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Preliminary Plan 4-04091

Application	General Data
Project Name: ROBERTS PROPERTY Location: 3,000 feet east of Annapolis Road and Bell Station Road intersection. Applicant/Address: Rouse-Fairwood Development LTD. 10275 Patuxent Parkway Columbia, MD. 21045	Date Accepted: 06/4/04
	Planning Board Action Limit: 09/12/04
	Plan Acreage: 47.66
	Zone: R-E & M-X-C
	Lots: 36
	Parcels: 4
	Planning Area: 71A
	Tier: Developing
	Council District: 06
	Municipality: N/A
	200-Scale Base Map: 207NE11

Purpose of Application	Notice Dates
RESIDENTIAL SUBDIVISION	Adjoining Property Owners Previous Parties of Record Registered Associations: (CB-58-2003)
	Sign(s) Posted on Site: 08/09/04

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 4-04091
Robert Property, Lots 1-36 and Parcels A-D

OVERVIEW

The subject property is located on Tax Map 46, Grid A-3, and is known as Parcel 27, Lots 1 and 2, and Parcel B. Parcel 27 is an acreage parcel (40.22 acres) never having been the subject of a record plat of subdivision and is zoned R-E. Lots 1 and 2 and Parcel B are 7.44 acres, zoned M-X-C and are the subject of record plats REP 197@58 and REP 197@57, respectively. Lots 1 and 2 and Parcel B were subdivided as part of the Fairwood Development (A-9894-C). The Fairwood Development surrounds this property almost entirely save the abutting property to the southwest. The applicant is proposing to combine these properties and resubdivide the property into 36 lots and 4 parcels. Existing Parcel 27 is improved with a single-family dwelling unit that is to remain, and discussed further in Finding 12 of this report. Several other structures exist on the property that are to be razed.

The applicant is proposing to incorporate this development into the Fairwood community. The homeowners of this subdivision will be part of the homeowners association (HOA) for the Fairwood Development and will have all of the rights, privileges and restriction associated with that benefit. As such, the homeowners of this development will have full access to the recreational amenities currently required and provided in the Fairwood Development. The applicant has agreed to the staff recommendation for a detailed site plan (DSP) review of the development of this site to ensure compatibility with the Fairwood Development standards and full integration of this site with the Fairwood Development, and is reflected as a condition in the recommendation section of this report.

The applicant has proposed to utilize the design approach of lot size averaging (LSA) for the R-E- zoned portion of the property as discussed further in Finding 12 of this report. The area of existing Lots 1 and 2 will be resubdivided into Lots 27 thru 30 and a small portion of the rear yard of Lot 33. Lots 27 thru 30 will range in lot size from 33,704 to 47,649 square feet and are to be developed in accordance with the standards of the MXC Zone. Access into this development will be across existing Parcel B via a new private street extending north from existing Odens Bequest, an internal private street within the Fairwood Development. Access is via private roads pursuant to Section 24-128(b)(14) of the Subdivision Regulations. The remaining open space area of existing Parcel B is to remain as open space and has been relabeled as Parcel A on the preliminary plan.

The underlying preliminary plan of subdivision, which included Lots 1 and 2 and Parcel B, was approved within the limits of the maximum dwelling units allowed within the Fairwood Development of 1,799, established by A-9894-C. The approval of the additional two dwelling units in the M-X-C-zoned portion of this property, over that approved with the original preliminary plan (4-00057) for the area of Lots 1 and 2, will not exceed the maximum dwelling units established by the District Council action. The applicant will continue to demonstrate conformance to the dwelling unit cap through the DSP process for development within Fairwood. A revision to the approved DSP for Lots 1 and 2 (DSP-02015) should be processed in keeping with the requirements of the M-X-C Zone to reflect the increase in the number of lots and provide

reference to the DSP for the R-E-zoned portion of the property (Roberts Property) for specific development approvals, if determined appropriate at the time of review of the DSP.

The applicant has proposed Parcels A-D (6.73 acres), to be conveyed to the HOA to be part of the Fairwood HOA. Parcel A (3.91) contains what was Parcel B, REP 197@57, an open space area for stormwater management in the northeast corner of the site, and provides for a pedestrian connection to the common space located along the west side of Fairview Vista Drive. Parcel B is 6,787 square feet and is located along the north property line and will provide for a pedestrian connection to existing Parcel A on the south side of Fairwood Parkway. Parcel C is 2.46 acres and located in the southwest corner of the site, will be used for stormwater management, and will support a pedestrian connection to the Robert Square Pocket Park (DSP-99052) to the west. Parcel D is 17,772 square feet and is on the southwest side of the proposed entrance to this subdivision and serves as a component of the existing open space to the south. Access to the stormwater management facility on proposed Parcel A will be via a new access easement conveyed to the Department of Environmental Resources, across Parcel A, Block K (REP 195@31) for monitoring and maintenance of the SWM facility.

SETTING

The subject property is located in the southwest quadrant of the intersection of Fairwood Parkway and Fairview Vista Drive, abutting the Fairwood Development. The property to the north across Fairwood Parkway is proposed with mixed-use retail, multifamily housing, and a community center and pool facility that serves the residents of the community. To the east across Fairwood Vista Drive are single-family dwellings and to the south are single family dwellings, all zoned M-X-C. To the southwest is a vacant R-E-zoned lot, which is part of the Holmehurst Estates Subdivision.

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	M-X-C/R-E	M-X-C/R-E
Use(s)	Single-family dwellings	Single-family dwellings
Acreage	47.66	47.66
	(7.44 M-X-C; 40.22 R-E)	(7.44 M-X-C; 40.22 R-E)
Lots	2	36
Parcels	2	4
Dwelling Units:		
Detached	2	36 (1 existing)

2. **Environmental**—The Environmental Planning Section has reviewed the above-referenced preliminary plan of subdivision and Type I tree conservation plan date-stamped as received by the Environmental Planning Section on August 13, 2004. The revised plans have been found to address the environmental constraints for the site and the requirements of the Prince George's County Woodland Conservation Ordinance. Preliminary Plan of Subdivision 4-04091 and Type I Tree Conservation Plan TCPI/45/04 are recommended for approval subject to the conditions found in this memorandum. The memorandum supersedes all prior Environmental Planning Section memorandums for this application.

The Environmental Planning Section has not previously reviewed the majority of the property included in this application. However, because a portion of the property is located within the Fairwood Development, some of the proposed lots were previously reviewed in conjunction with the approvals of Preliminary Plan of Subdivision 4-00057; Final Development Plan FDP-0001; Type I Tree Conservation Plan TCPI/47/00; and Type II Tree Conservation Plan TCPII/4/02.

This 47.66-acre site in the R-E and M-X-C Zones is located in the southwest quadrant of the intersection of Fairwood Parkway and Fairview Vista Drive. A review of the available information indicates that streams, wetlands, severe slopes in excess of 25 percent, and steep slopes between 15 and 25 percent with highly erodible soils are found on this site. No transportation-related noise generators have been identified in the immediate vicinity of this site.

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 and historic roads located along the frontage of this property. This property is located in the Collington and Northeast Branch watersheds of the Patuxent River basin and in the Developing Tier as reflected in the adopted 2002 General Plan.

The Detailed Forest Stand Delineation (FSD) submitted with this application has been found to address the requirements for a Forest Stand Delineation in accordance with 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 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. There are previously approved Tree Conservation Plans that cover a portion of the subject application, TCPI/47/00 and TCPII/4/02. All or portions of Lots 27 – 30, 33 and all of proposed Parcels A and D were included as part of the previously approved Tree Conservation Plans for Fairwood. Because the creation of these lots will affect those applications it will be necessary to revise the Type II Tree Conservation Plan, TCPII/4/02, for the portion of the Fairwood development that is located within the limits of this application zoned MXC. That TCPII revision will be required at the time of review of the detailed site plan (DSP) prior to the issuance of any permits affecting the lots that are fully or partially located within the limits of the Fairwood development.

The Type I Tree Conservation Plan, TCPI/45/04, submitted with this application was reviewed and was found to address the requirements for the Prince George's County Woodland Conservation Ordinance. This 47.66 acre site has a Woodland Conservation Threshold of 24.22 percent or 11.54 acres because of the mixed R-E and MXC zoning. In addition, there are ¼ : 1, 2:1, and 1:1 replacement requirements of 3.44 acres due to the proposed woodland clearing. The 14.97 acre requirement is proposed to be satisfied by 9.08 acres of on-site preservation of priority woodlands, 3.29 acres of off-site mitigation at a location to be determined and 2.60 acres of additional off-site mitigation not accounted for on the TCPI worksheet. TCPI/45/04 is recommended for approval subject to the conditions.

Streams, wetlands, 100-year floodplain, severe slopes in excess of 25 percent, and steep slopes between 15 and 25 percent with highly erodible soils are found on this property. These features, along with their respective buffers, compose the Patuxent River Primary Management Area (PMA). Each of these features and the associated buffers are clearly shown on the plans along with the ultimate limit of the PMA. A study that included each of the wetland areas was submitted for review

with the Fairwood development. A copy of the 100-year floodplain study was not submitted with this application. The Environmental Planning Section concurs with the conclusions of the previously reviewed wetland study with respect to the presence and extent of the wetlands on this site. Although a 100-year floodplain study was not submitted, the information available would suggest that the 100-year floodplain as shown on the plans is generally accurate and contained within the limits of the 50-foot stream buffer.

The Subdivision Ordinance, Section 24-130(b)(5), requires that the PMA be preserved in a natural state to the fullest extent possible. A letter of justification date-stamped as received by the Environmental Planning Section on August 13, 2004, was submitted with this application. The proposed impacts to the PMA will total approximately 435.6 square feet, or 33 percent of the total PMA found within the limits of this application. The sole impact is associated with a stormwater management outfall that will convey stormwater to the existing stream. Failure to allow this impact would significantly increase the potential for stream bank erosion during storm events and would ultimately degrade the entire stream system.

The soils found to occur according to the Prince George's County Soil Survey include soils in the Bibb, Collington, Matapeake, and Mixed alluvial soil series. Some of these soils have limitations with respect to the high water tables or impeded drainage that may affect the construction phase of the development but will not affect the proposed lot layout or the number of proposed lots. The seasonally high water tables and impeded drainage may contribute to damp or wet basements if adequate drainage is not addressed at the time of building permit application. Consideration should be given to the avoidance of basements unless adequate drainage and subsurface conditions have been fully evaluated to ensure that any portion of a structure located below existing grades is adequately drained. According to available information, Marlboro clay is not found to occur in the vicinity of this property.

Water and Sewer Categories

The water and sewer system categories are W-3 and S-3 according to water and sewer maps obtained from the Department of Environmental Resources dated June 2003.

3. **Community Planning**—The subject property is within the limits of the Bowie-Collington-Mitcheville and Vicinity Master Plan, Planning Area 74A in Community VI. The 2002 General Plan locates the property in the Developing Tier. The master plan land use recommendation is for Suburban Estate dwellings within a density range of .85 to 1.08 dwelling units per acre. The General Plan vision for the Developing Tier includes a recommendation to maintain a pattern of low-to-moderate density suburban residential communities. The proposed preliminary plan is consistent with the recommendations of the master plan and the General Plan.

The 1991 Bowie-Collington-Mitcheville and Vicinity Sectional Map Amendment rezoned Parcel 27 (40.22 acres) from the R-A (2 acre lots) to the R-E Zone (40,000). Subsequently, the approved Zoning Map Amendment (A-9894-C) rezoned Lots 1 and 2 and Parcel B (7.44 acres) to the Mixed-Use-Community (M-X-C) as part of the Fairwood Development plan.

4. **Parks and Recreation**—Pursuant to Section 24-134 of the Subdivision Regulations, 12 of the 36 lots proposed in the subdivision are exempt from the requirements of the mandatory dedication of parkland. Specifically, the land area of lots 27-30 is zoned M-X-C and was originally subdivided as part of the Fairwood Development and has previously fulfilled the obligation of the mandatory dedication of parkland (PGCPB Resolution 01-01(C), File 4-00057) and is exempt pursuant to

Section 24-134(a)(3)(D). Eight of the proposed lots within the R-E-zoned portion of the property are greater than one acre and are therefore exempt from the requirement of the mandatory dedication of parkland pursuant to Section 24-134(a)(3)(B).

However, 24 of the 36 lots proposed in the subdivision are subject to the requirements of the mandatory dedication of parkland. As discussed in Finding 5 of this report, the applicant is proposing the construction of three trail connections to recreational facilities within the Fairwood Development.

In order to fulfill the requirements of mandatory dedication of parkland for this development, staff recommends that the applicant construct the following on-site recreational facilities:

- a. Provide a minimum six-foot-wide, asphalt trail on Parcel D, as indicated on the approved preliminary plan to provide a connection to the Robert Square Pocket Park (DSP-99052).
- b. Provide a minimum six-foot-wide, asphalt trail from the end of Private Road B to the existing trail parallel to Fairview Vista Drive.
- c. Provide an asphalt trail connection or sidewalk connection from the end of Private Road A to the existing sidewalk along the south side of Fairwood Parkway.

These connections provide for pedestrian and bicycle connections to recreational facilities that include a community center, pool, tot lots, preteen areas, and an extensive pedestrian trail system. As part of the Fairwood Development package the applicant has dedicated to M-NCPPC portions of the Collington Branch stream valley that traverse this property, north of Fairwood Parkway. The internal trail systems will ultimately provide a connection to this public park system.

The value of the facilities to be provided is based on the total population projection for the number of dwelling units that is subject to the mandatory dedication of parkland requirement. Pursuant to this formula the applicant is required to provide facilities with a value of \$28,048. At the time of review of the detailed site plan, the projected value of the proposed facilities will be determined. If the cost of the facilities does not offset the value of the on-site private recreational facilities, the applicant should pay a fee-in-lieu of mandatory dedication in accordance with the requirements of Section 24-135 of the Subdivision Regulations. The fee-in-lieu is paid at the time of approval of the final plat and would be offset by the value of the required trail connections.

Staff recommends that the applicant fulfill the requirement of the mandatory dedication of parkland for the development of this property primarily with the construction of on-site recreational facilities and the payment of a fee-in-lieu not to exceed \$28,048.

5. **Trails**— The subject property is to be integrated into the larger Fairwood community. Fairwood has been the subject of numerous reviews and includes recommendations that accommodate the master plan trails recommended in the adopted and approved Bowie-Collington-Mitchellville and Vicinity Master Plan. Fairwood includes an extensive network of trails, sidewalks, and preserved farm lanes that accommodate pedestrians throughout the development, including within the vicinity of the subject site.

The recently approved detailed site plan for Delight at Fairwood (DSP-04025) includes a recommendation for an eight-foot-wide sidewalk along the north side of Fairwood Parkway, which is

across the street from the subject site. The previously approved preliminary plan (4-00057) that included Parcel A and Parcel B, which abuts the north and eastern property lines of the subject property for a portion of Fairwood (4-00057) also included a recommendation for a standard sidewalk along the subject site's frontage of the south side of Fairwood Parkway on Parcel A and a pedestrian path within Parcel B, parallel to Fairview Drive. This trail is immediately adjacent to the subject site and links directly to several other paths within green corridors. The applicant has proposed to construct pedestrian connections to both of these trail systems. Also proposed is the construction of a pedestrian connection to a "pocket park" located to the southwest across proposed Parcel C.

In order to link the residents of the subject site to the surrounding trail and sidewalk network, staff supports the provision of the trail on Parcel C as indicated on the submitted preliminary plan. These connections proposed by the applicant should help to link the subject site with the surrounding community and make it more feasible for residents to make some short trips by walking or bicycling.

6. **Transportation**—Due to the limited trip generation of the site, the transportation staff determined that a traffic study detailing weekday analyses was not needed; however, traffic counts were requested and provided by the applicant. The findings and recommendations outlined below are based upon a review of these materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*.

Growth Policy—Service Level Standards

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

Links and signalized intersections: Level-of-service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better. Mitigation, as defined by Section 24-124(a)(6) of the Subdivision Ordinance, is permitted at signalized intersections subject to meeting the geographical criteria in the guidelines.

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 staff's analysis for this site examines the site impact at two intersections:

MD 450 and Bell Station Road/Fairwood Parkway (signalized)
Church Road/Fairwood Parkway (future/unsignalized)

The existing conditions at the study intersections are summarized below:

EXISTING TRAFFIC CONDITIONS				
Intersection	Vehicle Delay (AM & PM)		Level of Service (AM & PM)	
MD 450 and Bell Station Road/Fairwood Parkway	423	401	A	A
Church Road and Fairwood Parkway	future		--	--
<p>*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 guidelines, an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are outside of the normal range of the procedure, and should be interpreted as a severe inadequacy. This criterion is applicable to roundabouts as well as standard four-way or three-way intersections.</p>				

The area of background development includes ten properties in the immediate vicinity of the subject property. Background conditions also assume through traffic growth along MD 450. There are no programmed improvements in the county’s Capital Improvement Program (CIP); however, the state’s Consolidation Transportation Program (CTP) includes a project to widen MD 450 in the area of the subject property between MD 193 and Stonybrook Drive. This project is under construction at this time. Background conditions are summarized below:

BACKGROUND TRAFFIC CONDITIONS				
Intersection	Vehicle Delay (AM & PM)		Level of Service (AM & PM)	
MD 450 and Bell Station Road/Fairwood Parkway	1,118	1,142	B	B
Church Road and Fairwood Parkway	15.2*	14.0*	--	--
<p>*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 guidelines, an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are outside of the normal range of the procedure, and should be interpreted as a severe inadequacy. This criterion is applicable to roundabouts as well as standard four-way or three-way intersections.</p>				

The site is proposed for development as a residential subdivision. The site is proposed to be developed with 36 single-family detached residences (1 existing), which would generate 27 (5 in, 22 out) AM peak-hour vehicle trips and 32 (21 in, 11 out) PM peak-hour vehicle trips. The following trip distribution has been utilized for the analysis of the subject application:

MD 450 from the west:	66%
MD 450 from the east:	11%
Bell Station Road (to MD 193 north):	11%
Church Road from the south:	8%
Church Road from the north:	4%

With the trip distribution and assignment as assumed, the following results are obtained under total traffic:

TOTAL TRAFFIC CONDITIONS				
Intersection	Vehicle Delay (AM & PM)		Level of Service (AM & PM)	
MD 450 and Bell Station Road/Fairwood Parkway	1,118	1,151	B	C
Church Road and Fairwood Parkway	15.3*	14.2*	--	--
<p>*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 guidelines, an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are outside of the normal range of the procedure, and should be interpreted as a severe inadequacy. This criterion is applicable to roundabouts as well as standard four-way or three-way intersections.</p>				

The results indicate that both critical intersections operate acceptably under existing, background, and total traffic.

The site is not within or adjacent to any master plan transportation facilities.

At the Subdivision Review Committee meeting on June 17, 2004, it was suggested that the 36 residential lots proposed by the subject plan would overburden Odens Bequest, a secondary residential street that already serves 21 lots within the Fairwood development. However, two of the existing lots would be resubdivided under this plan, so Odens Bequest would serve a total of 55 lots if the subject plan is approved. While staff has generally required that a secondary street be upgraded to a primary when more than 50 residences are proposed, even with 55 lots the average daily traffic generated along Odens Bequest would be 495 trips. This is fewer than 500, and fewer than the level of traffic at which a secondary street becomes an inadequate situation requiring neighborhood traffic management strategies. Therefore, the plan is deemed to be acceptable with access via Odens Bequest.

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.

7. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and CB-30-2003 and CR-23-2003 and concluded the following:

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 3	Middle School Cluster 2	High School Cluster 2
Dwelling Units	36 sfd	36 sfd	36 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	8.64	2.16	4.32
Actual Enrollment	6141	5131	10098
Completion Enrollment	198.24	217.62	398.97
Cumulative Enrollment	167.76	125.16	250.32
Total Enrollment	6515.64	5475.94	10751.61
State Rated Capacity	5858	4688	8770
Percent Capacity	111.23	116.81	122.60

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

These figures are correct on the day the referral memo was written. They are subject to change under the provisions of CB-30-2003 and CR-23-2003. 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 will be the ones that apply to this project.

County Council bill CB-31-2003 establishes a school facilities surcharge in the amount of: \$7,000 per dwelling if a building is located between I-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 an 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 or expanded school facilities and renovations to existing school buildings or other systemic changes.

The Historic Preservation and Public Facilities Planning Section staff finds that this project meets the adequate public facilities policies for school facilities contained in Section 24-122.02, CB-30-2003 and CB-31-2003 and CR-23-2003.

8. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of public facilities and concluded the following:
 - a. The existing fire engine service at Glenn Dale Fire Station, Company 18, located at 11900 Glenn Dale Boulevard has a service travel time of 3.42 minutes, which is within the 5.25-minute travel time guideline.
 - b. The existing ambulance at Glenn Dale Fire Station, Company 18, located at 11900 Glenn Dale Boulevard has a service travel time of 3.42 minutes, which is within the 6.25-minute travel time guideline.

- c. The existing paramedic service at Glenn Dale Fire Station, Company 18, located at 11900 Glenn Dale Boulevard has a service travel time of 3.42 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. These findings are in conformance with the standards and guidelines contained in the *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. 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 January 2, 2004, the county had 823 sworn staff and a total of 101,303 square feet of station space. Based on available space, there is capacity for an additional 57 sworn personnel. This police facility will adequately serve the population generated by the proposed subdivision
10. **Health Department**—The Health Department notes that a raze permit is required for the removal of any existing structures. The only structure to remain is the existing dwelling on proposed Lot 34. The dwelling is currently served by private water and sewer systems. Once public systems are available the dwelling should be connected to the public systems. Through the development process the applicant should ensure a potable water supply to the dwelling if it is to be occupied.

Once the dwelling is connected to a public water supply system the abandoned well located in the vicinity of Parcel D must be properly backfilled and sealed by a licensed well driller or witnessed by a representative of the Health Department. In addition, once the dwelling is connected to a public sewer system the abandoned septic tank and either be pumped out, removed, or backfilled in place by a licensed scavenger.

Fuel storage tanks were found on site. These tanks must be removed and the contents properly discarded. If staining is encountered, the soils beneath the tanks must be removed and properly disposed. A representative from the Health Department must evaluate the soils for possible contamination once the tanks are removed.

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 #5901-2004-00, has been submitted, but not yet approved. To ensure that development of this site does not result in on-site or downstream flooding, Stormwater Management Concept Plan #5901-2004-00 must be approved prior to signature approval of the preliminary plan. If the layout on the approved stormwater management concept plan is inconsistent with the approved preliminary plan, a new preliminary plan of subdivision may be required. Development must be in accordance with this approved plan.
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 the portion of this property in the R-E Zone.

Approximately 40.22 acres of the 47.66 acres of this subdivision are in the R-E Zone. Section 27-423 of the Prince George's County Zoning Ordinance establishes the zoning requirements for lot size averaging. 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 (42 lots).
- 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) the remaining lots may have a minimum lot size of 30,000 square feet.

For the 40.22 acres located in the R-E Zone, 42 lots would be allowed. The applicant proposes 32 lots. Twenty-three of the proposed lots meet or exceed 40,000 square feet, or 72 percent. Therefore, the proposed subdivision meets the minimum zoning ordinance standards for lot size averaging.

Further, Section 24-121(a)(12) requires that the Planning Board make the following findings in permitting the use of lot size averaging:

- 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.**

Comment: The property is currently improved with a large two-story manor-type dwelling that is to remain on proposed Lot 34. The dwelling is surrounded on the west by woodland and to the east with an open field. In order to retain the existing “estate” like environment of the existing dwelling, the applicant has proposed a 3.36-acre lot to contain the dwelling. The 3.36 acres is necessary to retain a large portion of the open land to the east of the dwelling. An existing circular retaining wall that is located approximately 100 feet from the east side of the dwelling provides a setting for the dwelling and will remain if lot size averaging is permitted for the development of this property.

The applicant has used the lot size averaging option to create a large lot to protect the existing estate-like environment of the existing dwelling. This large lot is centrally located within the subdivision and is proposed as a focal point with over 850 linear feet of street frontage on the primary internal street. Seven lots are located across the street from Lot 34 and will front the impressive view of the existing dwelling. If the applicant proposed a conventional lotting pattern, the grandeur of the environment that was carefully created around the existing dwelling would be lost.

- 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.**

Comment: Of the 16 lots permitted at 30,000 square feet, under certain findings, the applicant has proposed nine between 30,000 and 40,000 square feet in lot size.

Lot 5 is located along the eastern perimeter of the site and directly abuts a linear open space (Parcel A) along Fairview Vista Drive within the Fairwood Development. Proposed Lot 5 is 34,814 square feet. The lots directly across Fairview Vista Drive from Lot 5 are Lot 1 and 41, Block L (REP 196@15) within the Fairwood Development. These lots are 17,029 square feet and 15,836 square feet in size respectively. The applicant has proposed Lot 5 as a transition from the smaller lots within the Fairwood Development into the proposed subdivision where 72 percent of the lots exceed the minimum lot size of 40,000 square feet. This is an appropriate transition and location when adjacent residentially zoned parcels are taken into consideration, as required.

Lots 1, 2, 3 and 36 are located along the southern perimeter of the site and directly abut linear open

space Parcels A and D along Odens Bequest Drive within the Fairwood Development. These lots range in lot size from 30,007 to 32,459 square feet. The lots located directly across Odens Bequest Drive from the proposed lots are Lots 18, 19 and 20, Block K (REP 197@57) and range in lot size from 37,913 square feet to 41,129 square feet. The applicant has provided Exhibit 2— Lot Appearances demonstrating that with the open space area (Parcel A) between the proposed lots and Odens Bequest Drive, the lots proposed will appear to range in lot size between 35,710 square feet and 49,886 square feet. These lots provide an appropriate transition and are in an appropriate location when the adjacent residentially zoned parcels taken into consideration, as required.

Lots 21, 22, 31 and 32 are not along the perimeter of the site and are, therefore, not adjacent to residentially zoned parcels. However, these lots provide for a variety of lot sizes within the development and will benefit from the applicant's ability to maintain the dwelling on Lot 34 on a 3.36-acre site. Access to these four lots will be via the interior primary street on which Lot 34 has frontage. Access to these lots is enhanced by the views of the dwelling on Lot 34. These four lots range in lot size from 30,050 to 33,849 square feet. Lots 21 and 22 abut open space that will give them appearances of 35,796 and 36,661-square-foot lot sizes respectively.

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.

Comment: Lot size averaging in this case has not been utilized to provide for a transition between natural features of this site and adjacent parcels. Lot size averaging in this case has been utilized to protect the setting of the existing dwelling and provides for a better environment than that which could be achieved by the exclusive use of standard lots.

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

13. **Cemeteries**—The Planning Board has recently identified that the possible existence of slave quarters and slave graves on certain properties must be considered in the review of development applications, and that potential means for preservation of these resources should be considered. Review of Historic Preservation office files indicates that there may be archeological resources of the antebellum period in the area of the subject site. The Historic Preservation staff has indicated that this property was once a part of a larger plantation/farm that operated from the late 18th century until the present and there is every likelihood that slaves and tenant farmers may have been buried on this property.

Prior to the submittal of the required detailed site plan for any grading or clearing on site, the applicant should determine the extent of the land that should be the subject of a Phase I archeological investigation. The applicant's findings should be submitted to the DRD staff for review and concurrence. If any portion of the property is determined to be subject, the applicant should complete a Phase I investigation that may include research into the property history and archeological literature and submit the Phase I investigation with the application for DSP.

At the time of DSP review, staff will determine if archeological resources exist in the project area, and if so, the applicant will be advised of the requirement of a Phase II or Phase III archeological investigation. The investigation should provide a plan for avoiding and preserving the resource in place, or provide a plan for mitigating the adverse effect upon these resources. All investigations must be conducted by a qualified archeologist and must follow *The Standards and*

Guidelines for Archeological Investigations in Maryland (Schaffer and Cole: 1994) and must be presented in a report following the same guidelines.

14. **Urban Design**—The M-X-C-zoned portion of the site is contained in a larger Fairwood Project and thus is subject to the M-X-C Zone requirements and the conditions attached to the previous approvals. The Fairwood Project has a dwelling unit cap of 1,799 residential units set up at the time of Zoning Map Amendment A-9894-C. This Preliminary Plan shows a two-unit increase from what was previously approved for that portion of the site. Given that the Fairwood Project has been completely subdivided, any unit increment will have to be balanced by the reduction of dwelling units elsewhere on site to ensure that development does not exceed the unit cap. Staff has requested through the DSP plan process a demonstration by the applicant of continued conformance to the unit cap for the Fairwood Development, as will be the case with this development.

Development in the M-X-C Zone requires multistep reviews and approvals. The Fairwood Project is the first development in the M-X-C Zone in the county and has established higher building and landscape design standards. The M-X-C-zoned portion of this site is subject to detailed site plan review. Since the rest of the preliminary plan is surrounded on three sides by the Fairwood Project, and this subdivision is also proposed to be integrated into the Fairwood Project, a full-scale detailed site plan review should be required as a condition of approval for this preliminary plan of subdivision to ensure that this site is harmoniously integrated into the Fairwood Project.

The preliminary plan proposes many double frontage lots including Lots 1 to 4 and Lots 9 to 16. Because of the location of these lots, further review regarding building siting, landscaping and screening of the rear yards, and architectural treatments of rear and side elevations should be required and evaluated at the time of review of a detailed site plan. Careful consideration of the house siting and landscaping on Lot 33, which has a flag-lot appearance, and the surrounding lots is important to ensure sufficient buffering and screening.

A stormwater management pond is shown at the intersection of Fairwood Parkway and Fairview Vista Drive. Given its prominent location, the landscaping plan of the stormwater management pond should be reviewed to ensure a naturalistic appearance.

15. **City of Bowie**—Although the proposed subdivision is not within the limits of the City of Bowie, a referral was sent to the city. At the writing of this report, staff is in receipt of an August 18, 2004, memorandum from the city planning staff to the Bowie Advisory Planning Board. Staff has not yet received a formal recommendation from the Bowie City Council.

Staff of the City of Bowie recommended four conditions as discussed below:

1. “A limited Detailed Site shall be submitted for...”

Comment: M-NCPPC staff has recommended a review of a detailed site plan (DSP) and not a “limited” DSP. Three items are listed in the recommended Condition 1 and may be addressed at the time of review of the DSP. A preliminary plan of subdivision does not establish the actual improvements on a property, but ensures that adequate area exists to accommodate future development requirements. The lot depths along Fairwood Parkway are adequate to accommodate landscaping and berming if determined appropriate at the time of DSP review as requested by the city staff.

2. “Prior to the signature approval of the preliminary plan, the applicant shall:

“a. Submit a Stormwater Management Concept Plan to M-N-CPPC that has been approved by DER.”

Comment: Staff has addressed this in Finding 12 and Condition 9 of this report.

“b. Submit a revised Type I Tree Conservation Plan, which has been approved by the M-NCPPC staff that shows a 35-foot wide minimum buffer area/HOA parcel along the northern lot line of the development.”

Comment: The 35-foot buffer is not required as part of the Tree Preservation and Conservation Manual and should not be reflected on the Type I Tree Conservation Plan. A 35-foot buffer may be a requirement of the *Landscape Manual* (Section 4.6) on this site and should be reflected on the landscape plan, if required. For purposes of clarification, staff would note that Section 4.6 of the *Landscape Manual* only requires the buffer where the “rear yards and the lowest story of the rear outside wall of any one-family of dwellings” are oriented toward the street, and further states that “it is not the intent of these regulations to provide uniform linear strips of completely opaque screening but to provide an attractive view of residential neighborhoods from major streets.” In addition, the *Landscape Manual*, Section 4.6 b., makes specific provisions for a 4.6 landscape strip “either on individual lots as an easement or as part of the common open space owned and maintained by a homeowners association (HOA).”

The city staff has stated that the Environmental Planning Section “has indicated in the past that easements on private property are difficult to enforce,” therefore, the city staff has recommended that the 4.6 buffer, if required, not be placed in an easement on the proposed lots along the northern property line of the site but in an HOA parcel.

The Environmental Planning Section in this statement regarding easements on individual lots is not referring to the requirements of the *Landscape Manual*, but is referring to the requirements of the Tree Conservation and Preservation Manual. The Environmental Planning Section does not review or comment on the requirements of the *Landscape Manual* at the time of review of the preliminary plan. This statement has been taken out of context by city staff.

Staff is recommending that a DSP be approved for development of this property. As indicated previously, a preliminary plan of subdivision does not establish the actual improvements on a property, but ensures that adequate area exists to accommodate future development requirements. The lot depths along Fairwood Parkway are adequate to accommodate landscaping and berming if determined appropriate at the time of DSP review and may be located on individual lots in an easement.

City planning staff has indicated further in their findings supporting this condition that the site is subject to the standards of 24-121 of the Subdivision Regulations in part. Section 24-121(a)(4) is not applicable to this site. This section of the Subdivision Regulations relates solely to residential lots adjacent to existing and/or planned roadways of arterial classification or higher. As indicated, Fairwood Parkway is a collector facility.

“3 Prior to final signature approval of the preliminary plan, the applicant shall make the following amendment to Preliminary Plan #4-04091:

“a. Relocate the main entrance to the development either Fairview Vista Drive or Fairwood Parkway.”

Comment: The Department of Public Works and Transportation and the M-NCPPC Transportation Planning Section have evaluated the applicant’s proposed entrance location and has found it to provide adequate access and safe on-site circulation.

“b. Revise the plans to show a conventional lot layout and do not use lot size averaging or propose any flag lots.”

Comments: M-NCPPC staff has evaluated the applicant’s proposal to utilize lot size averaging and has found conformance to the required findings for approval as stated in Finding 12 of this report.

Staff would note that the applicant has not proposed the use of flag lots. Therefore, Lot 33 is not subject to the additional scrutiny established by Section 24-138.01 of the Subdivision Regulations. The lot, as proposed, meets all of the standards for conventional development in the R-E Zone. However, staff would agree that careful house siting is appropriate for Lot 33 and as previously stated has recommended the review and approval of a DSP for development of the entire site that includes as a matter of course house locations.

“4. The applicant shall relocate the SWM pond and parcel to the pastoral field east of the homestead.”

Comment: The city staff has indicated that they desire a redesign of the site to ensure that the field on proposed Lot 34 remains as open space. Staff would note that Lot 34 is a “through lot” as defined by the Zoning Ordinance and as such the field is part of the front yard along a street. The Zoning Ordinance allows accessory structures on through lots only within the yard opposite the designated front yard. In this case the front yard is opposite Private Road C, which is the area referred to as the “pastoral viewshed.” In order to place a structure in the front yard of the dwelling on Lot 34, a variance would be required and a public hearing held, requiring posting of the lot and public notice.

In response to the city’s request to relocate the stormwater management facility onto Lot 34, the applicant’s engineer provided the following comments in support of the current location on Parcel A:

“Due to the high elevation of Lot 34, conveying the drainage located downgrade to a facility upgrade on Lot 34 would result in a very deep excavation utilizing most of the yard in front of the existing house.

“Even with a facility on Lot 34, another stormwater facility would still be required to capture the remaining drainage at the northeast corner of the site.

“A facility located on Lot 34 would create a hazard downstream if its embankment would ever fail. Placing the facility at the northeast corner as proposed would eliminate this

potential hazard.”

Staff generally concurs with the applicant’s first two rebuttals. Extensive grading would be necessary to relocate the stormwater management facility onto Lot 34, creating significant disturbances to the front yard of Lot 34, and based on the conceptual grades shown on the tree conservation plan, some type of facility may be required at the current location to capture stormwater on the northeast quadrant of the site unless once again a significant amount of grading were to occur. In regards to the applicant’s last comment, staff does not see that there would be a need for an embankment.

Staff supports the applicant’s layout and see no advantages to redesigning the layout as proposed by city staff. In fact, staff supports the current location of the stormwater management facility at the intersection of Fairview Vista Drive and Fairwood Parkway. The stormwater management facility will be evaluated through the review of the DSP to ensure pleasing views of the site from this major intersection. In addition, a redesign as proposed by city staff, to place lot in the current location of the SWM facility, may place more dwellings in closer proximity to the collector roadway, which is of great concern to the city staff.

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 incorporate into Lot 25 that area of Parcel C to the west of lot.
 - b. To label the 35-foot-wide landscape strip easement on site required by Section 4.6 of the *Landscape Manual* where the rear yards are oriented to Fairwood Parkway.
 - c. To delineate the unmitigated 65dBA line along Fairwood Parkway, consistent with the Environmental Planning Section noise model or submit a Phase I noise study for an alternative location.
 - d. To locate the entrance feature if proposed within an easement on an individual homeowner’s lot or within the common HOA open space.
 - e. To provide a general note of the total land to be conveyed to the HOA.
2. A Type II tree conservation plan shall be approved at the time of approval of the DSP.
3. Prior to the approval of the final plat of subdivision, the applicant will provide evidence of a 25-foot-wide access easement across Parcel A, Block K (REP 195@31) to proposed Parcel A to be conveyed to the Department of Environmental Resources for monitoring and maintenance of the SWM facility.
4. Development of this property is subject to the review and approval of a detailed site plan in accordance with Part 3, Division 9 of the Zoning Ordinance prior to grading permit. Review shall ensure integration and compatibility with the Fairwood Development. Review of the DSP shall ensure that appropriate measures are taken to reflect the resubdivision of Lots 1 and 2, and Parcel B (REP 197@58 and REP 197@57) on the approved DSP for that portion of the site.

Review of the DSP shall include, but not be limited to, the following:

- a. To ensure 40-foot usable yard area outside the 65-dBA line on lots backing to Fairwood Parkway.
 - b. Provide a minimum six-foot-wide, asphalt trail on Parcel D, as indicated on the approved preliminary plan.
 - c. Provide a minimum six-foot- wide, asphalt trail from the end of Private Road B to the existing trail parallel to Fairview Vista Drive.
 - d. Provide an asphalt trail connection or sidewalk connection from the end of Private Road A to the existing sidewalk along the south side of Fairwood Parkway.
 - e. To establish the value of the trail connections, which will offset the applicant's payment of the fee-in-lieu of mandatory dedication of parkland.
5. Prior to building permits, the applicant, his heirs, successors and/or assignees shall demonstrate that a homeowners association has been established and that the common areas have been conveyed to the homeowners association.
6. At the time of final plat, the applicant, his heirs, successors and/or assignees shall convey to the homeowners association (HOA) 6.73± acres of open space land (Parcels A-D). 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.

- g. Temporary or permanent use of land to be conveyed to a homeowners association for stormwater management shall be approved by DRD.
 - h. The Planning Board or its designee shall be satisfied that there are adequate provisions to assure retention and future maintenance of the property to be conveyed.
7. The applicant, his heirs, successors and/or assignees shall submit three original Recreational Facilities Agreements (RFAs) to DRD for approval prior to the submission of final plats for construction of recreational facilities on homeowners land. Upon approval by DRD, the RFA shall be recorded among the county land records.
 8. 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.
 9. To ensure that development of this site does not result in on-site or downstream flooding, Stormwater Management Concept Plan #5901-2004-00 must be approved prior to signature approval of the preliminary plan. If the layout on the approved stormwater management concept plan is inconsistent with the approved preliminary plan, a new preliminary plan of subdivision may be required. Development must be in accordance with this approved plan.
 10. Prior to the issuance of grading permits, the applicant shall submit a manifest demonstrating that the fuel storage tanks located on the property have been properly disposed of by a licensed waste company and reclamation of any contaminated soils has occurred under the direction of the Health Department.
 11. Prior to the issuance of grading permits, the applicant shall demonstrate that any abandoned well or septic system has been 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.
 12. Prior to approval of the final plat of subdivision, the applicant, his heirs, successors and or assignees shall pay a fee-in-lieu of parkland dedication in accordance with Section 24-135 of the Subdivision Regulations to be offset by the value of the construction of the required on-site pedestrian trail connections. The value of the trail connections is to be established at the time of review of the DSP.
 13. Prior to signature approval of the Type I Tree Conservation Plan TCPI/45/04, the plan shall be revised as follows:
 - a. To correct the worksheet to reflect a woodland conservation threshold (WCT) of 24.22 percent, or 11.54 acres, and the appropriate replacement requirements, overall requirement, and off-site mitigation required based on the corrected WCT.
 - b. To add a note to the TCPI that indicates the Type II Tree Conservation Plan, TCPII/4/02, for Fairwood, Phase I, Part 2-B, shall be revised prior to the issuance on any permits that affect the Fairwood portion of this application.
 - c. After the plan revisions have been completed the plans shall be signed and dated by the qualified professional who prepared the plans.

14. Development of this subdivision shall be in compliance with an approved Type I Tree Conservation Plan (TCPI/45/04). 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/45/04), 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. After approval of the Type II tree conservation plan and the final plat of subdivision, any changes to the house type or location beyond the conceptual house pad shown on the approved TCPII shall require a revised Type II tree conservation plan and the applicant shall provide any additional woodland conservation required as off-site mitigation or through the use of the fee-in-lieu.
16. A conservation easement shall be described by bearings and distances on the final plat. The conservation easement shall contain the Patuxent River Primary Management Area (PMA), except for areas of approved disturbance, and shall be reviewed by the Environmental Planning Section prior to approval of the final plat. 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.”
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. Prior to signature approval of the Type I tree conservation plan, a copy of the approved stormwater management concept plan and approval letter shall be submitted to ensure that the Type I tree conservation plan and the stormwater management concept plan are in conformance with each other. If changes are needed to either plan, they will be completed prior to signature approval of the tree conservation plan and preliminary plan of subdivision.
19. Prior to submittal of the DSP, the applicant shall determine the extent of the land that should be the subject of a Phase I archeological investigation with the concurrence of DRD. The applicant shall complete and submit a Phase I investigation with the application for DSP (including research into the property history and archeological literature) for those lands determined to be subject. At the time of review of the DSP, the applicant shall submit Phase II and Phase III investigations as determined by DRD staff as needed. The plan shall provide for the avoidance and preservation of the resources in place or shall provide for mitigating the adverse effect upon these resources. All investigations must be conducted by a qualified archeologist and must follow *The Standards and Guidelines for Archeological Investigations in Maryland* (Schaffer and Cole: 1994) and must be presented in a report following the same guidelines. Grading permits may be issued for areas not subject to a Phase I archeological investigation, subject to the required order of approvals.

20. Development of the M-X-C-zoned portion of the site shall be in conformance with Zoning Map Amendment A-9894-C and any subsequent approvals affecting that portion of the site.

STAFF RECOMMENDS APPROVAL OF TREE CONSERVATION PLAN TCPI/45/04.