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## Preliminary Plan 4-05050

Application	General Data
<b>Project Name:</b> <b>BEVARD EAST</b>  <b>Location:</b> Located on the southeast side of Piscataway Road, approximately 7,000 feet south of its intersection with Steed Road. The property also has frontage on Tippet Road (approximately 500 feet south of Robinson Road) and on Thrift Road (directly across from Sears Lane).  <b>Applicant Address:</b> Washington Park Estates, LLC. 448 Viking Drive, Suite# 220 Virginia Beach, VA. 23452	Date Accepted: 07/28/05
	Planning Board Action Limit: 11/7/05
	Plan Acreage: 562.85
	Zone: R-E
	Lots: 827
	Parcels: 33
	Planning Area: 81B
	Tier: Developing
	Council District: 09
	Municipality: N/A
	200-Scale Base Map: 215SE03

Purpose of Application	Notice Dates
RESIDENTIAL SUBDIVISION consisting of 662 single-family detached and 165 single-family attached units, for a total of 827 dwelling units.	Adjoining Property Owners Previous Parties of Record Registered Associations: (CB-58-2003)
	Sign(s) Posted on Site and Notice of Hearing Mailed:

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 4-05050  
Bevard East Lots 1-827 and 33 parcels

OVERVIEW

The subject property is located on Tax Map 73, Grid C-2 and is known as Parcels 2, 19, 21, 26, 42, 82, and 99, and Lots 33 and 34 (BB 9@4) recorded in land records in 1941. The site is approximately 562.85 acres and currently zoned R-E. At the writing of this staff report, zoning application A-9967 is pending, which requests the rezoning of this property to the R-L Zone. Prior to signature approval of the preliminary plan, the District Council should issue a final zoning decision. Comprehensive Design Plan CDP-0504 was approved by the Planning Board on December 22, 2005, as discussed further in Finding 16 of this report. The preliminary plan should be revised to conform to the conditions of CDP-0504 and the approved plan prior to signature approval. In the event that the District Council does not approve the rezoning of this property, a new preliminary plan should be required for proposed development that does not conform to the proposed preliminary plan, A-9967 and CDP-0504.

The applicant proposes 827 dwelling units (662 single-family detached and 165 single-family attached) on approximately 562.85 acres. The dwelling units are to be organized into four development pods that will be located on buildable areas of the site separated by environmental features, as approved with the comprehensive design plan (CDP-0504). The applicant is proposing a 14.2-acre parcel of land to be dedicated to M-NCPPC for the fulfillment of the requirements of the mandatory dedication of parkland requirements, as discussed further in Finding 4 of this report. A 22-acre central recreational area is to be conveyed to the future homeowners association (HOA). The applicant has also provided a central private recreation area (2.13 acres) for the large lot component of the development that is located on the north side of Thrift Road. The public park and central private recreational facilities will be accessible to all of the residents of the site via an extensive pedestrian trail system.

The primary access for the development is accessed via Piscataway Road to the west and Tippet Road to the east, serving 739 dwelling units; however, the large lot development portion of the site is accessed from Thrift Road, serving approximately 88 single-family dwelling units. There is no vehicular connection to the large lot component of the development from the north due to significant environmental features that segment the site. However, as indicated above, an extensive trail system does provide pedestrian connections to the large lot component of the site abutting Thrift Road. Staff is recommending additional pedestrian connection at the time of review of the specific design plan, as discussed further in Finding 5 of this report.

SETTING

The property is located on the southeast side of Piscataway Road, north of its intersection with Elizabeth Catherine Street and south of its intersection with Delancy Street. The property also has frontage on Tippet Road, south of Robinson Road and north of New England Drive and has frontage on Thrift Road, across from Sears Lane and south of Roughlan Street and north of Thrift Loop.

## FINDINGS AND REASONS FOR STAFF RECOMMENDATION

1. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone	R-E	R-L
Use(s)	Sand and Gravel Operation	827 dwelling units (662 single-family detached and 165 single-family attached)
Acreage	562.85	562.85
Lots	2	827
Parcels	7	33
Dwelling Units:	0	827

2. **Environmental**—The Environmental Planning Section has reviewed the revised preliminary plan of subdivision for Bevard East, 4-05050, stamped as accepted for processing on November 21, 2005, and the revised Type I Tree Conservation Plan, TCPI/53/04-01, stamped as accepted for processing on December 6, 2005. Revised variation requests were received on January 9, 2006. The Environmental Planning Section recommends approval of TCPI/53/04-01 subject to the conditions noted in this memorandum. TCP/53/04 was approved with the approval of CDP-0504; however, additional revisions are necessary resulting in the requirement of approval of an 01 revision to the Type I Tree Conservation Plan with this preliminary plan.

### **Background**

The Environmental Planning Section notes that portions of this site have been reviewed as applications SE-1823, SE-3266 and SE-3755 for the mining of sand and gravel. Preliminary Plan 4-04063 and TCPI/77/04 were withdrawn before being heard by the Planning Board. An application for rezoning, A-9967, was approved with conditions by PGCPB. No. 05-233. The Planning Board approved a Comprehensive Design Plan, CDP-0504, with conditions.

### **Site Description**

There are streams, wetlands and 100-year floodplains and associated areas of steep slopes with highly erodible soils and areas of severe slopes on the property. There are no nearby existing sources of traffic-generated noise. The proposed development is not a noise generator. According to the “Prince George’s County Soil Survey” the principal soils on the site are in the Aura, Beltsville, Bibb, Chillum, Croom, Iuka, Matapeake, Rumford, Sassafras and Westphalia soils series; however, portions of the site were mined for sand and gravel after the publication of the “Prince George’s County Soil Survey.” According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program publication titled “Ecologically Significant Areas in Anne Arundel and Prince George’s Counties,” December 1997, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. Piscataway Road and Thrift Road are designated scenic roads. This property is located in the Piscataway Creek watershed in the Potomac River basin.

### **Review of Previously Approved Conditions**

The following text addresses previously approved environmental conditions related to the subject applications. The text in **BOLD** is the actual text from the previous cases or plans.

3. **As part of any application for a natural resources inventory, a soils study shall be submitted. The study shall clearly define the limits of past excavation and indicate all areas where fill has been placed. All fill areas shall include borings, test pits, and logs of the materials found. Borings and test pits in fill areas shall be deep enough to reach undisturbed ground.**

**Comment:** A Natural Resources Inventory (NRI), NRI/40/05, has been approved. The NRI includes a soils study that clearly defines the limits of past excavation and indicates all areas where fill has been placed and includes borings, test pits, and logs of the materials found above undisturbed ground.

4. **The comprehensive design plan shall avoid impacts to sensitive environmental features. If avoidance is not possible, the impacts shall be the minimum necessary to support the development concept as a whole.**

**Comment:** The Tree Conservation Plan shows several crossings of streams for access to other portions of the site. Generally, these types of impacts are supported, although they were not evaluated in detail with the CDP because the impacts are evaluated as part of the preliminary plan review. Impacts to sensitive environmental features are discussed in detail below.

5. **If impacts to regulated environmental features remain after the redesign, variation requests shall be submitted as part of any application for a preliminary plan of subdivision. The variation request must have a separate justification statement for each impact or impact type, in conformance with Section 24-113 of the Subdivision Regulations, a map on 8.5 x 11-inch paper showing each impact, and noting the quantities of impacts proposed for each individual impact.**

**Comment:** Revised variation requests were accepted for processing on January 9, 2006. Impacts to sensitive environmental features are discussed in detail below.

6. **A Phase I noise study shall be required as part of any application for a comprehensive design plan. The comprehensive design plan and TCPI shall show all unmitigated 65 dBA Ldn noise contours associated with traffic-generated noise.**

**Discussion:** The noise model used by the Environmental Planning Section predicts that the unmitigated 65 dBA Ldn noise contour will be about 168 feet from the centerline of Piscataway Road in ten years. Based upon dedication of 60 feet from the centerline of existing Piscataway Road, the predicted 65 dBA Ldn contour is approximately 118 feet from the edge of the proposed right-of-way and clearly not impacting any proposed lot.

7. **The comprehensive design plan shall provide for minimum 40-foot scenic easements adjacent and contiguous to the proposed 10-foot public utility easements along the land to be dedicated for Piscataway Road and Thrift Road.**

**Comment:** As noted below the preliminary plan of subdivision provides minimum 40-foot scenic easements adjacent and contiguous to the proposed 10-foot public utility easements along the land to be dedicated for Piscataway Road and Thrift Road. These easements will be shown on the final plats.

## **CDP-0504 Planning Board Conditions**

- 13. During the review of proposed impacts as part of the preliminary plan review process, impacts to sensitive environmental features shall be avoided. If avoidance is not possible, the impacts shall be the minimum necessary to support the development concept as a whole. All impacts to sensitive environmental features that require mitigation by subsequent state or federal permits shall provide the mitigation using the following priority list:**

- a. On site**
- b. Within the Piscataway Creek Watershed**
- c. Within the Potomac River watershed.**

**Discussion:** Revised variation requests were accepted for processing on January 9, 2006. Impacts to sensitive environmental features are discussed in detail below. A condition is recommended to address this issue.

- 16. The preliminary plan of subdivision shall provide for minimum 40-foot scenic easements adjacent and contiguous to the proposed 10-foot public utility easements along the land to be dedicated for Piscataway Road and Thrift Road. No part of any scenic easement shall be on a lot.**

**Discussion:** This condition has been met.

## **Environmental Review**

According to the "Prince George's County Soil Survey" the principal soils on the site are in the Aura, Beltsville, Bibb, Chillum, Croom, Iuka, Matapeake, Rumford, Sassafra and Westphalia soils series; however, portions of the site were mined for sand and gravel after the publication of the "Prince George's County Soil Survey". Marlboro clay is not found to occur in the vicinity of this property. Portions of this site have been mined for sand and gravel as approved by applications SE-1823, SE-3266 and SE-3755. These gravel pit areas are of concern. Due to the unknown nature of the soils and the limitations associated with these areas, a soils report addressing the soil structure, soil characteristics and foundation stability was submitted and reviewed. The limits of previous mining are shown on the approved Natural Resources Inventory.

The soils report shows the locations of 80 boreholes, includes logs of the materials found, notes the findings of tests of samples collected, provides an overview of the findings and recommends mitigation measures for problem areas.

The site is generally suitable for the proposed development. Specific mitigation measures will be further analyzed during the development process by the Washington Suburban Sanitary Commission for installation of water and sewer lines, by the Department of Public Works and Transportation for the installation of streets and by the Department of Environmental Resources for the installation of stormwater management facilities, general site grading and foundations.

This information is provided for the applicant's benefit. No further action is needed as it relates to this preliminary plan review. The Washington Suburban Sanitary Commission, the Department of Public Works and Transportation and the Prince George's County Department of

Environmental Resources may require additional soils reports during the permit process review. No condition is necessary.

This site contains natural features that are required to be protected under Section 24-130 of the Subdivision Regulations. The Subregion V Master Plan indicates that there are substantial areas designated as Natural Reserve on the site. As noted on page 136 of the Subregion V Master Plan:

“The Natural Reserve Area is composed of areas having physical features which exhibit severe constraints to development or which are important to sensitive ecological systems. Natural Reserve Areas must be preserved in their natural state.”

The Subregion V Master Plan elaborates on page 139:

“The Natural Reserve Areas, containing floodplain and other areas unsuitable for development should be restricted from development except for agricultural, recreational and other similar uses. Land grading should be discouraged. When disturbance is permitted, all necessary conditions should be imposed.”

For the purposes of this review, the Natural Reserve includes all expanded stream buffers and isolated wetlands and their buffers. A wetland study was submitted with the application. All streams shown as perennial or intermittent on the plans will require minimum 50-foot stream buffers in accordance with Section 24-130(b)(6) of the Subdivision Regulations. A Natural Resources Inventory is required to show all regulated buffers. A Natural Resources Inventory, NRI/40/05, has been approved and should be submitted as part of the record for this application. The expanded stream buffers are accurately depicted on the Type I Tree Conservation Plan. Of the 562.85 acres of the project, approximately 104 acres are within expanded stream buffers.

At time of final plat, a conservation easement should be described by bearings and distances. The conservation easement should contain the expanded stream buffers and isolated sensitive areas and their buffers, excluding those areas where variation requests have been approved, and should be reviewed by the Environmental Planning Section.

Impacts to significant environmental features that are required to be protected by Section 24-130 of the Subdivision Regulations are proposed. The design should avoid any impacts to streams, wetlands or their associated buffers unless the impacts are essential for the development as a whole. Staff will generally not support impacts to sensitive environmental features that are not associated with essential development activities. Essential development includes such features as public utility lines (including sewer and stormwater outfalls), street crossings, and so forth, which are mandated for public health and safety; nonessential activities are those, such as grading for lots, stormwater management ponds, parking areas, and so forth, which can be designed to eliminate the impacts. Impacts to sensitive environmental features require variations to the Subdivision Regulations.

Revised variation requests with exhibits for 18 impacts were received on January 9, 2006. The TCPI and exhibits show additional impacts for the installation of a sanitary sewer line that were reviewed and approved with Preliminary Plan of Subdivision 4-04099.

Impact “A” is to 0.80 acres of expanded stream buffer for a street crossing. This road alignment is required to provide a connection from Piscataway Road to Tippet Road; however, adjusting the grading to the southeast can reduce this impact.

Impact “B” is to 0.40 acres of expanded stream buffer for a street crossing. This road alignment is required to provide a safe pattern of internal circulation in the north-central portion of the development.

Impact “C” is to 0.01 acres of expanded stream buffer for a stormwater management pond outfall.

Impact “D” is to 0.01 acres of expanded stream buffer for the installation of a sanitary sewer to serve 219 residential units.

Impact “E” is to 0.68 acres of expanded stream buffer for the installation of a sanitary sewer to serve 335 residential units and 0.18 acres of impact to expanded stream buffer and wetlands for the installation of a trail. The trail should be realigned to coincide with the sanitary sewer to the extent possible to reduce the total area of impact.

Impact “F” is to 0.21 acres of expanded stream buffer for the installation of a sanitary sewer to serve 378 residential units.

Impact “G” is to 0.30 acres of expanded stream buffer for a street crossing and 0.10 acres of expanded stream buffer for a trail. Small changes to grading can reduce the impact for the street. The trail should be realigned to eliminate all impacts at this location.

Impact “H” is to 0.02 acres of expanded stream buffer for a stormwater management pond outfall.

Impact “I” is to 0.01 acres of expanded stream buffer for a stormwater management pond outfall.

Impact “J” is to 0.74 acres of expanded stream buffer for the installation of a sanitary sewer to serve 303 residential units and 0.50 acres of impact to an expanded stream buffer for the installation of a trail. The trail should be realigned to coincide with the sanitary sewer to the extent possible to reduce the total area of impact.

Impact “K” is to 0.07 acres of expanded stream buffer for the installation of a sanitary sewer to serve 50 residential units and 0.47 acres of impact to an expanded stream buffer, wetlands and wetland buffer for the installation of a trail. The trail should be realigned to coincide with the sanitary sewer to the extent possible to reduce the total area of impact and to avoid all impact to wetlands and the wetland buffer.

Impact “L” is to 0.01 acres of expanded stream buffer for the installation of a stormwater management pond outfall and 0.15 acres of impact to an expanded stream buffer for the installation of a trail. Shortening the nearby cul-de-sac can eliminate the impact for the trail.

Impact “M” is to 0.21 acres of expanded stream buffer for the installation of a sanitary sewer to serve 303 residential units.

Impact “N” is to 0.34 acres of expanded stream buffer for a trail. This trail connection is required to provide a connection of the residential area in the southeastern area to the recreational facilities in the northwest.

Impact “P” is to 0.05 acres of expanded stream buffer for a stormwater management pond outfall.

Impact “Q” is to 0.46 acres of expanded stream buffer for the installation of a sanitary sewer to serve 85 residential units and 0.24 acres of expanded stream buffer for a stormwater management outfall. Staff is uncertain if this is the only feasible location for the stormwater outfall.

Impact “R” is to 0.06 acres of expanded stream buffer for a stormwater management outfall. A portion of this impact can be eliminated because it is for the construction of the pond and not the outfall.

Impact “S” is to 0.04 acres of expanded stream buffer for a stormwater management pond outfall.

The total area of impacts proposed to expanded stream buffers is 5.91 acres; however, the total impact area can be reduced through slight modifications to the design. The Environmental Planning Section fully supports requests “B,” “C,” “D,” “F,” “H,” “I,” “M,” “N,” and “S” for the reasons stated above. Portions of impacts “A,” “E,” “G,” “J,” “K,” “L,” “Q,” and “R” can be eliminated or reduced.

Section 24-113 of the Subdivision Regulations contains four required findings [text in bold] to be made before a variation can be granted. The Environmental Planning Section supports the specific variation requests for the reasons stated below.

Impacts to these buffers are restricted by Section 24-130 of the Subdivision Regulations unless the Planning Board grants a variation to the Subdivision Regulations in accordance with Section 24-113. Even if approved by the Planning Board, the applicant will need to obtain federal and state permits prior to the issuance of any grading permit. Each variation is described individually below. However, for purposes of discussion relating to Section 24-113(a) of the Subdivision Regulations the impacts were discussed collectively.

Section 24-113(a) of the Subdivision Regulations sets forth the required findings for approval of variation requests. Section 24-113(a) reads:

**Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon evidence presented to it in each specific case that:**

The approval of the applicant’s request does not have the effect of nullifying the intent and purpose of the Subdivision Regulations. In fact, strict compliance with the requirements of Section 24-130 could result in practical difficulties to the applicant that could result in the applicant not being able to develop this property.

**(1) The granting of the variation request would not be detrimental to public safety, health or welfare and does not injure other property;**

The installation of the stormdrain outfalls and installation of sanitary sewers are required by other regulations to provide for public safety, health and welfare. Street construction is required to provide access to substantial portions of the property and for emergency vehicles and safe travel. All designs of these types of facilities are reviewed by the appropriate agency to ensure compliance with other regulations. These regulations require that the designs are not injurious to other property.



- (2) The conditions on which the variations are based are unique to the property for which the variation is sought and are not applicable generally to other properties;**

Stormwater management outfalls are required to be placed so that the stormwater discharges into receiving streams whose location on this property are unique. The only available sanitary sewer mains to serve development of this property are wholly within expanded stream buffers. Many other properties can connect to existing sanitary sewer lines without requiring a variance; however, that option is not available for this particular site. The Washington Suburban Sanitary Commission determines the number and placement of sanitary sewer connections. The property contains many stream valleys that dissect the land into developable pods and one relatively large area that cannot be served by a public street without a stream crossing. The approved comprehensive design plan mandates the general alignment of the hiker/biker trail. Thus, all of the requested variations are not generally applicable to other properties.

- (3) The variation does not constitute a violation of any other applicable law, ordinance or regulation; and**

The installation of stormwater outfalls, sanitary sewer connections, hiker/biker trails and road crossings are required by other regulations. Because the applicant will have to obtain permits from other local, state and federal agencies as required by their regulations, the approval of this variation request would not constitute a violation of other applicable laws.

- (4) Because of the peculiar physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulation is carried out.**

The property has several streams and extensive areas of severe slopes and highly erodible soils that create a proportionately high area of expanded stream buffers. Of the 562.85 acres of the project, approximately 104 acres are within expanded stream buffers. The existing sewer mains in the area are already within expanded stream buffers and any connection to them would require impacts. If the road crossings shown are not constructed, significant portions of the site could not be developed.

The property is subject to the requirements of the Prince George's County Woodland Conservation and Tree Preservation Ordinance because the site is more than 40,000 square feet in size and contains more than 10,000 square feet of existing woodland. A Type I Tree Conservation Plan is required as part of any application for a comprehensive design plan. The woodland conservation threshold for R-E-zoned land is 25 percent of the gross tract and the woodland conservation threshold for R-L-zoned land is 25 percent of the gross tract. Overall, the plan is in conformance with the Woodland Conservation Ordinance and the Green Infrastructure Plan by providing for the conservation of large contiguous woodlands along the stream valleys.

A Type I Tree Conservation Plan, TCPI/53/04, has been reviewed and was found to require technical revisions. The plan proposes clearing 153.96 acres of the existing 323.36 acres of upland woodland, clearing 2.04 acres of the existing 22.60 acres of woodland within the 100-year floodplain and no off-site clearing. The woodland conservation threshold for this site is 134.97 acres. Based upon the proposed clearing, the woodland conservation requirement is 175.50 acres. The plan proposes to meet the requirement by providing 162.89 acres of on-site preservation and 12.22 acres of on-site planting and off-site conservation of 0.39 acres for a total of 175.50 acres. The plan shows numerous small areas, totaling approximately 6.51 acres, where woodland will be

retained on lots; however, because this is a comprehensive design zone and the lots are small, none of these areas may be used to contribute to the woodland conservation requirement. Additionally, because this is a comprehensive design zone, all required woodland conservation should be provided on-site.

Piscataway Road is the nearest source of traffic-generated noise and is designated as an arterial in the Subregion V Master Plan. Section 24-121(a)(4) requires that residential lots adjacent to existing or planned roadways of arterial classification or higher be platted to a minimum depth of one hundred and fifty feet and that adequate protection and screening from traffic nuisances be provided by earthen berms, plant materials, fencing, and/or the establishment of a building restriction line for new residential structures. The TCPI shows the 150-foot lot depth requirement from the ultimate right-of-way of Piscataway Road. All of the lots exceed the minimum lot depth required along Piscataway Road (MD 223).

The noise model used by the Environmental Planning Section predicts that the unmitigated 65 dBA Ldn noise contour will be about 168 feet from the centerline of Piscataway Road in ten years. Based upon dedication of 60 feet from the centerline of existing Piscataway Road, the predicted 65 dBA Ldn contour is approximately 118 feet from the edge of the proposed right-of-way and clearly not does not impact any proposed lots.

Piscataway Road and Thrift Road are designated scenic roads. Development will have to conform to the Department of Public Works and Transportation publication "Design Guidelines and Standards for Scenic and Historic Roads." The preliminary plan provides 40-foot scenic easements adjacent and contiguous to the proposed 10-foot public utility easements along the land to be dedicated for Piscataway Road and Thrift Road. These easements can serve to preserve the scenic nature of these roads. Most of the proposed scenic easements are devoid of trees and significant landscaping will be required. The detailed landscaping will be reviewed concurrently with the specific design plan.

The Environmental Planning Section recommends approval of TCPI/53/04-01 with conditions.

### **Water and Sewer Categories**

The water and sewer service categories are W-4 and S-4 according to water and sewer maps obtained from the Department of Environmental Resources dated June 2003, and will therefore be served by public systems.

3. **Community Planning**-The subject property is located within the limits of the 1993 Approved Subregion V Master Plan, Planning Area 81B in the Tippet Community. The master plan land use recommendation for the site is suburban estate and low density planned neighborhood. The proposed basic plan (A-9967) conforms to the 1993 Subregion V Approved Master Plan and Sectional Map Amendment. It recognizes that the portion of the master plan area that lies within the Developing Tier is a viable, residential community that provides low- to moderate-density, suburban, and diverse residential development, renovated mixed-use activity centers, multimodal transportation, and a Regional Center connected to a major transit hub supported by the required public facilities.

The proposed preliminary plan is consistent with the recommendations of the master plan and 2002 General Plan. Transportation recommendations of the master plan are addressed in Finding 6 of this report.

The master plan identifies a floating symbol for a school site in the vicinity of the western portion of the site. The Public Facilities Section has referred this application to the Board of Education, which has indicated a low need for reservation of a school site on the subject property because there are other school properties within the vicinity that can be used to provide future capacity.

The property is affected by air traffic from the Washington Executive Airport (Hyde Filed) as discussed further in Finding 17 of this report.

4. **Parks and Recreation**—The staff of the Department of Parks and Recreation (DPR) has reviewed the preliminary plan application for conformance with the conditions of the Basic Plans A-9967, Comprehensive Design Plan CDP-0504, and the Approved Master Plan and Sectional Map Amendment for Subregion V, Planning Area 81B, the Land Preservation and Recreation Program for Prince George’s County and current zoning and subdivision regulations as they pertain to public parks and recreation.

## **BACKGROUND**

The following conditions: 8, 10, and 11 of the approved Basic Plan A-9967 (PGCPB No. 05-223) are applicable to the park and recreation issues:

8. **Specific acreage of parkland dedication shall be determined at time of Comprehensive Design Plan (CDP). The dedicated parkland shall accommodate a baseball field, soccer field, minimum 100- space parking lot, playground, picnic shelter, basketball court, trails, stormwater management pond. The dedicated parkland shall be located along the Piscataway Road. The dedicated parkland shall have at least a 500-foot wide frontage and direct access to Piscataway Road.**
10. **The applicant shall construct recreational facilities on dedicated parkland. The “recreational facilities package” shall be reviewed and approved by DPR staff prior to comprehensive design plan (CDP) submission.**
11. **The public recreational facilities shall be constructed in accordance with the standards outlined in the *Parks and Recreation Facilities Guidelines*. The concept plan for the development of the parks shall be shown on the comprehensive design plan.**

**Comprehensive Design Plan CDP-0504 Conditions 2,4,6 and 7 state:**

2. **Prior to signature approval of the CDP, the applicant shall submit a conceptual grading plan including a storm water management pond for the park parcel. If it is determined that the facilities (baseball field, soccer field, 100- space parking lot, playground, picnic shelter, basketball court, trails, storm water management pond) cannot be accommodated on the park parcel, the boundaries of the parcel shall be enlarged. The revised boundaries shall be approved by the Department of Parks and Recreation.**
4. **Construction drawings for the recreational facilities on public parkland shall be reviewed and approved by the Park Planning and Development staff prior to certificate approval of the first specific design plan.**

- 6. The applicant shall submit to DPR a performance bond, a letter of credit or other suitable financial guarantee, for the construction of the public recreation facilities in the amount to be determined by DPR, at least two weeks prior to issuance of grading permits.**
- 7. The recreational facilities on dedicated parkland shall be constructed prior to issuance of the 50<sup>th</sup> building permit.**

## **FINDINGS**

The Department of Parks and Recreation staff has reviewed the plan and made the following findings:

The applicant has submitted a “recreational facilities package” including:

- 14 acres of dedicated parkland
- Construction of the recreational facilities on dedicated parkland
- Private recreational facilities on HOA land
- Monetary contribution toward construction of the Southern Area Community Center

The applicant has submitted a preliminary plan, which shows dedication of a 14-acre park parcel. The applicant has located a baseball field, a soccer field, a 100-space parking lot, playground, a picnic shelter, a basketball court and trails on dedicated parkland. Although the preliminary plan demonstrated that the required recreational facilities could be located on dedicated parkland, there is no information provided about the stormwater management facilities on the proposed public park. To address Condition 8 of A-9967, Condition 2 of the CDP-0504 requires that prior to signature approval of the CDP, the applicant should submit a plan showing proposed grading for the construction of the recreational facilities and storm water management pond on dedicated parkland. This plan should be reviewed and approved by DPR staff, prior to signature approval of CDP-0504 and reflected on the preliminary plan prior to signature approval.

The submitted plan also shows on site private recreational facilities that include a community recreation center with swimming pool, tennis courts, multiuse fields, playgrounds and trails.

The applicant has agreed to contribute two million dollars to qualify for density increments associated with the provision of a public benefit feature. This contribution is designated for the design and construction of the Southern Region Community Center to be located at Cosca Regional Park. The community center is planned to be 22,000 square feet in size and will include a gymnasium, fitness room, multipurpose rooms, an office and a pantry.

The DPR staff concludes that the applicant has fully demonstrated that the proposed development addresses the recommendations of the approved master plan for Subregion V Planning Area 81B, and the Prince George’s County General Plan which addresses current and future needs for public parks and recreational facilities in this planning area, and Conditions of A-9967 and CDP-0504 with revision as discussed above.

The staff of the Department of Parks and Recreation recommends approval of the preliminary plan with conditions.

5. **Trails**—The subject property consists of 562.85 acres within Subregion V. The property is in the vicinity of Cosca Regional Park and Piscataway Creek stream valley park, both of which contain major existing or planned trail facilities. The subject application includes an extensive network of trails within an open space network. The trails shown on the submitted CDP are extensive, total 11,900 linear feet in length, and connect the isolated southern portion of the development with the recreational facilities and the northern residential areas.

Several trail segments that were shown on the initial CDP submittal have been eliminated, presumably for environmental constraints. However, staff recommends two short connector trails linking adjacent culs-de-sac with the proposed trail system. These connections will provide additional access to the proposed trail network from surrounding residential areas in locations where direct access is not being proposed. A comprehensive trails map should be provided for the site at the time of SDP. Trail widths and surface types should be indicated for all trail connections.

The following master plan trail facilities impact the subject site:

- A proposed bikeway along Thrift Road
- A proposed trail along A-65
- A proposed trail from A-65 to the planned parkland in the southern portion of the subject site

There is no recommendation for the dedication or reservation of A-65; therefore it will not be constructed under this application. The bikeway along Thrift Road can be accommodated via bicycle-compatible road improvements and “Share the Road with a Bike” signage. If a closed section road is required, a Class II trail should be provided. If an open section road is required, wide asphalt shoulders and bikeway signage is recommended to safely accommodate bicycle traffic.

The trail to the planned parkland will provide access from the site to planned M-NCPPC recreation facilities envisioned in the master plan. The location of this trail is contingent upon the ultimate site layout and the location and type of recreational facilities. However, staff supports the conceptual trail locations shown on the Illustrative Plan for the public park. The SDP should ensure that a trail is provided to connect Block LL to the internal trail system. Standard sidewalks along internal roads, in conjunction with the internal trails, should ensure adequate pedestrian access to the planned parkland.

Staff also supports the trail connections from the proposed public park to the adjacent Mary Catherine Estates community at Roulade Place and Mordente Drive. These pedestrian connections, while not providing for vehicular access, will improve the walkability of the neighborhood and provide needed pedestrian connections from the existing community to the planned parkland.

Due to the density of the proposed development (including townhouses and many single-family lots less than 10,000 square feet), staff recommends the provision of standard sidewalks along both sides of all internal roads, unless modified by DPW&T.

6. **Transportation**—The applicant prepared a traffic impact study dated July 2005, which was prepared in accordance with the methodologies in the *Guidelines for the Analysis of the Traffic*

*Impact of Development Proposals.* A minor revision was submitted dated September 2005. Both studies have been referred to the county Department of Public Works and Transportation (DPW&T) and the State Highway Administration (SHA). Both agencies provided comments on the earlier study; SHA revised their comments on the later study while DPW&T did not provide new comments. The findings and recommendations outlined below are based upon a review of all materials received and analyses conducted by the staff and are consistent with the Guidelines.

It must be noted that the traffic impact studies cover the impact of the subject site along with two other sites having the same ownership interest. It is likely that all three sites will be considered on the same Planning Board date. The analyses presented in this report are roughly the same for each site, and each site will receive the same off-site transportation conditions.

### **Growth Policy—Service Level Standards**

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

**Links and signalized intersections:** Level-of-service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better.

**Unsignalized intersections:** The Highway Capacity Manual procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly traffic controls) if deemed warranted by the appropriate operating agency.

### **Staff Analysis of Traffic Impacts**

The traffic impact study prepared and submitted on behalf of the applicant analyzed the following intersections:

MD 223 and Old Branch Avenue/Brandywine Road (signalized)  
Brandywine Road and Surratts Road (signalized)  
Brandywine Road and Thrift Road (signalized)  
Floral Park Road and Windbrook Drive (unsignalized)  
MD 223 and Floral Park Road (unsignalized)  
MD 223 and Gallahan Road (unsignalized)  
MD 223 and Windbrook Drive (unsignalized)  
MD 223 and site access (future/unsignalized)  
MD 223 and Tippet Road (unsignalized)  
MD 223 and Steed Road (signalized)  
MD 223 and Temple Hill Road (signalized)  
Old Fort Road South and Gallahan Road (unsignalized)  
Old Fort Road North and Allentown Road (unsignalized)  
MD 210 and Old Fort Road North (signalized)

The traffic counts were completed in January 2005. It is noted that a few concerns have been raised about the timing of the traffic counts, and there were direct concerns by DPW&T. The following points are noted:

- All traffic counts were taken on a Tuesday, Wednesday, or Thursday in accordance with the guidelines.
- The traffic study of record was submitted in September 2005. The old counts in the study are dated November 2004. In accordance with the Guidelines, all counts were less than one year old at the time of traffic study submittal.
- All counts were taken on days when schools were open.
- Two counts, the counts at MD 223/Old Branch Avenue/Brandywine Road and MD 223/Steed Road, were taken on the day prior to a national holiday. Because Veterans Day in 2004 occurred midweek, and the counts were taken on the Wednesday prior, the counts were allowed. The primary reason for the Guidelines to discourage counts on the day before or after national holidays is to allow counts taken before or after a long weekend to be rejected.

It is noted that most of the counts causing concern are along state highways, and SHA did not express a concern with the timing of the counts.

Existing conditions in the vicinity of the subject property are summarized below:

<b>EXISTING TRAFFIC CONDITIONS</b>				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (AM & PM)	
MD 223 and Old Branch Avenue/Brandywine Road	1,275	1,796	C	F
Brandywine Road and Surratts Road	1,398	1,248	D	C
Brandywine Road and Thrift Road	1,043	908	B	A
Floral Park Road and Windbrook Drive	10.6*	10.3*	--	--
MD 223 and Floral Park Road	21.4*	20.8*	--	--
MD 223 and Gallahan Road	10.9*	14.7*	--	--
MD 223 and Windbrook Drive	25.3*	37.6*	--	--
MD 223 and site access	future		--	--
MD 223 and Tippet Road	47.8*	19.0*	--	--
MD 223 and Steed Road	1,319	1,145	D	B
MD 223 and Temple Hill Road	892	1,177	A	C
Old Fort Road South and Gallahan Road	11.6*	10.9*	--	--
Old Fort Road North and Allentown Road	12.4*	15.1*	--	--
MD 210 and Old Fort Road North	1,582	1,905	E	F
*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, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.				

A review of background development was conducted by the applicant, and the area of background development includes over 20 sites encompassing over 2,000 approved residences. The traffic study also includes a growth rate of 2.0 percent per year along the facilities within the study area to account for growth in through traffic.

Background conditions also assume the widening of Surratts Road between Beverly Drive and Brandywine Road. Given that the project is shown in the current county Capital Improvement Program (CIP) with 100 percent funding within six years, staff has allowed the traffic study to include this improvement as a part of the background condition. While this improvement has an unusually long history of full funding in the CIP without being constructed, there are actions being taken to commit county and developer funding to get this improvement constructed soon. This improvement is particularly important to traffic circulation in the area. Widening the link of Surratts Road eastward from Brandywine Road is anticipated to provide an outlet for traffic using Brandywine Road. Also, the intersection improvements at Brandywine Road/Surratts Road that are a part of this CIP project are important because this intersection currently operates poorly in both peak hours.

It is noted that Woodburn Estates, Preliminary Plan 4-04016, was not included in the background scenario in the traffic study. It is possible that a list of approved development was provided to the applicant prior to approval of Woodburn Estates. Also, an added complexity has arisen as another site, Silver Farm (Preliminary Plan 4-05075, for 22 lots) will be reviewed prior to consideration of the three Bevard properties. The Silver Farm site provides needed public street access to one of the Bevard sites (not the subject site). Staff has added the impact of Woodburn Estates (122 detached lots) and Silver Farm to the results in the traffic study to determine the background traffic presented herein.

Background traffic is summarized below:



BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (AM & PM)	
MD 223 and Old Branch Avenue/Brandywine Road	1,689	2,322	F	F
Brandywine Road and Surratts Road	1,162	1,025	C	B
Brandywine Road and Thrift Road	1,261	1,087	C	B
Floral Park Road and Windbrook Drive	12.2*	12.0*	--	--
MD 223 and Floral Park Road	49.9*	46.3*	--	--
MD 223 and Gallahan Road	14.1*	23.8*	--	--
MD 223 and Windbrook Drive	92.6*	116.1*	--	--
MD 223 and site access	future		--	--
MD 223 and Tippet Road	516.9*	213.3*	--	--
MD 223 and Steed Road	1,673	1,432	F	D
MD 223 and Temple Hill Road	1,170	1,579	C	E
Old Fort Road South and Gallahan Road	13.1*	12.1*	--	--
Old Fort Road North and Allentown Road	29.6*	107.2*	--	--
MD 210 and Old Fort Road North	1,970	2,165	F	F
*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, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.				

The site is proposed for development with 662 detached and 65 townhouse residences. The proposal would generate 613 AM (123 in, 490 out) and 728 PM (476 in, 252 out) peak-hour vehicle trips. As noted earlier, the traffic study was conducted for three separate properties. All three sites, including the subject site, are being reviewed as preliminary plans on the same date. In all likelihood, the subject site will be reviewed as a preliminary plan on the same hearing date as the other two sites. While, indeed, each application must stand on its own, it is also fair and proper that each site receive the same off-site transportation conditions. This will allow each site to share in the construction of the off-site transportation improvements if they are approved. Therefore, rather than recalculating service levels for the subject site alone, the total traffic situation presented will summarize the impact of all three sites together. Once again, it is anticipated at this time that all three preliminary plans of subdivision will be reviewed on the same date, and that all three, if approved, would receive the same set of off-site transportation conditions.

The other two sites are proposed for residential development as well. The Bevard North property is Preliminary Plan of Subdivision 4-05049, and includes 818 elderly housing units in a planned retirement community. The Bevard West property is Preliminary Plan of Subdivision 4-05051, and includes 242 detached single-family residences. Trip generation of the three sites is summarized below:

**Site Trip Generationx—All Three Sites Included in Traffic Study**

Use	AM Peak Hour			PM Peak Hour		
	In	Out	Total	In	Out	Total
Bevard East—827 residences	123	490	613	476	252	728
Bevard North—818 senior residences	65	106	171	137	88	225
Bevard West—242 residences	37	145	182	143	75	218
<b>Total Trips</b>	<b>225</b>	<b>741</b>	<b>966</b>	<b>756</b>	<b>415</b>	<b>1,171</b>

Total traffic (for the three sites, including the subject site) is summarized below:

<b>TOTAL TRAFFIC CONDITIONS</b>				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (AM & PM)	
MD 223 and Old Branch Avenue/Brandywine Road	1,816	2,464	F	F
Brandywine Road and Surratts Road	1,185	1,101	C	B
Brandywine Road and Thrift Road	1,336	1,129	D	B
Floral Park Road and Windbrook Drive	14.9*	13.8*	--	--
MD 223 and Floral Park Road	83.3*	60.9*	--	--
MD 223 and Gallahan Road	15.2*	26.3*	--	--
MD 223 and Windbrook Drive	+999*	+999*	--	--
MD 223 and site access	+999*	+999*	--	--
MD 223 and Tippet Road	+999*	721.9*	--	--
MD 223 and Steed Road	2,009	1,820	F	F
MD 223 and Temple Hill Road	1,372	1,922	D	F
Old Fort Road South and Gallahan Road	13.3*	12.2*	--	--
Old Fort Road North and Allentown Road	69.9*	286.0*	--	--
MD 210 and Old Fort Road North	2,156	2,165	F	F
*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, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.				

Traffic Impacts: The following improvements are determined to be required for the development of the subject property in the traffic study:

- A. MD 223/Old Branch Avenue/Brandywine Road: Reconstruct the intersection to provide two through lanes, an exclusive right-turn lane, and an exclusive left-turn lane on both the eastbound and westbound approaches, and provide an exclusive through lane, an exclusive right-turn lane, and an exclusive left-turn lane on both the northbound and southbound approaches. Modify traffic signal, signage, and pavement markings as needed.

- B. MD 223/Temple Hill Road: Construct a second through lane along the south/westbound MD 223 approach. Modify signals, signage, and pavement markings as needed.
- C. MD 223/Steed Road: Reconstruct the intersection to provide a shared through/right-turn lane and a shared through/left-turn lane on the southbound MD 223 approach; a shared through/right-turn lane, an exclusive through lane, and an exclusive left-turn lane on the northbound MD 223 approach; and an exclusive left-turn lane and shared through/right-turn lane on the Steed Road approach. Modify signals, signage, and pavement markings as needed.
- D. MD 210/Old Fort Road North: Modify the eastbound and westbound Old Fort Road approaches to provide an exclusive through lane, a shared through/left-turn lane, and an exclusive right-turn lane. Modify signals, signage, and pavement markings as needed.
- E. Unsignalized Intersections: The traffic study includes signal warrant studies at four unsignalized intersections in the study area. It is determined in the traffic study that signalization would not be warranted at the MD 223/Windbrook Drive intersection, the MD 223/Tippett Road intersection, and the Old Fort Road North/Allentown Road intersection. It is determined that signalization would be warranted at the MD 223/Floral Park Road intersection.

Traffic Impacts—(Staff Review): In general, staff finds that the improvements recommended in the traffic study to the signalized intersections are acceptable.

At the MD 210 and Old Fort Road North intersection, the applicant has proposed the use of mitigation in accordance with Section 24-124(a)(6). The Subdivision Ordinance indicates that “consideration of certain mitigating actions is appropriate...” in accordance with the Guidelines for Mitigation Action and the requirements of that portion of Section 24-124. The applicant proposes to employ mitigation by means of criterion (d) in the Guidelines for Mitigation Action, which was approved by the District Council as CR-29-1994. Criterion (d) allows mitigation at intersections along MD 210 outside of the Beltway (among other facilities), and was not superseded by the approval of the 2002 Prince George’s County General Plan.

At the MD 210 and Old Fort Road North intersection, the applicant recommends several improvements described above to mitigate the impact of the applicant's development in accordance with the provisions of Section 24-124(a)(6) of the Subdivision Regulations.

The impact of the mitigation actions at this intersection is summarized as follows:

IMPACT OF MITIGATION				
Intersection	LOS and CLV (AM & PM)		CLV Difference (AM & PM)	
MD 210/Old Fort Road North				
Background Conditions	F/1970	F/2165		
Total Traffic Conditions	F/2156	F/2165	+186	+0
Total Traffic Conditions w/Mitigation	E/1805	D/1812	-351	-353

As the CLV at MD 210/Old Fort Road North is greater than 1,813 during both peak hours, the proposed mitigation action must mitigate at least 100 percent of the trips generated by the subject property during each peak hour and bring the CLV to no greater than 1,813, according to the Guidelines. The above table indicates that the proposed mitigation action would mitigate more than 100 percent of site-generated trips during each peak hour, and it bring the CLV below 1,813 in each peak hour as well. Therefore, the proposed mitigation at MD 210 and Old Fort Road North meets the requirements of Section 24-124(a)(6)(B)(i) of the Subdivision Ordinance in considering traffic impacts.

With regard to the unsignalized intersections, staff has several comments:

- Staff accepts that the Old Fort Road/Allentown Road intersection will not meet warrants under future traffic. Because a traffic signal warrant study is, in itself, a more detailed study of the traffic operations at an intersection, it is accepted that the in-depth analysis shows that the intersection will operate acceptably under future traffic.
- The MD 223/Floral Park Road intersection is shown to meet signal warrants under total traffic. SHA accepts this result and will also require that separate right-turn and left-turn lanes be installed at the time of installation of the signal. Given that the provision of this lane geometry is essential to the safe and effective operation of the signal, staff will recommend this improvement. Also, it is noted in reviewing the future level-of-service (LOS) of this intersection that with a one-lane approach on the eastbound leg of the intersection, the intersection will fail in the AM peak hour. Separate eastbound through and left-turn lanes are needed to resolve this inadequacy.
- It is noted that the MD 223/Windbrook Drive intersection is shown to meet at least one warrant for signalization during the PM peak hour. While the traffic study indicates that the signal would not be required, it is recommended at this time that a follow-up study be done.
- The MD 223/Tippett Road intersection is shown to not meet warrants under future traffic. Because a traffic signal warrant study is, in itself, a more detailed study of the traffic operations at an intersection, it is accepted that the in-depth analysis shows that the intersection will operate acceptably under future traffic. Nonetheless, it is noted that the Wolfe Farm (Preliminary Plan 4-04099) has a similar condition to study signal warrants. The impact of the Wolfe Farm on turning movements (as opposed to through movements) is much greater than the impact of the subject site on this intersection.
- The site access point at MD 223 has not been addressed by the traffic study given that the site access point has been moved to be located opposite the access point to another pending subdivision (Bevard North, Preliminary Plan 4-05049). It is recommended that signal warrants be studied prior to specific design plan in consideration of the development planned on the two sites together. Also, with a signal in place the intersection will not operate adequately in the AM peak hour with the lane configuration shown in the traffic study. It is suggested that a second eastbound through lane be provided at this location; the eastbound approach can operate as an exclusive through and shared through/right-turn approach.

Total Traffic Impacts: Total traffic with the improvements described in the two sections above are summarized below:

TOTAL TRAFFIC CONDITIONS WITH IMPROVEMENTS (Intersections with conditioned improvements are highlighted in bold)				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (AM & PM)	
<b>MD 223 and Old Branch Avenue/Brandywine Road</b>	<b>1,210</b>	<b>1,450</b>	<b>C</b>	<b>D</b>
Brandywine Road and Surratts Road	1,185	1,101	C	B
Brandywine Road and Thrift Road	1,336	1,129	D	B
Floral Park Road and Windbrook Drive	12.2*	12.0*	--	--
<b>MD 223 and Floral Park Road</b>	<b>950</b>	<b>779</b>	<b>A</b>	<b>A</b>
MD 223 and Gallahan Road	14.1*	23.8*	--	--
<b>MD 223 and Windbrook Drive</b>	<b>1,134</b>	<b>921</b>	<b>B</b>	<b>A</b>
<b>MD 223 and site access</b>	<b>996</b>	<b>1,250</b>	<b>A</b>	<b>C</b>
MD 223 and Tippet Road	+999*	721.9*	--	--
<b>MD 223 and Steed Road</b>	<b>1,215</b>	<b>1,420</b>	<b>C</b>	<b>D</b>
<b>MD 223 and Temple Hill Road</b>	<b>1,307</b>	<b>1,388</b>	<b>D</b>	<b>D</b>
Old Fort Road South and Gallahan Road	13.1*	12.1*	--	--
Old Fort Road North and Allentown Road	Adequate per traffic signal warrant study			
<b>MD 210 and Old Fort Road North</b>	<b>1,805</b>	<b>1,812</b>	<b>F</b>	<b>F</b>
*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, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.				

It is noted that all intersections meet the current policy level-of-service standard, and the one intersection proposed for mitigation, MD 210 and Old Fort Road North, meets the standards set out in the Guidelines for Mitigation Action (CR-29-1994).

DPW&T expressed several concerns with the study. Several concerns have been discussed earlier, however, remaining concerns are discussed below:

- At the Floral Park Road and Windbrook Drive intersection, DPW&T requests provision of an exclusive right-turn lane along the westbound Floral Park Road approach. It is noted, however, that the intersection is determined to operate acceptably as an unsignalized intersection in its current configuration, and no exclusive right-turn lane was assumed in the traffic study. Therefore, the Planning Board would not have the authority to impose such a condition.
- At the MD 223 and Temple Hill Road intersection, DPW&T requests provision of a double left-turn lane along the eastbound MD 223 approach, with consequent widening of northbound Temple Hill Road to accept the double left-turn movement. It is agreed that the high AM hourly left-turn volume would utilize the intersection more efficiently if the

double left-turn lane were provided. SHA has not requested this modification, however, even though the primary operational impact would be within SHA-maintained roadway. Also, right-of-way is very restricted at this location. Furthermore, the applicant has proffered an improvement that relieves the inadequacy shown; the dual left-turn lane would not, on its own, relieve the inadequacy. Therefore, the Planning Board would not have the authority to impose such a condition.

- At the Old Fort Road South and Gallahan Road intersection, DPW&T requests provision of a southbound left-turn bypass lane along the southbound Old Fort Road South approach. It is noted, however, that the intersection is determined to operate acceptably as an unsignalized intersection in its current configuration, and no bypass lane was assumed in the traffic study. Therefore, the Planning Board would not have the authority to impose such a condition.
- At the Old Fort Road South and site access intersection, DPW&T requests provision of a southbound left-turn bypass lane along the southbound Old Fort Road South approach. That intersection is pertinent to the Bevard North review, and will be covered in discussion of that case.
- The labeling of exhibits G1 through G10 of the traffic study has been duly noted.

SHA noted several minor issues with the traffic study but concurred with most of the recommendations. That agency's added recommendation included separate southbound left-turn and right-turn lanes at the MD 223/Floral Park Road intersection, which has already been addressed by earlier discussion in this Finding. SHA concurred with the proposed mitigation at MD 210 and Old Fort Road North.

### **Plan Comments**

MD 223 is a master plan arterial facility, and Thrift Road is a planned collector facility. Both facilities will require dedication, and rights-of-way consistent with the master plan recommendations are indicated on the plan and must be reflected on the final plat.

The Subregion V Master Plan includes A-65, a master plan arterial facility that is proposed to cross the subject property across the northeastern quadrant. Although it is not clear that dedication along the entire length through the subject property can be required, the submitted plan does not recognize the right-of-way and suggests no action regarding it. As a matter of course, letters to the implementing agencies regarding potential reservation have been prepared and sent. Comments have been received from DPW&T. Section 24-139 of the Subdivision Regulations requires that potential reservation be referred to any public agency concerned with the possible acquisition of the right-of-way. Section 24-139 further states that "the public agency's recommendation, if affirmative, shall include a map showing the boundaries and area of the parcel to be reserved, and an estimate of the time required to complete the acquisition." The comments received from DPW&T stated that the agency "is in support of the proposed land reservation." No map showing the proposed area of reservation was attached, however, nor did the response provide an estimate of the time required to complete the acquisition. Therefore, the statutory requirement for the Planning Board to require reservation has not been met.

It should be noted that reservation was not undertaken regarding this alignment within the adjacent Wolfe Property during review of 4-04099. This facility was also given much discussion during the review of Preliminary Plan 4-02126 for Saddle Creek Cluster, and that plan made a

minimal provision for A-65 by locating an alignment within homeowners' open space. The area that was ultimately preserved on that plan, however, was not consistent with the master plan, and the construction of a roadway along the preserved alignment was testified by planning staff to have potential environmental impacts. Furthermore, several citizens testified against any provision for A-65 on the Saddle Creek plan. There is value in providing the link of A-65 through another of the Bevard properties to the north of MD 223, and the main access roadway to this site will connect with that link. However, unless SHA or DPW&T moves aggressively to acquire the needed right-of-way along the A-65 alignment through the subject site and the Wolfe Property outside of the development review process, it is very likely that this facility may never be implemented between MD 223 and Brandywine Road.

The circulation plan has been modified several times during review of this subdivision and prior applications. The current plan appropriately proposes an array of primary and secondary streets. A couple of outstanding issues remain; these were identified at the Comprehensive Design Plan stage with a requirement to be addressed at the specific design plan stage:

- At the time of CDP, the plan indicated typical sections for primary and secondary streets within the development. It is noted that the secondary residential street shows a nonstandard typical section. Such a section must be specifically approved by DPW&T prior to implementation.
- DPW&T has issues with maintaining public streets serving townhouse lots. This is mainly due to the number of driveways and the prevalence of on-street parking in townhouse communities. Transportation planning staff believes that by fronting all townhouses on primary streets, along with the use of private alleys to serve the townhouses from the rear, the number of driveways onto the public streets will be minimized while providing on-street parking opportunities.

### **Transportation Staff Conclusions**

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 this subdivision plan for the impact on 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 5	Middle School Cluster 3	High School Cluster 3
Dwelling Units	827 sfd	827 sfd	827 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	198.48	49.62	99.24
Actual Enrollment	4,206	4,688	8,866
Completion Enrollment	112.80	69.06	136.68
Cumulative Enrollment	99.36	41.40	82.80
Total Enrollment	4,616.54	4,848.08	9,184.72
State-Rated Capacity	4,215	5,114	7,752
Percent Capacity	109.53	94.80	118.48

Source: Prince George's County Planning Department, M-NCPPC, December 2004

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. Council bill CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts are \$7,412 and 12,706 to be paid at the time of issuance of each building permit.

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 & Public Facilities Planning Section has reviewed this subdivision for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(B)(E) of the Zoning Ordinance.

#### **Fire Facilities**

The Prince George's County Planning Department has determined that this preliminary plan is within the required 7-minute response time for the first due fire station Clinton, Company 25, using the 7 Minute Travel Times and Fire Station Locations map provided by the Prince George's County Fire Department for all Lots except Block KK Lots 1-80 and Block LL Lots 1-8, which are beyond the required 7-minute response time (88 lots).



The Fire Chief has reported that the current staff complement of the Fire Department is 704 (101.73 percent), which is above the staff standard of 657 or 95 percent of authorized strength of 692 as stated in CB-56-2005.

The Fire Chief has reported by letter, dated 11-01-2005 that the department has adequate equipment to meet the standards stated in CB-56-2005.

9. **Police Facilities**—The Prince George’s County Planning Department has determined that this preliminary plan is located in Police District IV. The standard for emergency calls response is 10 minutes and 25 minutes for non-emergency calls. The times are based on a rolling average for the preceding 12 months beginning with January 2005.

Preliminary Plan was accepted for processing by the Planning Department on 7-28-05.

Reporting Cycle	Date	Emergency Calls	Nonemergency
Acceptance Date	01/05/05-06/05/05	11.00	22.00
Cycle 1	01/05/05-07/05/05	11.00	23.00
Cycle 2	01/05/05-08/05/05	11.00	23.00
Cycle 3	01/05/05-09/05/05	11.00	23.00

The Police Chief has reported that the current staff complement of the Police Department is 1302 sworn officers and 43 student officers in the Academy for a total of 1345 (95 percent) personnel, which is within the standard of 1,278 officers or 90 percent of the authorized strength of 1,420 as stated in CB-56-2005.

The response time standards of 10 minutes for police emergency calls were not met on the date of acceptance or within the following three monthly cycles. In accordance with Section 24-122.01 of the Subdivision Regulations, Preliminary Plan 4-05050 fails to meet the standards for police emergency response times. The Planning Board may not approve a preliminary plan until a mitigation plan between the applicant and the county is entered into and filed with the Planning Board in accordance with the County Council adopted *Guidelines for the Mitigation of Adequate Public Facilities for Public Safety Infrastructure*.

10. **Health Department**—The Health Department notes that possible existing buildings are shown on the preliminary plan but were not found on the property during a site investigation conducted August 2, 2005. A raze permit is required prior to the removal of any structures. A raze permit may be obtained from the Department of Environmental Resources. Any hazardous materials located in any structures on the site must be removed and properly stored or discarded prior to the structures being razed.

The Health Department has requested that the applicant submit a detailed summary of the previous sand and gravel operation (years of operation and extent of the excavation/fill) so that a determination can be made as to whether an Environmental Site Assessment and testing will be required, prior to signature approval of the preliminary plan.

11. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan, #25955-2005-00 has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. Development must be in accordance with this approved plan.

12. **Historic**—Phase I (Identification) archeological investigations were completed on the above-referenced property and the draft report (which included Bevard East, West, and North) was received on July 13, 2005 and comments were sent to the archeology consultant, URS, by Donald Creveling, Archeology Program Manager, M-NCPPC Natural and Historic Resources Division, Department of Parks and Recreation in a letter dated October 17, 2005. Four copies of the final report should be submitted to the Planning Department. Four historic and two prehistoric archeological sites (18PR774, 18PR775, 18PR776, 18PR777, 18PR778, 18PR779) were identified on the entire Bevard property (North, West, and East). All the archeological sites were determined to be disturbed or too minor to be considered significant. No further archeological work is required on the subject property. However, additional work may be required by the Maryland Historical Trust as part of the Section 106 process.
13. **A-9967**—The Prince George’s County Planning Board approved A-9967 on October 27, 2005. The resolution of approval PGCPB No. 05-223 was adopted by the Prince George's County Planning Board on November 17, 2005. At the writing of this staff report the Zoning Hearing Examiner has not issued a final decision , nor has the rezoning request been heard by the District Council. Prior to the signature approval of the preliminary plan the District Council should issue a notice of final decision. The preliminary plan should be revised in accordance with those recommendations, as appropriate. If the approved zoning necessitates a substantial change to this preliminary plan, a new preliminary plan of subdivision application should be required..

The following are the conditions contained in the resolution of approval of the Planning Board on A-9967, PGCPB No. 05-223. Comments have been provided to address conditions that impact the review of the preliminary plan of subdivision.

**The basic plan shall be revised to show the following revisions:**

**1. Proposed Land Use Types and Quantities:**

- **Public Passive Open Space: 50±acres.**
- **Public Active Open Space: 10±acres.**
- **Show right-of-way for A-65 as designated on the Subregion V Master Plan. A determination shall be made at the time of preliminary plan concerning dedication, reservation, or no preservation strategy for the right-of-way for this facility within the subject property.**

**Comment:** The preliminary plan proposes 249 acres of passive open space and 22 acres of active open space to be conveyed to a homeowners association.

**2. Provision of a preliminary plan of subdivision is required for this proposed development.**

**Comment:** The applicant has filed this application for preliminary plan of subdivision that includes the entire land area associated with A-9967.

**3. As part of any application for a natural resources inventory, a soils study shall be submitted. The study shall clearly define the limits of past excavation and indicate all areas where fill has been placed. All fill areas shall include borings, test pits, and**

**logs of the materials found. Borings and test pits in fill areas shall be deep enough to reach undisturbed ground.**

**Comment:** This condition has been addressed in the Environmental Section (Finding 2) of this report.

- 4. The comprehensive design plan shall avoid impacts to sensitive environmental features. If avoidance is not possible, the impacts shall be the minimum necessary to support the development concept as a whole.**

**Comment:** Impacts to sensitive environmental features are addressed in the Environmental Section (Finding 2) of this report.

- 5. If impacts to regulated environmental features remain after the redesign, variation requests shall be submitted as part of any application for a preliminary plan of subdivision. The variation request must have a separate justification statement for each impact or impact type, in conformance with Section 24-113 of the Subdivision Regulations, a map on 8.5 x 11-inch paper showing each impact, and noting the quantities of impacts proposed for each individual impact.**

**Comment:** Impacts to sensitive environmental features and the variations required by Section 24-130 of the Subdivision Regulations are addressed in the Environmental Section (Finding 2) of this report.

- 6. A Phase I noise study shall be required as part of any application for a comprehensive design plan. The comprehensive design plan and TCPI shall show all unmitigated 65 dBA Ldn noise contours associated with traffic-generated noise.**

**Comment:** The preliminary plan demonstrates the unmitigated 65 dBA along Piscataway Road MD 223.

- 7. The comprehensive design plan shall provide for minimum 40-foot scenic easements adjacent and contiguous to the proposed 10-foot public utility easements along the land to be dedicated for Piscataway Road and Thrift Road.**

**Comment:** The preliminary plan appropriate reflects the required 40-foot scenic easements.

- 8. Specific acreage of parkland dedication shall be determined at time of Comprehensive Design Plan (CDP). The dedicated parkland shall accommodate a baseball field, soccer field, minimum 100- space parking lot, playground, picnic shelter, basketball court, trails, stormwater management pond. The dedicated parkland shall be located along the Piscataway Road. The dedicated parkland shall have at least a 500-foot wide frontage and direct access to Piscataway Road.**

**Comment:** Condition 2 of the approved CDP requires the submission of a grading concept plan prior to signature approval to ensure that adequate land area has been proposed to accommodate the required facilities. The preliminary plan must conform to that approved plan or any revisions required prior to signature approval.

- 9. The land to be conveyed to M-NCPPC shall be subject to the conditions of Exhibit B.**

**Comment:** The conditions of Exhibit B have been brought forward with this preliminary plan and are reflected in Condition 8 of this report.

10. **The applicant shall construct recreational facilities on dedicated parkland. The “recreational facilities package” shall be reviewed and approved by DPR staff prior to comprehensive design plan (CDP) submission.**

**Comment:** The preliminary plan must conform to the approved comprehensive design plan or any revisions required prior to signature approval.

11. **The public recreational facilities shall be constructed in accordance with the standards outlined in the *Parks and Recreation Facilities Guidelines*. The concept plan for the development of the parks shall be shown on the comprehensive design plan.**

**Comment:** The preliminary plan must conform to that approved plan or any revisions required prior to signature approval.

12. **The applicant shall execute a large lot component located on approximately 118 acres of land, at the southern portion of the site, south of the tributary and north of Thrift Road. Lot size averaging, in accordance with the R-E Zone, shall be utilized per Section 27-423. The lot size shall not be less than 30,000 square feet for lots bordering Thrift Road and adjoining subdivisions as shown on applicant’s Exhibit A. All other lots shall be a minimum of 20,000 square feet. The layout shall be determined at the time of the CDP and preliminary plan of subdivision approval.**

**Comment:** The layout of the large lot component at the southern portion of the site appears to fulfill the requirements above, however, the plan appears deficient in a number of areas. First, the cul-de-sac located on the east side of the southern portion does not provide for 30,000 square foot lot sizes on Lots 1 and 8, Block LL. This should be added as a condition of approval prior to signature approval and should be shown on any future Specific Design Plans.

Conformance to the condition above is contingent on conformance to Section 27-423, which requires the minimum of 50 percent of the lots to be a minimum lot size. Per the condition above, the minimum lot size should be 30,000 square feet, which allowed for a reduction from 40,000 square feet from the R-E Zone. The remaining lots have a 20,000 square foot lot minimum lot size. In counting the number of lots above 30,000 square feet it appears that the application depicts a shortage of lot sizes 30,000 square feet or more. This should be added as a condition of approval prior to signature approval and should be shown on any future Specific Design Plans.

13. **The applicant shall contribute as a public benefit feature to the construction of a community center to be located at Cosca Regional Park. The amount of that contribution shall be determined during the Comprehensive Design Plan stage in accordance with Section 27-514.10(b)(5). The minimum contribution shall be \$750K.**

**Comment:** This condition is addressed in Condition 8 of CDP-0504 and discussed in Finding 16 below.

14. **With the provision of density increments, the applicant shall construct no more than 827 units. This application to rezone the property to the R-L Zone (1.0 base density)**

**will allow for a base density of 551 units (based on the gross tract area subtracting one-half of the floodplain).**

**Comment:** The preliminary plan proposes 827 dwelling units. Dwelling units in excess of that number would require a new preliminary plan of subdivision.

14. **CDP-0504**—The Comprehensive Design plan reviewed by the Planning Board on December 22, 2005, and the resolution of that action is scheduled to be adopted on January 12, 2006. The following conditions are based on the Planning Board’s decision on that case:

1. **The applicant shall dedicate to M-NCPPC 14±acres of developable land for future parkland as generally shown on attached Exhibit “A” at the time of the first final plat of subdivision.**

**Comment:** The plans indicate that 14.84 acres of land is proposed to be dedicated to M-NCPPC for public park purposes.

2. **Prior to signature approval of the CDP, the applicant shall submit a conceptual grading plan including a storm water management pond for the park parcel. If it is determined that the facilities (baseball field, soccer field, 100space parking lot, playground, picnic shelter, basketball court, trails, storm water management pond) cannot be accommodated on the park parcel, the boundaries of the parcel shall be enlarged. The revised boundaries shall be approved by the Department of Parks and Recreation.**

**Comment:** The applicant has not obtained signature approval of the CDP at the writing of this staff report. Prior to signature approval of the preliminary plan, the applicant must obtain signature approval of the CDP. The preliminary is to be revised in accordance with the approved CDP.

3. **The land to be conveyed to M-NCPPC shall be subject to the conditions of the attached Exhibit B.**

**Comment:** An appropriate condition has been included in this staff recommendation.

4. **Construction drawings for the recreational facilities on public parkland shall be reviewed and approved by the Park Planning and Development staff prior to certificate approval of the first specific design plan.**

**Comment:** An appropriate condition has been included in this staff recommendation.

5. **Prior to submission of any final plats of subdivision, the applicant shall enter into a public Recreational Facilities Agreement (RFA) with M-NCPPC for the construction of recreation facilities on parkland. The applicant shall submit three original executed RFAs to the Department of Parks and Recreation (DPR) for their approval three weeks prior to the submission of the final plats. Upon approval by DPR, the RFA shall be recorded among the land records of Prince George’s County.**

**Comment:** An appropriate condition has been included in this staff recommendation.

6. The applicant shall submit to DPR a performance bond, a letter of credit or other suitable financial guarantee, for the construction of the public recreation facilities in the amount to be determined by DPR, at least two weeks prior to issuance of grading permits.

**Comment:** An appropriate condition has been included in this staff recommendation.

7. The recreational facilities on dedicated parkland shall be constructed prior to issuance of the 50<sup>th</sup> building permit.

**Comment:** An appropriate condition has been included in this staff recommendation.

8. The applicant, his heirs, successors and/or assignees shall make a monetary contribution of a minimum \$2,000,000 toward the construction of the Southern Region Community Center in three phases:

- a. \$200,000.00 for the design and engineering of the community center shall be paid prior to the issuance of the 50<sup>th</sup> building permit.
- b. \$ 900,000.00 for the construction of the community center shall be paid prior to issuance of the 200<sup>th</sup> building permit. Beginning from the date of issuance of the 50<sup>th</sup> building permit, this amount shall be adjusted for inflation on an annual basis using the Consumer Price Index (CPI).
- c. \$ 900,000.00 for the construction of the community center shall be paid prior to issuance of the 400<sup>th</sup> building permit. Beginning from the date of issuance of the 50<sup>th</sup> building permit, this amount shall be adjusted for inflation on an annual basis using the Consumer Price Index (CPI).

**Comment:** An appropriate condition has been included in this staff recommendation

9. Depending on the type of roadway required by the Department of Public Works and Transportation, one of the following shall be shown on the specific design plan and provided:

- a. If a closed section road is required, the applicant shall construct an eight-foot-wide Class II trail along the site's entire road frontage of Thrift Road.
- b. If an open section road is required, the applicant shall provide wide asphalt shoulders along the subject site's entire road frontage of Thrift Road and a financial contribution of \$210.00 to the Department of Public Works and Transportation for the placement of one "Share the Road with a Bike" sign. A note shall be placed on the final record plat for payment to be received prior to the issuance of the first building permit.

**Comment:** An appropriate condition has been included in this staff recommendation.

10. Prior to acceptance of the applicable specific design plans, the following shall be shown on the plans:

- a. The APA designation area shall be shown.

- b. The community building shall be shown as a minimum of 5,000 square feet, in addition to the space proposed to be occupied by the pool facilities.
- c. The swimming pool shall be approximately 25 meters long and 40 feet wide with a 30-foot by 30-foot training area.

**Comment:** These conditions will be addressed with the review of the SDP, but no conditions are necessary.

**11. On the appropriate specific design plan, the applicant shall provide the following:**

- a. An eight-foot-wide asphalt HOA trail from the southernmost cul-de-sac to the proposed trail immediately to the north in the vicinity of the stormwater management pond
- b. An eight-foot-wide asphalt HOA trail from one of the culs-de-sac west of the main stream valley to the main north-south trail that is proposed.
- c. Trails within and to the proposed public park as generally indicated on the CDP illustrative plan.
- d. Trail connections from the proposed public park to Roulade Place and Mordente Drive, as indicated on the CDP illustrative plan.
- e. A wide asphalt shoulder along the subject site's entire road frontage of MD 223 in order to safely accommodate bicycle traffic, unless modified by SHA.
- f. Standard sidewalks along both sides of all internal roads, unless modified by DPW&T.

**Comment:** These conditions should be addressed with the review of the SDP, but no conditions are necessary.

**12. Prior to certification of the CDP, the approved Natural Resources Inventory, NRI/40/05, shall be submitted to become part of the official record for the comprehensive design plan.**

**Comment:** This condition should be addressed prior to signature approval of the CDP and no condition is necessary.

**13. During the review of proposed impacts as part of the preliminary plan review process, impacts to sensitive environmental features shall be avoided. If avoidance is not possible, the impacts shall be the minimum necessary to support the development concept as a whole. All impacts to sensitive environmental features that require mitigation by subsequent state or federal permits shall provide the mitigation using the following priority list:**

- a. On-site
- b. Within the Piscataway Creek Watershed

**c. Within the Potomac River watershed.**

**Comment:** This condition is addressed in the Environmental Section (Finding 2) of this report.

**14. Prior to certification of the comprehensive design plan, the Type I tree conservation plan shall be revised to:**

- a. Provide all required woodland conservation on-site**
- b. Revise the worksheet as needed**
- c. Have the revised plan signed and dated by the qualified professional who prepared the plan.**

**Comment:** These conditions should be addressed prior to signature approval of the CDP and no conditions are necessary.

**15. Prior to certification, the comprehensive design plan and TCPI shall be revised to show all unmitigated 65 dBA Ldn noise contours associated with traffic-generated noise.**

**Comment:** This condition should be addressed prior to signature approval of the CDP and TCPI and no condition is necessary.

**16. The preliminary plan of subdivision shall provide for minimum 40-foot scenic easements adjacent and contiguous to the proposed 10-foot public utility easements along the land to be dedicated for Piscataway Road and Thrift Road. No part of any scenic easement shall be on a lot.**

**Comment:** The preliminary plan of subdivision conforms to this condition.

**17. Prior to acceptance of each specific design plan the applicant shall submit an overall open space plan with calculations for areas of tree preservation, wetlands, and floodplain, to ensure preservation of areas approved as open space per CDP-0504.**

**Comment:** This condition should be addressed with the review of each SDP and no condition is necessary.

**18. Prior to signature approval of the CDP, the following revisions shall be made:**

- a. The plans shall be revised to be in conformance to Condition No. 12 of A-9967.**
- b. The plans shall be revised to demonstrate that the lots located along the secondary entrance road from Tippet Road shall be a minimum of 20,000 square feet in size and have a frontage width of 80 feet at the front street line.**
- c. The plan shall be revised to indicate the APA 3M and APA 6.**



- d. **Four copies of the final version of the Phase I archeological investigation shall be submitted (with the comments addressed) to the Planning and Preservation Section.**
- e. **The plans shall be revised to add lots along the main entrance road, across from the park, to be sized in the medium lot size category, have a minimum 80-foot width at the front street line and be served by an alley. Further, the lots continuing along the main road to the first intersection shall be enlarged to the medium lot size and the same 80-foot width at the front street line.**
- f. **The green area formed at the intersection of lots on the northwest side of the first circle along the main entrance road shall be designated as a buildable lot.**

**Comment:** The applicant has not obtained signature approval of the CDP at the writing of this staff report. A condition of the signature approval of the preliminary plan requires revisions in accordance with the signature approved CDP. Prior to signature approval of the preliminary plan that applicant must obtain signature approval of the CDP. No increase in the number of lots or dwelling units approved with this preliminary plan may result.

- 19. **The recreational facilities shall be bonded and constructed in accordance with the following schedule:**

<b>Phasing Of Amenities</b>		
<b>Facility</b>	<b>Bond</b>	<b>Finish construction</b>
Public Park	Prior to the issuance of any building permits	Complete by 50th building permit overall
Recreation center Outdoor recreation facilities	Prior to the issuance of the 200th building permit overall	Complete by 400th building permit overall
Recreation Center Building and pool	Prior to the issuance of the 200th building permit overall	Complete before the 400 <sup>th</sup> building permit overall
Pocket Parks (including Playgrounds) within each phase	Prior to the issuance of any building permits for that phase	Complete before 50% of the building permits are issued in that phase
Trail system Within each phase	Prior to the issuance of any building permits for that phase	Complete before 50% of the building permits are issued in that phase
It is occasionally necessary to adjust the precise timing of the construction of recreational facilities as more details concerning grading and construction details become available. Phasing of the recreational facilities may be adjusted by written permission of the Planning Board or its designee under certain circumstances, such as the need to modify construction sequence due to exact location of sediment ponds or utilities, or other engineering necessary. The number of permits allowed to be released prior to construction of any given facility shall not be increased by more than 25 percent, and an adequate number of permits shall be withheld to assure completion of all of the facilities prior to completion of all the dwelling units.		

**Comment:** The triggers for construction of the recreational facilities should be contained in the resolutions for approval for the appropriate SDP and/or included in the recreational facilities agreement that is required as a condition of this recommendation.

20. Prior to the approval of a specific design plan for architectural elevations, the following shall be demonstrated:

- a. The most visible side elevations of single-family detached or attached units on corner lots and other lots whose side elevation is highly visible to significant amounts of passing traffic shall have a minimum of three architectural features such as windows, doors and masonry fireplace chimneys, and these features shall form a reasonably balanced and harmonious composition.
- b. All single-family detached dwellings shall not be less than 2,200 square feet of finished living area.
- c. No two houses directly adjacent to each other or across the street from one another should have the same elevation.
- d. Brick end walls shall be used on highly visible end units of townhouses, to be determined at the time of the specific design plan.

**Comment:** These conditions should be addressed with the review of each SDP, no conditions are necessary.

21. The following standards shall apply to the development:

**Bevard East Standards Proposed**

	<b>SFA</b>	<b>SFD</b>		
<b>Lot Size</b>	<b>1,800 sf</b>	<b>6,000-10,000 sf</b>	<b>10,000-19,999 sf</b>	<b>20,000+ sf</b>
<b>Minimum width at front street R-O-W***</b>	<b>N/A</b>	<b>50 feet*</b>	<b>60 feet*</b>	<b>70 feet*</b>
<b>Minimum frontage on cul-de-sacs</b>	<b>N/A</b>	<b>30 feet*</b>	<b>30 feet*</b>	<b>35 feet*</b>
<b>Maximum lot coverage</b>	<b>400 sf yard area**</b>	<b>60 percent</b>	<b>50 percent</b>	<b>40 percent</b>
<b>Minimum front setback from R-O-W</b>	<b>15 feet</b>	<b>20 feet</b>	<b>25 feet****</b>	<b>25 feet</b>
<b>Minimum side setback</b>	<b>None</b>	<b>5 feet</b>	<b>17/8 feet</b>	<b>17/8 feet</b>
<b>Minimum rear setback</b>	<b>None</b>	<b>20 feet</b>	<b>25 feet</b>	<b>25 feet</b>
<b>Minimum corner setback to side street R-O-W</b>	<b>10 feet</b>	<b>15 feet</b>	<b>15 feet</b>	<b>15 feet</b>
<b>Maximum residential building height</b>	<b>40 feet</b>	<b>35 feet</b>	<b>35 feet</b>	<b>35 feet</b>
<b>Approximate percentage of total lots</b>	<b>20 percent</b>	<b>60 percent</b>	<b>10 percent</b>	<b>10 percent</b>

Variations to the standards may be permitted on a case-by-case basis by the Planning Board at the time of specific design plan if circumstances warrant.

\*Except minimum lot frontage for flag lot configurations shall be 25 feet.

\*\*Except that the yard area may be reduced to 300 sf for decks.

**\*\*\*Except that the minimum lot width at the front street line shall be no less than 80 feet for the lots adjacent to Piscataway Road, the main entrance drive from Piscataway Road to the first intersection, and along the secondary entrance from Tippet Road to the second intersection.**

**\*\*\*\*Except that on the lots across from the park, the front yard setback shall be no less than 30 feet.**

**Comment:** Prior to signature approval the applicant should revise the above table (as shown on the preliminary plan) to correspond to lot numbers, to allow for the verification of conformance to the percentages, and standards proposed.

- 22. Every specific design plan shall include on the cover sheet a clearly legible overall plan of the project on which are shown in their correct relation to one another all phase or section numbers, all approved or submitted specific design plan numbers, all approved or submitted tree conservation plan numbers, and the number and percentage.**

**Comment:** This condition should be addressed with the review of each SDP and no condition is necessary.

- 23. Prior to the issuance of any building permits within the subject property, the following road improvements associated with the phase shall (a) have full financial assurances, or (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency:**
- A. MD 223/Old Branch Avenue/Brandywine Road: Reconstruct the intersection to provide two through lanes, an exclusive right-turn lane, and an exclusive left-turn lane on both the eastbound and westbound approaches, and provide an exclusive through lane, an exclusive right-turn lane, and an exclusive left-turn lane on both the northbound and southbound approaches. Modify traffic signal, signage, and pavement markings as needed.**
  - B. MD 223/Temple Hill Road: Construct a second through lane along the south/westbound MD 223 approach. Modify signals, signage, and pavement markings as needed.**
  - C. MD 223/Steed Road: Reconstruct the intersection to provide a shared through/right-turn lane and a shared through/left-turn lane on the southbound MD 223 approach; a shared through/right-turn lane, an exclusive through lane, and an exclusive left-turn lane on the northbound MD 223 approach; and an exclusive left-turn lane and shared through/right-turn lane on the Steed Road approach. Modify signals, signage, and pavement markings as needed.**
  - D. MD 210/Old Fort Road North: Modify the eastbound and westbound Old Fort Road approaches to provide an exclusive through lane, a shared through/left-turn lane, and an exclusive right-turn lane. Modify signals, signage, and pavement markings as needed.**

**Comment:** Appropriate conditions have been recommended to ensure adequate transportation facilities are provided as discussed further in Finding 6 of this staff report.

24. **Prior to the approval of the specific design plan within the subject property, the applicant shall submit a revised acceptable traffic signal warrant study to SHA and/or DPW&T for signalization at the intersection of MD 223 and Floral Park Road. The applicant should utilize a new 12-hour count, and should analyze signal warrants under total future traffic as well as existing traffic at the direction of the operating agencies. If a signal is deemed warranted at that time, the applicant shall bond the signal with the appropriate agency prior to the release of any building permits within the subject property, and install it at a time when directed by that agency. Installation shall include the modification of the southbound approach to provide exclusive left-turn and right-turn lanes, and the modification of the eastbound approach to provide exclusive through and left-turn lanes. If it is determined at the time of specific design plan review that certain geometric modifications are not needed for adequacy, the requirement may be waived by the Planning Board during approval of the specific design plan.**

**Comment:** Appropriate conditions have been recommended to ensure adequate transportation facilities are provided as discussed further in Finding 6 of this staff report.

25. **Prior to the approval of the specific design plan within the subject property, the applicant shall submit a revised acceptable traffic signal warrant study to SHA and/or DPW&T for signalization at the intersection of MD 223 and Windbrook Drive. The applicant should utilize a new 12-hour count, and should analyze signal warrants under total future traffic as well as existing traffic at the direction of the operating agencies. If a signal is deemed warranted at that time, the applicant shall bond the signal with the appropriate agency prior to the release of any building permits within the subject property, and install it at a time when directed by that agency.**

**Comment:** Appropriate conditions have been recommended to ensure adequate transportation facilities are provided as discussed further in Finding 6 of this staff report.

26. **Prior to the approval of the specific design plan within the subject property, the applicant shall submit a revised acceptable traffic signal warrant study to SHA and/or DPW&T for signalization at the intersection of MD 223 and the site entrance. The applicant should utilize a new 12-hour count, and should analyze signal warrants under total future traffic as well as existing traffic at the direction of the operating agencies. If a signal is deemed warranted at that time, the applicant shall bond the signal with the appropriate agency prior to the release of any building permits within the subject property, and install it at a time when directed by that agency. Installation shall include the construction of the minor street approaches to include exclusive right-turn and shared through/left-turn lanes on each, and the modification of the eastbound approach to provide exclusive through and left-turn lanes along with a second through lane that can be shared with right turns. If it is determined at the time of specific design plan review that the second eastbound through lane is not needed for adequacy, the requirement may be waived by the Planning Board during approval of the specific design plan.**

**Comment:** An appropriate condition has been included in this staff recommendation as discussed further in Finding 6 of this staff report.

27. **The Comprehensive Design Plan shall be modified to note that the A-65 facility, as shown on the Subregion V Master Plan, crosses the subject property. A determination shall be made at the time of preliminary plan of subdivision regarding the appropriateness of potential reservation strategies.**

**Comment:** Reservation of A-65 is not recommended and is discussed further in Finding 6 of this staff report.

28. **The non-standard typical section shown for secondary public streets within the subject property shall be specifically approved by DPW&T in writing prior to specific design plan approval.**

**Comment:** An appropriate condition has been included in this staff recommendation.

29. **The Comprehensive Design Plan shall be modified to show that following streets as primary streets, with a final determination of function (i.e., primary or secondary) to be made during review of the preliminary plan of subdivision:**

- A. **The street that is proposed to stub into the adjacent Wolfe Farm property.**
- B. **The street that serves approximately 80 townhouse lots and several single family lots in the south central section of the site.**

**Comment:** The first condition relates to the proposal to stub a 60-foot wide right-of-way known as Public Road Z into development immediately south, known as the Wolfe Property (4-04099). The stub street is proposed in an area where the previously approved preliminary plan for the Wolfe property did not propose a street, and in fact that area was shown as homeowners open space. The preliminary plan resolution for the Wolfe property was adopted on January 6, 2005, and the preliminary plan remains valid until January 6, 2007. Unless a new preliminary plan for the Wolfe property is approved to show a public street extension into the subject property that corresponds with Public Road Z, this plan should be revised to eliminate the stubbed roadway. However, if the Wolfe property is revised to show a future street extension, then the lots in Blocks GG, FF and HH should be revised to be compatible in unit type and size to future lots within the Wolfe property. This issue should be addressed further at the time of the specific design plan review.

Prior to the approval of the specific design plan for this portion of the property a new preliminary plan should be approved by the Planning Board with the reorientation of the internal street layout within the Wolfe property subdivision. However, if the Wolfe property is revised to show a future street extension, then the lots within Blocks GG, FF, HH should be revised to be compatible in unit type and size to future lots within the Wolfe property.

Public Road Z and the townhouse street are both proposed as a 60-foot-wide primary residential street on the preliminary plan.

30. **The arrangement of townhouses fronting on public streets shall be reviewed with**

**DPW&T and M-NCPPC staff prior to the approval of the preliminary plan. Such an arrangement may not receive preliminary plan approval without the concurrence of DPW&T.**

**Comment:** Prior to signature approval of the preliminary plan it should be revised in accordance with the DPW&T memorandum of September 19, 2005, which requires minor revisions to accommodate larger rights-of-way (50 foot to 60 foot ) on portions of Public Roads V, Z and L, which are public streets on which townhouses front. Direct vehicular access to the public street should be restricted if alleys are to be provided to serve the townhouses dwellings. This will be reviewed with the appropriate SDP.

15. **Aviation Policy Area(s)**—Pursuant to Part 10B, Division 1 Aviation Policy Areas the subject site is impacted by aviation policy areas (APAs) for one existing aviation airport licensed by the Maryland Aviation Administration. The northern portion of the property is impacted by the APA areas for the Washington Executive Airport (Hyde Field), APA 3 and 6, which is within one-mile of the property. This airport is designated as a medium size airport.

Section 27-548.33 sets forth the purposes for the aviation policy areas as follows:

- (a) **The purposes of the Aviation Policy Areas are to provide special regulations for the development of land which may be affected by operations at airports in order to:**
- (1) **Encourage compatible land use around airports;**
  - (2) **Mitigate nuisances and hazards associated with airport operations;**
  - (3) **Protect people and structures in critical areas surrounding airports;**
  - (4) **Ensure the protection of airspace around airports, in accordance with Federal Aviation Regulations (FAR) Part 77, Surfaces;**
  - (5) **Allow owners around airports reasonable use of their property; and**
  - (6) **Provide property owners with flexibility in meeting applicable regulations.**

Development within the APA 3 requires the review of a Detailed Site Plan. In the case of the subject property, it would be a Specific Design Plan. The applicant is not proposing any structures within the APA 3. Development within APA 6 is permitted with the same densities as the underlying zones.

Development of the portion of this property located within APA 6 is subject to height restrictions. Section 27-548.42(a) states that except as necessary and incidental to airport operations, no building, structure, or natural feature shall be constructed, altered, maintained, or allowed to grow so as to project or otherwise penetrate the airspace surfaces defined by Federal Aviation Regulations Part 77 or the Code of Maryland, COMAR 11.03.05, Obstructions to Air Navigation, and (b) of that Section states that the height of structures within the APA-6 may not be approved for a structure higher than 50 feet unless the applicant demonstrates compliance with FAR Part 77. Review for conformance to the height restriction of this section should occur with the review of the specific design plan.

## 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. Provide the conceptual stormwater management approval number and approval date.
  - b. Correct the parcel dedication table to reflect the parcel to be conveyed to M-NCPPC.
  - c. List the existing parcels and lot designations, with appropriate plat reference from Lots 33 and 34.
  - d. Add a note stating that development of this property shall conform to A-9967 and CDP-0504.
  - e. Revise the APA map to list the airport.
  - f. To conform to the signature approved CDP and conditions of PGCPB #05-269, or as modified by the District Council approval.
  - g. Lots 1 and 8, Block LL, to be a minimum of 30,000 square feet, and conformance to Condition 12 of A-9967.
  - h. Provide legible lot sizes, bearings and distances. All measurements should be legible.
  - i. Revise the regulation table to correspond to lot numbers, to allow for the verification of conformance to the percentages, and standards proposed. The regulation table shall also be revised to reflect the large lot component.
  - j. Label the ultimate right-of-way of each public, private street, and alley.
  - k. The alley rights-of-way shall be separated from open space elements between sticks of townhouses.
  - l. Add a note that the 10-foot PUE is required outside and abutting the alley right-of-way and cannot be encumbered by structures.
  - m. In accordance with the DPW&T memorandum of September 19, 2005, which requires minor revisions to the plan to accommodate larger rights-of-way (50 feet to 60 feet) on Public Roads V, Z and L, which are public streets on which townhouses front.
2. A Type II Tree Conservation Plan shall be approved with the specific design plan.
3. Development of this site shall be in conformance with the Stormwater Management Concept Plan #25955-2005-00 and any subsequent revisions.
4. Prior to signature approval of the preliminary plan the applicant shall submit evidence that the property is not encumbered by prescriptive or descriptive easements that are to the benefit of other properties. If encumbered that applicant shall submit evidence that the rights and privileges

associated with those easements will not be interrupted with the development of this property. If appropriate the applicant shall provide evidence of the agreement of those benefited properties to the abandonment or relocation of said easements.

5. Prior to signature approval of the preliminary plan of subdivision the applicant, his heirs, successors and/or assignees shall submit four copies of the final Phase I (Identification) archeological report.
6. Prior to signature approval the applicant shall submit a copy of the approved stormwater management plan.
7. Prior to the approval of building permits, the applicant, his heirs, successors and/or assignees shall convey to the homeowners association (HOA) 271.40±acres of open space land (Parcels B thru V). 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.
8. At the time of final plat, the applicant, his heirs, successors and/or assignees shall convey approximately 14.84±acres of land to M-NCPPC, as delineated on Parks Exhibit A. Land to be conveyed shall be subject to the following:



- a. At the time of final plat, an original, special warranty deed for the property to be conveyed, (signed by the WSSC Assessment Supervisor) shall be submitted by the applicant to the Subdivision Section of the Development Review Division, The Maryland-National Capital Park and Planning Commission (M-NCPPC), along with the final plat.
  - b. M-NCPPC shall be held harmless for the cost of public improvements associated with land to be conveyed, including but not limited to, sewer extensions, adjacent road improvements, drains, sidewalks, curbs and gutters, and front-foot benefit charges prior to and subsequent to final plat.
  - c. The boundaries and acreage of land to be conveyed to M-NCPPC shall be indicated on all development plans and permits, which include such property.
  - d. The land to be conveyed shall not be disturbed or filled in any way without the prior written consent of the Department of Parks and Recreation (DPR). If the land is to be disturbed, DPR shall require that a performance bond be posted to warrant restoration, repair or improvements made necessary or required by the M-NCPPC development approval process. The bond or other suitable financial guarantee (suitability to be judged by the General Counsel's Office, M-NCPPC) shall be submitted to the DPR within two weeks prior to applying for grading permits.
  - e. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to or owned by M-NCPPC. If the outfalls require drainage improvements on adjacent land to be conveyed to or owned by M-NCPPC, the DPR shall review and approve the location and design of these facilities. DPR may require a performance bond and easement agreement prior to issuance of grading permits.
  - f. All waste matter of any kind shall be removed from the property to be conveyed. All wells shall be filled and underground structures shall be removed. DPR shall inspect the site and verify that land is in acceptable condition for conveyance, prior to dedication.
  - g. All existing structures shall be removed from the property to be conveyed, unless the applicant obtains the written consent of DPR.
  - h. The applicant shall terminate any leasehold interests on property to be conveyed to M-NCPPC.
  - i. No stormwater management facilities, or tree conservation or utility easements shall be proposed on land owned by or to be conveyed to M-NCPPC without the prior written consent of DPR. DPR shall review and approve the location and/or design of these features. If such proposals are approved by DPR, a performance bond and an easement agreement may be required prior to the issuance of grading permits.
9. Prior to the approval 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 (HOA).
  10. The applicant, his heirs, successors and/or assignees shall submit three original recreational facilities agreements (RFAs) to DRD for construction of recreational facilities on homeowners

land, for approval prior to the submission of final plats. Upon approval by DRD, the RFA shall be recorded among the county land records.

11. The applicant, his heirs, successors and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for the construction of recreational facilities on homeowners land, prior to the issuance of building permits.
12. The applicant, his heirs, successors and/or assignees shall submit to DRD, Park Planning and Development Division (PP&D), three original recreational facilities agreements (RFAs) for construction of recreational trail facilities on park property. The RFA shall be approved prior to the approval of final plats. Upon approval by the PP&D, the RFA shall be recorded among the county land records and noted on the final plat of subdivision. The recreational facilities on dedicated parkland shall be constructed prior to issuance of the 50<sup>th</sup> building permit.
13. The applicant, his heirs, successors and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for the construction of recreational facilities on park property prior to the approval of building permits.
14. In conformance with the Adopted and Approved Subregion V Master Plan, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following at the time of Specific Design Plan:
  - a. The Subregion V Master Plan designates Thrift Road as a master plan trail/bicycle corridor. Depending on the type of roadway required by the Department of Public Works and Transportation, one of the following shall be provided:
    - (1) If a closed section road is required, the applicant shall construct an eight-foot wide Class II trail along the site's entire road frontage of Thrift Road.
    - (2) If an open section road is required, the applicant shall provide wide asphalt shoulders along the subject site's entire road frontage of Thrift Road and a financial contribution of \$210.00 to the Department of Public Works and Transportation for the placement of one "Share The Road With A Bike" sign. A note shall be placed on the final record plat for payment to be received prior to the issuance of the first building permit.
  - b. Provide an eight-foot wide asphalt HOA trail from the southernmost cul-de-sac to the proposed trail immediately to the north, in the vicinity of the stormwater management pond.
  - c. Provide an eight-foot wide asphalt HOA trail from one of the cul-de-sacs west of the main stream valley to the main north-south trail that is proposed.
  - d. Provide trails within and to the proposed public park.
  - e. Provide trail connections from the proposed public park to Roulade Place and Mordente Drive.
  - f. Provide a wide asphalt shoulder along the subject site's entire road frontage of MD 223 in order to safely accommodate bicycle traffic, unless modified by SHA.

- g. Provide standard sidewalks along both sides of all internal roads, unless modified by DPW&T.
  - h. Provide a connection from Block KK to the internal trial.
15. Prior to signature approval of the preliminary plan the District Council shall issue a final zoning decision. If the applicant obtains approval of the rezoning from R-E to R-L, the record plat shall carry a note that development of this property is subject to A-9967 and CDP-0504, and any subsequent amendments. A new preliminary plan of subdivision shall be required for development proposed that does not conform to A-9967, CDP-0504 and/or is substantially different from this preliminary plan.
  16. The applicant shall obtain signature approval of the preliminary plan of subdivision prior to the acceptance of the specific design plan.
  17. Prior to signature approval of the preliminary plan the applicant shall submit evidence from the Health Department whether an Environmental Site Assessment and testing will be required. If required that applicant shall submit evidence of satisfactory testing with the review of the specific design plan.
  18. Prior to the issuance of a grading permit for the development, A Public Safety Mitigation Fee shall be paid in the amount of \$3,242,220 as noted below.
    - a. \$2,793,420 (\$3,780 x 739 dwelling units). Notwithstanding the number of dwelling units and the total fee payments noted in this condition, the final number of dwelling units shall be as approved by the Planning Board and the total fee payment shall be determined by multiplying the total dwelling unit number by the per unit factor noted above. The per unit factor of \$3,780 is due to inadequate emergency police response times for the portion of the development that has vehicular access via Tippet Road and Piscataway Road. The per unit factor is subject to adjustment on an annual basis in accordance with the percentage change in the Consumer Price Index for All Urban Consumers. The actual fee to be paid will depend upon the year the grading permit is issued, and
    - b. \$448,800 (\$5,100 x 88 dwelling units), for those lots within the subdivision that have vehicular access to Thrift Road (Lots 1-80, Block KK and Lots 1-8, Block LL). Notwithstanding the number of dwelling units and the total fee payments noted in this condition, the final number of dwelling units shall be as approved by the Planning Board and the total fee payment shall be determined by multiplying the total dwelling unit number by the per unit factor noted above. The per unit factor of \$5,100 is due to inadequate emergency police response times and not meeting the required 7-minute response time for the first due fire station. The per unit factor of \$5,100 is subject to adjustment on an annual basis in accordance with the percentage change in the Consumer Price Index for All Urban Consumers. The actual fee to be paid will depend upon the year the grading permit is issued.
  19. In accordance with Section 27-548.43 of the Zoning Ordinance and prior to final plat approval the Declaration of Covenants for the property, in conjunction with the formation of a homeowners association, shall include language notifying all future contract purchasers of homes in the community of the existence of a general aviation airport. Washington Executive Airport (Hyde Field) is within one mile of the community. The Declaration of Covenants shall include the General Aviation Airport Environmental Disclosure Notice. At the time of purchase contract

with homebuyers, the contract purchaser shall sign an acknowledgement of receipt of the Declaration. The liber and folio of the recorded Declaration of Covenants shall be noted on the final plat along with a description of the proximity of the development to the general aviation airport.

20. The specific design plan review shall include review for conformance to the regulations of Part 10B Airport Compatibility, Division 1 Aviation Policy Areas of the Zoning Ordinance. The specific design plan shall delineate, at an appropriate scale for review, the impact of the APA policy areas on the site.
21. Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances, or (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency:
  - a. MD 223/Old Branch Avenue/Brandywine Road: Reconstruct the intersection to provide two through lanes, an exclusive right-turn lane, and an exclusive left-turn lane on both the eastbound and westbound approaches, and provide an exclusive through lane, an exclusive right-turn lane, and an exclusive left-turn lane on both the northbound and southbound approaches. Modify traffic signal, signage, and pavement markings as needed.
  - b. MD 223/Temple Hill Road: Construct a second through lane along the south/westbound MD 223 approach. Modify signals, signage, and pavement markings as needed.
  - c. MD 223/Steed Road: Reconstruct the intersection to provide a shared through/right-turn lane and a shared through/left-turn lane on the southbound MD 223 approach; a shared through/right-turn lane, an exclusive through lane, and an exclusive left-turn lane on the northbound MD 223 approach; and an exclusive left-turn lane and shared through/right-turn lane on the Steed Road approach. Modify signals, signage, and pavement markings as needed.
  - d. MD 210/Old Fort Road North: Modify the eastbound and westbound Old Fort Road approaches to provide an exclusive through lane, a shared through/left-turn lane, and an exclusive right-turn lane. Modify signals, signage, and pavement markings as needed.
22. Prior to the approval of the specific design plan within the subject property, the applicant shall submit a revised acceptable traffic signal warrant study to SHA and/or DPW&T for signalization at the intersection of MD 223 and Floral Park Road and a determination shall be made if the signal is warranted. The applicant should utilize a new 12-hour count and should analyze signal warrants under total future traffic as well as existing traffic at the direction of the operating agencies. If a signal is deemed warranted at that time, the applicant shall bond the signal with the appropriate agency prior to the release of any building permits within the subject property and install it at a time when directed by that agency. Installation shall include the modification of the southbound approach to provide exclusive left-turn and right-turn lanes, and the modification of the eastbound approach to provide exclusive through and left-turn lanes. If it is determined at the time of specific design plan review that certain geometric modifications are not needed for adequacy, the requirement may be waived by the Planning Board during approval of the specific design plan.
23. Prior to the approval of the specific design plan within the subject property, the applicant shall submit a revised acceptable traffic signal warrant study to SHA and/or DPW&T for signalization

at the intersection of MD 223 and Windbrook Drive and a determination shall be made if the signal is warranted. The applicant should utilize a new 12-hour count and should analyze signal warrants under total future traffic as well as existing traffic at the direction of the operating agencies. If a signal is deemed warranted at that time, the applicant shall bond the signal with the appropriate agency prior to the release of any building permits within the subject property, and install it at a time when directed by that agency.

24. Prior to the approval of the specific design plan within the subject property, the applicant shall submit a revised acceptable traffic signal warrant study to SHA and/or DPW&T for signalization at the intersection of MD 223 and the site entrance and a determination shall be made if the signal is warranted. The applicant should utilize a new 12-hour count, and should analyze signal warrants under total future traffic as well as existing traffic at the direction of the operating agencies. If a signal is deemed warranted at that time, the applicant shall bond the signal with the appropriate agency prior to the release of any building permits within the subject property, and install it at a time when directed by that agency. Installation shall include the construction of the minor street approaches to include exclusive right-turn and shared through/left-turn lanes on each, and the modification of the eastbound approach to provide exclusive through and left-turn lanes along with a second through lane that can be shared with right turns. If it is determined at the time of specific design plan review that the second eastbound through lane is not needed for adequacy, the requirement may be waived by the Planning Board during approval of the specific design plan.
25. At the time of final plat approval, the applicant shall dedicate right-of-way along Thrift Road of 40 feet from centerline, as shown on the submitted plan.
26. At the time of final plat approval, the applicant shall dedicate right-of-way along MD 223 of 60 feet from centerline, as shown on the submitted plan.
27. Construction drawings for the recreational facilities on public parkland shall be reviewed and approved by the Park Planning and Development staff prior to certificate approval of the first specific design plan.
28. The nonstandard typical section shown for secondary public streets within the subject property shall be specifically approved by DPW&T in writing prior to the approval of each specific design plan were applicable.
29. The applicant, his heirs, successors and/or assignees shall make a monetary contribution of a minimum \$2,000,000 toward the construction of the Southern Region Community Center in three phases:
  - a. \$200,000.00 for the design and engineering of the community center shall be paid prior to the issuance of the 50<sup>th</sup> building permit.
  - b. \$ 900,000.00 for the construction of the community center shall be paid prior to issuance of the 200<sup>th</sup> building permit. Beginning from the date of issuance of the 50<sup>th</sup> building permit, this amount shall be adjusted for inflation on an annual basis using the Consumer Price Index (CPI).
  - c. \$ 900,000.00 for the construction of the community center shall be paid prior to issuance of the 400<sup>th</sup> building permit. Beginning from the date of issuance of the 50<sup>th</sup> building permit, this amount shall be adjusted for inflation on an annual basis using the Consumer Price Index (CPI).

30. Prior to the approval of the specific design plan for Blocks GG, FF and HH (the portion of the property abutting the Wolfe Farm (4-04099)) a new preliminary plan shall be approved by the Planning Board with the reorientation of the internal street layout within the Wolfe property subdivision, or Blocks GG, FF and HH shall be redesigned to delete the stub street to the south. However, if the Wolf property is revised to show a future street extension into the subject site, then the lots within Blocks GG, FF, HH should be revised to be compatible in unit type and size to future lots within the Wolfe property.
31. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the expanded stream buffers and isolated sensitive areas and their buffers, excluding those areas where variation requests have been approved, and shall be reviewed by the Environmental Planning Section prior to certification. 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.”
32. Prior to signature of the Preliminary Plan, the Type I Tree Conservation Plan shall:
- a. Reduce the area of impact “A”
  - b. Place the trail over the sanitary sewer to the extent possible to reduce the impact to the expanded stream buffer in area “E” and realign the trail to avoid all impact to wetlands or wetland buffers
  - c. Reduce the area of impact “G” for the street and eliminate all impacts for the proposed trail
  - d. Place the trail over the sanitary sewer to the extent possible to reduce the impact to the expanded stream buffer in area “J”
  - e. Place the trail over the sanitary sewer to the extent possible to reduce the impact to the expanded stream buffer in area “K” and realign the trail to avoid all impacts to wetlands or wetland buffers
  - f. Remove the impact for trail construction in area “L”
  - g. Revise the location of the stormwater management outfall in area “Q” to minimize overall impact
  - h. Reduce impact area “R” to the minimum required for the stormwater outfall
  - i. Provide all required woodland conservation on-site
  - j. Use all appropriate areas for woodland conservation
  - k. Show no woodland conservation on any lot

- l. Revise the worksheet as needed
  - m. Have the revised plan signed and dated by the qualified professional who prepared the plan.
33. Prior to the issuance of any permits that impact wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans. All impacts to sensitive environmental features that require mitigation by state or federal permits shall provide the mitigation using the following priority list: (1) on-site, (2) within the Piscataway Creek Watershed and/or (3) within the Potomac River watershed.
34. Prior to signature of the Preliminary Plan, the TCPI shall be revised to show all unmitigated 65 dBA Ldn noise contours associated with traffic-generated noise.
35. As part of the review of the specific design plan, the landscaping in the 40-foot-wide scenic easement adjacent to the 10-foot public utility easement parallel to the land to be dedicated for Piscataway Road and Thrift Road shall be reviewed.
36. A minimum 40-foot-wide easement adjacent to the 10-foot public utility easements parallel to the land to be dedicated for Piscataway Road and Thrift Road, shall be shown on the final plats as scenic easements and the following note shall be placed on the plats:
- “Scenic easements described on this plat are areas where the installation of structures 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 permitted.”
37. The following note shall be placed on the Final Plat of Subdivision:
- “Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/53/04), 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.”

STAFF RECOMMENDS APPROVAL OF THE TYPE I TREE CONSERVATION PLAN (TCPI/53/04-01) AND VARIATIONS TO SECTION 24-130 OF THE SUBDIVISION REGULATIONS.