Road. The current plan improves on the prior submission by providing for only one access point to Mitchellville Road. This will remove potential conflicts between turning vehicles and provide safer access/egress along Mitchellville Road.

The Bowie Master Plan calls for an 80-foot-wide right-of-way and two to four lanes on C-58 (Mitchellville Road). The northeast portion of the subdivision plan is affected by the right-of-way and the preliminary plan should be revised to clearly provide for the existing dedicated 471 square feet. Dedication of 20 feet from baseline, consistent with the preliminary plan, is required.

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 Prince George's County Code if the application is approved with conditions.

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

Finding

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 3	Middle School Cluster 2	High School Cluster 2
Dwelling Units	14 sfd	14 sfd	14 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	3.36	0.84	1.68
Actual Enrollment	5619	4896	9660
Completion Enrollment	276	197	393
Wait Enrollment	202	225	451
Cumulative Enrollment	13.68	33.42	66.84
Total Enrollment	6114.04	5352.26	10572.52
State Rated Capacity	5094	4638	8770
Percent Capacity	120.02	115.40	120.55
Funded School	Bowie, Whitehall	N/a	N/a

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

These figures are correct on the day the referral was written for this preliminary plan of subdivision. Other projects that are approved, prior to the public hearing on this project, will cause changes to these figures. The numbers shown in the resolution of approval, if approved, are the ones that will apply to this project.

County Council bill CB-31-2003 establishes a school facilities surcharge in the amounts of: \$7,000 per dwelling if a building is located between Interstate Highway 495 and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts on existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$12,000 per dwelling for all other buildings.

The school surcharge may be used for the construction of additional school facilities, which are expected to accommodate the new students that will be generated by this development proposal. The Historic Preservation and Public Facilities Planning Section staff finds that this project meets the adequate public facilities policies of Section 24-122.02, CB-30-2003 and CB-31-2003.

8. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of fire and rescue facilities and concluded the following:
- a. The existing fire engine service at Bowie Fire Station, Company 43, located at 16400 Pointer Ridge Drive has a service travel time of 3.11 minutes, which is within the 5.25-minute travel time guideline.
 - b. The existing ambulance service at Bowie Fire Station, Company 43, located at 16400 Pointer Ridge Drive has a service travel time of 3.11 minutes, which is within the 6.25-minute travel time guideline.
 - c. The existing paramedic service at Bowie Fire Station, Company 43, located at 16400 Pointer Ridge Drive has a service travel time of 3.11 minutes, which is within the 7.25-minute travel time guideline.

The proposed subdivision will be within the adequate coverage area of the nearest existing fire/rescue facilities for fire engine, ambulance and paramedic services. The above findings are in conformance with the *Adopted and Approved Public Safety Master Plan* (1990) and the *Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities*.

9. **Police Facilities**—The proposed development is within the service area for Police District II-Bowie. In accordance with Section 24-122.01(c) of the Subdivision Regulations, the existing county police facilities will be adequate to serve the proposed Peach Preserve 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 6/30/02, 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 an additional 69 sworn personnel.

10. **Health Department**—The existing dwelling if relocated should be connected to public water and sewer upon availability and relocation. The existing well and septic area should be properly abandoned.
11. **Stormwater Management**—The property is located within the municipality of the City of Bowie. The city has jurisdiction over approval of the stormwater management plan. The City of Bowie has indicated conceptual approval of the stormwater management plan but the applicant has not submitted a copy of the approved plan. Prior to signature approval of the preliminary plan of subdivision, the applicant should submit a copy of the approved stormwater management plan to ensure that development of this site does not result in on-site or downstream flooding. Development must be in accordance with this approved plan.
12. **City of Bowie/Detailed Site Plan**—The City of Bowie, at its regular meeting on November 3, 2003, recommended approval of the preliminary plan subject to 12 conditions. The city's decision, dated November 12, 2003, (Mayor Robinson to Chairman Hewlett) recommends 12 conditions to the Planning Board that relate to the development of the property. In general, the conditions relate to architectural elevations, usable rear yards, orientations of dwellings and the variety of colors, materials and features of the dwellings. Staff supports the city's decision and recommends that a detailed site plan be required to ensure the consideration of the cities comments at the time of review

of site improvements.

The City of Bowie, as well as the Transportation staff, recommend that the improvements on Lots 1 and 14 be constructed with driveways with turnaround capabilities to ensure that vehicles will not be required to back out onto Mitchellville Road. Because of the lot configurations, meeting the required setbacks and providing these driveways will require careful house siting and should be reviewed with the DSP. Another condition of the city relates to the views of the stormwater management facility. This facility is a dominant feature in the community and should be reviewed with careful attention to the fencing and landscaping to create the most desirable views and environment for the residents of this facility.

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 provide the conceptual stormwater management approval number and approval date by the City of Bowie.
 - b. To clearly delineate the 471 square feet to be dedicated to public use for the right-of-way of Mitchellville Road in the northeast corner of Lot 14.
 - c. To label Parcel One as Parcel A and indicate that it is to be conveyed to a homeowners association.
 - d. To reflect the lot layout in Staff Exhibit A.
 - e. To note that mandatory dedication is being fulfilled by on-site recreational facilities in the form of a trail connection to the park property.
 - f. To provide the square footage of the access window to the Pointer Ridge park/school site to the southwest.
2. Prior to the approval of the final plat, the existing dwelling shall be relocated to a lot or razed.
3. Prior to signature approval of the preliminary plan, the applicant shall submit a copy of the approved stormwater management plan.
4. Prior to approval of the final plat the applicant shall obtain approval of a vacation petition in accordance with Section 24-112 and as delineated on the preliminary plan.
5. A Detailed Site Plan shall be filed by the applicant, his heirs, successors and/or assignees in accordance with Part 3 Division 9 of the Zoning Ordinance and approved by the Planning Board for the development of this property prior to approval of the final plat..
6. Prior to signature approval of TCPI/49/03 the plan shall be revised as follows:
 - a. To eliminate all reforestation areas from proposed Lots 6–8.

- b. To eliminate the tree save area from proposed Lot 7.
 - c. To provide for additional off-site mitigation in order to satisfy the woodland conservation requirements for this site and adjust the woodland conservation worksheet appropriately.
 - d. To be signed and dated by a qualified professional.
7. Development of this subdivision shall be in compliance with an approved Type I Tree Conservation Plan (TCPI/49/03). The following notes 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/49/03), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation/Tree Preservation Policy.”
8. 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 and all woodland conservation areas as shown on an approved Type II Tree Conservation Plan. 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 are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.”
9. A Type II Tree Conservation Plan shall be approved with the DSP.
10. At the time of final plat, the applicant, his heirs, successors and/or assignees shall convey Parcel A to the homeowners association (HOA). Land to be conveyed shall be subject the following:
- a. Conveyance shall take place prior to the issuance of building permits.
 - b. A copy of unrecorded, special warranty deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division (DRD), Upper Marlboro, along with the final plat.
 - c. All waste matter of any kind shall be removed from the property, prior to conveyance, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section, or the entire project.
 - d. The conveyed land shall not suffer the disposition of construction materials, soil filling, discarded plant materials, refuse or similar waste matter.
 - e. Any disturbance of land to be conveyed to a homeowners association shall be in accordance with an approved detailed site plan or shall require the written consent of DRD. This shall include, but not be limited to, the location of sediment control measures; tree removal, temporary or permanent stormwater management facilities, 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.

- f. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to a homeowners association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by DRD prior to the issuance of grading or building permits.
11. Prior to the issuance of building permits the applicant, his heirs, successors and/or assignees shall demonstrate that a homeowners association has been established and that the common areas have been conveyed to the homeowners association.
12. The applicant, his heirs, successors and/or assignees shall submit three original Recreational Facilities Agreements (RFA) to DRD for approval prior to the submission of final plats for construction of recreational facilities on homeowners land. Upon approval by the DRD, the RFA shall be recorded among the County Land Records.
13. The applicant, his heirs, successors and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee prior to building permits for the construction of recreational facilities on homeowners land.
14. The applicant, his heirs, successors and/or assignees shall submit, to the Park Planning and Development Division, three original Recreational Facilities Agreements (RFA) for construction of recreational trail facilities on park property if required. The RFA shall be approved prior to the approval of final plats. Upon approval by the Park Planning and Development Division, the RFA shall be recorded among the County Land Records and noted on the final plat of subdivision.
15. The applicant, his heirs, successors and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee prior to building permits for the construction of recreational facilities on park property if required.
16. The abandoned well or septic system shall be pumped, backfilled and/or sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative of the Health Department prior to final plat approval. If the dwelling is relocated it shall be connected to public water and sewer.
17. In conformance with the Adopted and Approved Bowie-Collington-Mitchellville and Vicinity Master Plan, the applicant and the applicant's heirs, successors, and/or assigns shall provide:
 - a. An eight-foot wide, asphalt master plan trail the entire length of the subject property's road frontage of Mitchellville Road, per the concurrence of DPW&T.
 - b. A standard sidewalk along both sides of all internal roads, per the concurrence of DPW&T, consistent with recently completed subdivisions in the vicinity of the subject site.
18. At the time of final plat approval, the applicant shall dedicate a right-of-way along Mitchellville Road of 20 feet from the baseline. At that time, staff will ensure that the dedication is consistent with information provided at the time of preliminary plan review.
19. The final plat shall note that Lots 2 and 13 shall be denied direct vehicular access to Mitchellville Road.

20. At the time of review of the DSP, the Department of Parks and Recreation shall determine the feasibility of the construction of the six-foot-wide trail connection to the park/school site. If it is determined that the trail shall not be constructed by the applicant, then the applicant, his heirs, successors and or assignees shall pay a fee-in-lieu of parkland dedication prior to approval of the Final Plat of subdivision.

STAFF RECOMMENDS APPROVAL OF TREE CONSERVATION PLAN TCPI/49/03.