



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

## Preliminary Plan 4-05060

Application	General Data
<b>Project Name:</b> <b>COLLEGE HEIGHTS WEST</b>  <b>Location:</b> North of terminus of Windsor Lane, Lovell Drive and Commander Drive, approximately 500 feet north of Wells Parkway.  <b>Applicant/Address:</b> Kenneth H. Michael 4640 Forbes Boulevard, Suite #300 Lanham, MD. 20706	Date Accepted: 10/03/05
	Planning Board Action Limit: 03/07/06
	Plan Acreage: 11.78
	Zone: R-55
	Lots: 26
	Parcels: 1
	Outlots: 4
	Election District: 21
	Planning Area: 66
	Tier: Developed
	Council District: 03
	Municipality: College Park
	200-Scale Base Map: 209NE03

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

Staff Recommendation		Staff Reviewer: Tom Lockard	
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 Subdivision Plat 4-05060  
College Heights West, Lots 1-26, Parcel A & Outlots A-D

OVERVIEW

The site contains approximately 11.78 acres of land in the R-55 Zone. It is a combination of four deed parcels (Parcels 123, 70, 32 and Part of Parcel 43) shown on Tax Map 33, Grid A-3. The applicant is proposing to subdivide the site into 26 lots, 1 parcel and 4 outlots. Access to each of the lots will be from driveways connecting to an extension of Commander Drive/Windsor Lane. Parcel A is shown for dedication to public use as “part of right-of-way for road access” (presumably to the remainder of Parcel 43 to the north), while the disposition of thin strips of land comprising Outlots A-D is not shown.

SETTING

The site is located at the northern terminus of Windsor Lane, Lovell Drive, and Commander Drive, approximately 500 feet north of Wells Parkway. The site is largely undeveloped and predominately wooded, with the exception of one single-family dwelling in the northwest corner of the site. All structures on the site are proposed to be razed. The surrounding properties are zoned R-55 and are developed with single-family residences to the south and southwest (College Heights Subdivision), a church to the northwest, and undeveloped land to the north, northeast and east.

FINDINGS AND REASONS FOR STAFF RECOMMENDATION

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

	EXISTING	PROPOSED
Zone	R-55	R-55
Uses	Vacant	Single-Family Residences
Acreage	11.78	11.78
Lots	0	26
Parcels	4	1
Outlots	0	4
Dwelling Units	1 (to be razed)	26

2. **Environmental**— The site is characterized by terrain sloping toward unnamed tributaries of the Brier Ditch Creek watershed, which traverse the subject property in the Anacostia River basin. A review of the available information indicates that there are areas of severe slopes and some areas of steep slopes on highly erodible soils on the site. There are streams, Waters of the U.S., wetlands, and 100-year floodplain. There are no Marlboro clays found on the site. There are no noise issues associated with the current proposal. The soils found to occur on the site, according

to the Prince George's County Soil Survey are Bibb, Fallingston, Matawan, Beltsville, Keyport, and Sunnyside. These soil types generally exhibit slight to moderate limitations to development due to steep slopes, seasonally high water table, poor stability, perched water table, and impeded drainage. 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. There are no designated scenic or historic roads adjacent to this property. This property is located in the Developed Tier as delineated on the adopted General Plan.

### **Natural Resources Inventory**

The preliminary plan application has a signed Natural Resources Inventory (NRI/094/05), dated September 28, 2005, that was included with the application package. The requirement to submit an NRI was instituted after the previous submissions had been withdrawn.

The TCPI and the preliminary plan have been revised to show all the required information correctly. The NRI shows an area of wetlands that did not appear on the two previous preliminary plan applications and as such was not considered during those reviews.

### **Woodland Conservation**

The property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the gross tract area is in excess of 40,000 square feet and there are more than 10,000 square feet of existing woodland on-site.

The Woodland Conservation Threshold for this site is 20 percent, or 2.27 acres. As currently designed, an additional 1.54 acres are required due to removal of woodlands, for a total requirement of 3.81 acres. The plan shows the requirement being met with 2.13 acres of on-site preservation and 1.72 acres of off-site credits for a total of 3.85 acres of woodland conservation provided.

Several revisions are needed so that the Type I Tree Conservation Plan can be found to be in conformance with the Woodland Conservation Ordinance. Woodlands shown as "preserved but not counted" on lots less than 20,000 square feet shall be counted as cleared. The proposed "special conservation easement" should be removed from the plan. Conceptual grading should be shown on the plan and a limit of disturbance added that provides for at least 40 feet of cleared area to the rear and 20 feet on each side of all proposed buildings. The worksheet needs to be revised to account for the small area of off-site clearing associated with the installation of the sanitary sewer line. The qualified professional who prepared the plan needs to sign and date it after it has been fully revised to address these comments.

The subject property contains a Regulated Area and an Evaluation Area as part of the Countywide Green Infrastructure Plan. These areas are priorities for woodland conservation. At a minimum, the woodland conservation threshold should be met on-site when sensitive environmental resources and naturally wooded areas occur on-site. The forest stand delineation submitted with the NRI states that the woodland in the Evaluation Areas of the site is in good condition and is a high priority for preservation.

As currently designed it is nearly impossible to preserve much of the woodlands shown to be preserved on the site. The current layout shows 13 of the 26 lots with substandard development envelopes (lots where insufficient area has been provided for house construction and woodlands are shown too close to the house footprints). The Woodland Conservation Ordinance requires that there be 40 feet to the rear and 20 feet on each side of a building footprint to allow for construction of the building and protection of the woodlands that are adjacent. Half of the proposed lots do not meet this standard.

### **Impact to Environmentally Sensitive Areas and Variation Request**

The Subdivision Ordinance requires the preservation of the expanded stream buffer in a natural state (Section 24-130(b)(6) and (7)) unless the Planning Board approves a variation request.

A variation request was submitted with the initial application for this preliminary plan. It shows nine separate impacts on the exhibits; however, the text does not provide for justifications separately for each impact as required. Below staff has provided an analysis of Impacts #1 through #6 that are related to stormwater management facilities on the site; Impact #7 that is for the construction of a roadway through a previously unidentified wetland; and Impacts #8 and #9 that are related to a sanitary sewer connection for the development of the site.

There are several other impacts that have not been requested, which, if the project is developed as designed, will result in impacts to regulated environmental features. These are identified as Impacts A, B and C.

The Subdivision Ordinance, as well as state and federal regulations, requires that impacts be avoided when designing land development proposals. If a design alternative exists that would result in the elimination of an impact, according to Planning Board policy and direction provided by the Maryland Department of the Environment, the design alternative must be implemented. Staff generally does not recommend impacts that are not essential for the development of property, such as grading for lots, parking areas and roadways. Staff does generally recommend impacts that are essential to the development of a site, such as those for stormwater management outfalls and sanitary sewer connections. Section 24-113 of the Subdivision Ordinance contains the required findings for approval of variation requests.

Impacts A, B, and C are not essential for the development of the site and as such are not recommended for approval. **Impact A** is on proposed Lot 16 where the proposed driveway skirts the edge of the minimum 50-foot-wide stream buffer. If conceptual grading had been provided on the tree conservation plan, it would have shown the necessary grading for this driveway encroaching into the buffer. As designed, this impact is unnecessary—the driveway can be moved to the west to avoid the stream buffer.

**Impact B** is shown on Lots 17–19 where the minimum area required by the Woodland Conservation Ordinance has not been provided and sufficient space has not been provided for the construction of the proposed homes. The applicant has proposed a “special” conservation easement to protect this area; however, the area of the stream buffer will already be protected by a conservation easement, resulting in the “special” conservation easement providing no value.

**Impact C** is associated with the road construction between Lot 1 and Lot 26. Again, because no conceptual grading was shown on the tree conservation plan, it is not possible to evaluate the magnitude of the impacts in this area; however, it is clear that the road could not be constructed

within five feet of the stream buffer without causing impacts. At a minimum, ten feet and often more is required for roadway construction so that the proper sub-base and other paving materials can be properly installed.

Impacts #1–#6 are for stormwater management outfalls and Impacts #8 and 9 are for a sewer connection.

Section 24-113 of the Subdivision Ordinance contains four required findings [text in bold] to be made before a variation can be granted.

**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:**

- (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 stormwater outfalls and the sewer connection are required by the Prince George's County Department of Environmental Resources to provide for public safety, health and welfare. All designs of these types of facilities are reviewed by the appropriate agency to ensure compliance with the 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;**

The specific topography of the site requires the use of stormwater management outfalls. The location of the nearest sewer connection results in the need to provide the sewer connection in the location shown. These two conditions are unique to the subject property.

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

The installation of stormwater management facilities and sewer connections are required by other regulations. The proposed impacts are not a violation of any other applicable law, ordinance or regulation because permits from other agencies will also be required prior to construction.

- (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 topography provides no alternative for the locations of the stormwater outfalls and sewer line connections that are required to serve the development.

**Recommendation:** Staff recommends approval of Impacts #1–#6 and #8 and #9 subject to the redesign of the site as articulated in other recommended conditions.

**Impact #7 for roadway construction**

Section 24-113 of the Subdivision Regulations contains four required findings [text in bold] to be made before a variation can be granted.

**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:**

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

When evaluating impacts to regulated environmental features, staff considers whether or not design alternatives are available that avoid the impact in question. It is clear in this instance that the complete elimination of this wetland is not necessary for the subject property to be developed. If the roadway were stopped to the west and a cul-de-sac provided, the elimination of this wetland could be avoided. In addition, because the site has multiple access points there are many alternative designs that would provide for safe access to the property without this impact. Because this wetland is located directly adjacent to a stream system that has a substantial channel (more than ten feet wide in places), the preservation of this wetland is important to the long-term stability of the stream. The preservation of this wetland provides for public safety, health and welfare by helping to stabilize a stream that is already receiving a substantial amount of stormwater run-off and will receive more run-off if the subject development is approved.

- (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;**

The location of this wetland adjacent to a stream is not unique, and in fact is a rather common occurrence. The Planning Board has repeatedly denied impacts of this type, when a design alternative exists that would eliminate the need for the impact.

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

As currently designed, the impact proposed is a violation of state law with regard to the avoidance and minimization of impacts to state-regulated features. The Maryland Department of the Environment has repeatedly denied applications for permits that show avoidable impacts. Because this site has multiple access points, the development can be designed without the proposed impact.

- (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 subject property can be reasonably developed without the impact proposed. When a property contains significant areas of regulated environmental features, it is understood that the maximum development potential for the property may not be achieved. Currently, the subject property consists of three parcels. Courts have held that the development of three lots would be considered a reasonable development of the property. Clearly more than three lots will be achieved, even after the site is redesigned to respect the regulated features of the site.

**Recommendation:** Staff recommends that the variation request for Impact #7 for the construction of the road not be approved.

### **Summary of Recommended Findings**

Staff recommends that the Planning Board find that the required findings of Section 24-113 can be made for proposed Impacts #1–#6 and #8 and #9 only.

Staff recommends that the Planning Board find that the required findings of Section 24-113 cannot be made for proposed Impact #7 and staff-identified Impacts A, B and C.

### **Water and Sewer Categories**

The water and sewer service categories are W-3 and S-3 according to water and sewer maps dated June 2003 obtained from the Department of Environmental Resources. The proposed development will utilize these public systems.

3. **Community Planning**—The property is in Planning Area 66/College Park. The 2002 General Plan places the property in the Developed Tier. The vision for the Developed Tier is a network of sustainable, transit-supporting, mixed-use, pedestrian-oriented, medium- to high-density neighborhoods. This application is not inconsistent with the 2002 General Plan Development Pattern policies for the Developed Tier. The 1989 approved master plan for Langley Park-College Park-Greenbelt and Vicinity recommends approximately 30 percent of the site for medium suburban residential use. The balance is recommended for public or quasi-public use. This application conforms to the master plan recommendation.
4. **Parks and Recreation**—In accordance with Section 24-134 of the Subdivision Regulations, the Department of Parks and Recreation recommends the payment of a fee-in-lieu of the requirement for the mandatory dedication of parkland because the land available is not suitable due to its size and location.
5. **Trails**—There are no master plan trail issues identified in the 1989 approved Master Plan for Langley Park-College Park-Greenbelt and Vicinity.
6. **Transportation**—The applicant’s proposed development would generate fewer than 50 trips in any peak hour, hence a traffic study was not required. The applicant, at staff’s request, did provide an AM and PM peak-hour turning movement traffic count at the intersection of Adelphi Road and Wells Parkway. The findings and recommendations outlined below are based upon a review of these data and analyses conducted by staff of the Transportation Planning Section, consistent with the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*.

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

The subject property is located within the developed 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) E, with signalized intersections operating at a critical lane volume (CLV) of 1,600 or better. Mitigation, as defined by Section 24-124(a)(6) of the Subdivision Ordinance, is permitted at signalized intersections subject to meeting the geographical criteria in the guidelines.

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

## **Staff Analysis of Traffic Impacts**

The critical intersection on which the proposed development would have an impact would be Adelphi Road/Wells Parkway (signalized). The most recent traffic analysis of that intersection operated with a CLV/LOS of 993/A during the AM peak hour, and 1,051/B during the PM peak hour. Based on trip generation rates from *The Guidelines for the Analysis of the Traffic Impact of Development Proposals*, a 26-lot single family dwelling unit development would generate 20 (4 in, 16 out) AM peak-hour trips and 24 (16 in, 8 out) PM peak-hour trips. Staff found no background development that would significantly impact the subject intersection. Because the counts were done during the summer, staff applied a seasonal adjustment factor of 6 percent and 4 percent to the AM and PM peak-hour volumes, pursuant to the guidelines. In order to determine the results under total traffic conditions, the new trips along with adjusted existing traffic volumes were analyzed. The results showed a CLV/LOS of 1,055/B during the AM peak hour, and 1,104/B during the PM peak hour.

## **Site Plan Comments**

Regarding the site access and overall circulation, staff has no issues. The Department of Public Works and Transportation has indicated they will allow the extreme curvature at either end of the road so long as no on-street parking is permitted at those locations.

## **Transportation Staff Conclusions and Recommendations**

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.

1. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for 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:

## Finding

### Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 7	Middle School Cluster 4	High School Cluster 4
Dwelling Units	26 sfd	26 sfd	26 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	6.24	1.56	3.12
Actual Enrollment	36,283	10,786	16,960
Completion Enrollment	268.56	67.50	135.60
Cumulative Enrollment	141.36	35.34	70.68
Total Enrollment	36,699.16	10,890.40	17,169.40
State-Rated Capacity	39,607	10,375	14,191
Percent Capacity	92.66	104.97	120.99

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 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 school facilities, which are expected to accommodate the new students that will be generated by this development proposal. This project meets the adequate public facilities policies of Section 24-122.02, CB-30-2003, CB-31-2003 and CR-23-2003.

8. **Fire and Rescue**—The Prince George's County Planning Department has determined that this preliminary plan is within the required seven-minute response time for the first due fire station Hyattsville, Company 1, using the Seven- Minute Travel Times and Fire Station Locations Map provided by the Prince George's County Fire/EMS Department.

The Fire Chief has reported that the current staff complement of the Fire/EMS Department is 685 (98.99 percent), which is within the staff standard of 657 (or 95 percent) of authorized strength of 692 as stated in CD-56-2005.

The Fire Chief has reported by letter, dated 08/01/05 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 District I. The Prince George’s County Police Department reports that the average yearly response times for that District at the time the subject application was accepted are 18.00 minutes for nonemergency calls, which meets the standard of 25.00 minutes, and 9.00 minutes for emergency calls, which meets the standard of 10.00 minutes.

The Police Chief has reported that the current staff complement of the Police Department is 1,302 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.

10. **Health Department**—The Health Department has reviewed the subject application and reminds the applicant that raze permits are required prior to the removal of any structure on the site. Also, the existing shallow well on the site must be properly backfilled in place as part of the grading permit.
11. **Stormwater Management**—The Department of Environmental Resources (DER), Development Service Division, has determined that on-site stormwater management is required. A stormwater management concept plan (29847-2003-00, June 10, 2004) has been approved. 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 or any approved revision thereto.
12. **Historic Preservation**— A Phase I (Identification) archeological survey is not recommended by the Planning Department on the above-referenced property. Section 106 review may require archeological survey for state or federal agencies, however.
13. **Public Utility Easement**—The preliminary plan includes the required ten-foot-wide public utility easement. This easement will be shown on the final plat.
14. **Landscape Manual**—The subject site abuts a church to the northwest. As such, Lots 14, 15, and 16 are required to have a Type “C” Bufferyard (40-foot setback and 30-foot-wide landscaped strip) along the common boundary with the church. The plan does not reflect this bufferyard. While it may be possible to place the bufferyard on the subject lots, it would result in an extremely tight relationship. The applicant should explore the possibility of providing part of the required buffer on the adjoining church property, where an attractive landscaped strip currently exists. If the church were willing to agree to encumber their strip and allow it to count toward the bufferyard requirements, additional yard area could be provided on the lots.

## RECOMMENDATION

APPROVAL, subject to the following conditions:

1. Prior to signature approval of the preliminary plan, the preliminary plan and the TCPI shall be revised to show a lot layout that provides 40 feet to the rear and 20 feet on each side of each building footprint.
2. Prior to signature approval of the preliminary plan, the preliminary plan and the TCPI shall be revised to eliminate the impact shown on the applicant’s exhibit as Impact #7, associated with the roadway connection from Lot 1 to Lot 26. The approved impacts to the regulated features shall be limited to the impacts for the stormwater management outfalls (to be redesigned to account for

the revised layout) and the impact for the sanitary sewer connection. Staff-identified Impacts A, B and C shall also be eliminated.

3. At the time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the expanded stream buffer, except for areas of approved variation requests as redesigned per the conditions of approval, and shall be reviewed by the Environmental Planning Section prior to approval of the final plat. The following note shall be placed on the plat:

“Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.”

4. Prior to building and grading permits which impact wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall provide the Environmental Planning Section with copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
5. Prior to signature approval of the preliminary plan, the Type I Tree Conservation Plan, TCPI/60/05, shall be revised as follows:
  - a. Revise the plan to show a realistic limit of disturbance for the construction of all lots and provide a minimum of 40 feet to the rear and 20 feet on each side of each conceptual house footprint to allow sufficient space for construction and grading.
  - b. Revise the plan to reflect conceptual grading on-site.
  - c. Revise the plan and legend to show the required 25-foot building restriction line from the floodplain and not a floodplain buffer.
  - d. Eliminate woodland conservation on lots less than 20,000 square feet and show any remaining woodlands as being counted as cleared.
  - e. Remove from the plan proposed “special conservation easements” on Lots 17 and 18. If the conceptual house footprints do not allow for 40 feet to the rear and 20 feet on either side for construction of homes on these lots, then the lots shall be eliminated and the area preserved as woodland conservation on-site.
  - f. Include in the legend all symbols used in the plan.
  - g. Revise the computation worksheet accordingly to reflect changes made to the plan.
  - h. Have the revised plan signed and dated by the qualified professional that prepared the plan.
6. Prior to signature approval of the preliminary plan, a revised stormwater concept approval shall be obtained and submitted that is based on the revised lot layout and the elimination of the road crossing of the stream buffer. The TCPI shall be revised to show only that clearing necessary to implement the revised concept.

7. Prior to the issuance of permits, a Type II tree conservation plan shall be approved.
8. Development of this site shall be in conformance with an approved stormwater management concept plan and any subsequent revisions. Prior to signature approval, the concept plan number and date shall be noted on the preliminary plan.
9. Prior to approval of the final plat of subdivision, the applicant, his heirs, successors and or assignees shall pay a fee-in-lieu of parkland dedication.
10. Prior to signature approval of the preliminary plan the plan shall be revised to show conceptual housing locations demonstrating *Landscape Manual* compliance either through the provision of the required bufferyards or some combination of on- and off-site buffering along the common boundary with the church to the northwest of the site.

STAFF RECOMMENDS APPROVAL OF THE TYPE I TREE CONSERVATION PLAN, TCPI/60/04.

STAFF RECOMMENDS APPROVAL OF VARIATIONS FOR IMPACTS #1–#6, #8 AND #9.

STAFF RECOMMENDS DISAPPROVAL OF VARIATION FOR IMPACT #7.