The Maryland-National Capital Park and Planning Commission
Prince George's County Planning Department
Development Review Division
301-952-3530

Note: *Staff reports can be accessed at www.mncppc.org/pgco/planning/plan.htm.*

Preliminary Plan 4-05092

Application	**General Data**	
Project Name: **CAMPFIRE PROPERTY**	Date Accepted:	10/06/05
	Planning Board Action Limit:	03/10/06
	Plan Acreage:	21.42
Location: West side of Berry Lane and Karen Boulevard.	Zone:	R-80
	Lots:	42
	Parcels:	4
Applicant/Address: Foster Communities of Maryland, Inc. 1121 Maiden Choice Lane Baltimore, MD. 21229		75A
	Tier:	Developing
	Council District:	06
	Municipality:	N/A
	200-Scale Base Map:	202/3SE07

Purpose of Application	**Notice Dates**	
SINGLE-FAMILY RESIDENTIAL SUBDIVISION	Adjoining Property Owners Previous Parties of Record Registered Associations: (CB-58-2003)	09/6/05
	Sign(s) Posted on Site and Notice of Hearing Mailed:	11/22/05

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 4-05092
Campfire Property Lots 1-42 and Parcels A-D

OVERVIEW

This property was the subject of Preliminary Plan 4-02123, approved by the Planning Board on March 13, 2003, and the resolution of approval (PGCPB Resolution No. 03-53) was adopted on April 10, 2003. Pursuant to Section 24-119(d)(5) of the Subdivision Regulations, the preliminary plan had a two-year validity period, unless an extension of that validity period was granted. The applicant did not request an extension and the approved preliminary plan expired on April 10, 2005.

The proposed preliminary plan layout is identical to the layout approved by the Planning Board on March 13, 2003. In fact, the applicant has filed a copy of that approved plan for review. As with the previous preliminary plan staff is recommending approval of the layout with the review of a detailed site plan, as discussed further in Finding 13 of this report.

Of note is that the original preliminary plan application was for 44 lots. At the hearing of March 13, 2003, the Planning Board reduced the number of lots in the subdivision to 42 because of grading issues. The limited detailed site plan, DSP-04007 (condition of the original subdivision approval) was subsequently approved and the number of lots was reduced by another 2, which resulted in a 40-lot subdivision. This is discussed further in Finding 13 of this report.

The subject property is located on Tax Map 73, in Grid F-4, and is known as Parcels A, B, 396, 397 and 415, and a portion of Karen Boulevard, a dedicated public right-of-way. Parcels A, B, and the extension of Karen Boulevard are the subject of a record plat of subdivision, WWW 74@17, recorded in the land records in 1970. The preliminary plan proposes to relocate the portion of Karen Boulevard that extends into the subject property from the east. Karen Boulevard will then extend through the property and terminate along the west property line to provide for access to adjoining properties. The applicant has proposed a lotting pattern that will utilize a portion of the original alignment of Karen Boulevard. Prior to final plat approval, that portion of the right-of-way not necessary for the implementation of the lotting of this subdivision will need to be vacated in accordance with Section 24-112 of the Subdivision Regulations.

The subject property is approximately 21.42 acres and is zoned R-80. The applicant is proposing to subdivide the property into 42 lots for the construction of single-family dwellings and 4 parcels. The preliminary plan proposes to convey the four parcels (A-D) to a homeowners association (HOA). Two parcels are to contain the required stormwater management facilities, Parcels D and G.

SETTING

The subject property is located approximately 300 feet west of the intersection of Karen Boulevard and Berry Lane, west of Walker Mill Regional Park, in the District Heights community. Karen Boulevard remains an unimproved right-of-way. To the southwest is the Wintergreen Subdivision, developed with single-family detached dwellings in the R-80 Zone. To the west is a 15-acre parcel of land zoned R-80 that is generally undeveloped. To the northwest is the Waterford Subdivision, developed with single-family dwellings. To the east is the Walker Mill Regional Park.

FINDINGS AND REASONS FOR STAFF RECOMMENDATION

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

	EXISTING	**PROPOSED**
Zone	R-80	R-80
Use(s)	Vacant	Single-family dwelling units
Acreage	21.42	21.42
Lots	0	42
Parcels	4	4
Dwelling Units:		
Detached	0	42

2. **Environmental**—The Environmental Planning Section has reviewed the above-referenced application for a preliminary plan of subdivision for the Campfire Property, 4-05092 and TCPI/03/03-01, stamped as received by the Environmental Planning Section on October 11, 2005, and November 2, 2005. The submission package included a justification letter for impacts to regulated features, stamped as received by the Countywide Planning Division on November 17, 2005. The plans as submitted have been found to address the environmental constraints for the subject property. The Environmental Planning Section recommends approval of 4-05092 and TCPI/03/03-01, subject to the conditions at the end of this memorandum. This memorandum supercedes previous memoranda from the Environmental planning Section dated October 28, 2005.

The subject property was previously reviewed as a Preliminary Plan of Subdivision 4-02123 and TCPI/03/03, which was approved with conditions but expired prior to final plat. The current application makes no changes to the previously approved plans. However, for purposes of clarification, staff is recommending that TCPI/03/03 be approved with an 01 revision.

Site Description

A review of the available information indicates that streams, wetlands, 100-year floodplain, severe slopes, and areas of steep slopes with highly erodible soils are found to occur on the property. No adverse transportation-related noise impacts have been identified in the vicinity of this property. The soils found to occur according to the Prince George's County Soil Survey are Beltsville fine sandy loam, Bibb silt loam, and Sassafras gravelly sandy loam. These soils series generally exhibit moderate to severe limitations to development due to impeded drainage, perched water table, flood hazard, and steep slopes. The site is characterized with gradually rolling terrain with areas of severe slopes and is traversed by tributaries of the Southwest Branch,

in the Patuxent River Basin. According to available information, Marlboro clays are not found to occur in the vicinity of this property.

According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program publication entitled "Ecologically Significant Areas in Anne Arundel and Prince George's Counties," December 1997, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. According to the most recent Air Installation Compatible Use Zone (AICUZ) Study released in April 1998, the subject property is partially located within the 65–70 dBA (Ldn) noise contours for Andrews Air Force Base. There are no designated scenic and historic roads adjacent to this property.

A forest stand delineation was submitted with this application and was found to address the criteria for an FSD in accordance with the Prince George's County Woodland Conservation Ordinance.

This site is subject to the provisions of the Woodland Conservation Ordinance because it is larger than 40,000 square feet in size and contains more than 10,000 square feet of woodlands. The Type I tree conservation plan as submitted was reviewed and was found to satisfy the requirements of the Woodland Conservation Ordinance.

This property has a net tract area of 18.42 acres. The TCP I woodland conservation worksheet indicates that the minimum woodland conservation requirement for this site is 3.68 acres (20 percent of the Net Tract). An additional 6.43 acres are required due to removal of woodland below the threshold level for a total requirement of 10.11 acres. The plan shows the requirement being met with 0.89 acre of on-site woodland preservation, and 9.22 acres of off-site mitigation for a total of 10.11 acres as required.

The site contains woodlands that are associated with the bottomland areas of the site within the Patuxent River Primary Management Area (PMA). The PMA on the site is being preserved in place, except for minor impacts associated with the road crossing, a sanitary sewer connection, and stormwater pond outfalls. The proposed impacts to the PMA are necessary for the site to be developed. The tree conservation plan shows the preservation of approximately one acre of woodland outside the 100-year floodplain and approximately 2.80 acres of preservation within the 100-year floodplain. It should be noted that the woodlands within the 100-year floodplain cannot be used to meet the woodland conservation requirements, because they are considered "previously protected." This means that the overall woodland preserved on the site is approximately 3.69 acres and the amount that can be counted toward meeting the requirements (outside the 100-year floodplain) is 0.89 acre.

The site is bisected by two unnamed tributaries of the Southwest Branch in the Patuxent River Basin. Section 24-130(b)(5) of the Subdivision Ordinance provides for the protection of streams and the associated buffers that compose the Patuxent River Management Area (PMA). The PMA includes the 50-foot stream buffer, adjacent areas of wetlands, the 25-foot wetland buffer, the 100-year floodplain, adjacent slopes in excess of 25 percent (severe slopes), and adjacent slopes between 15 and 25 percent on highly erodible soils (steep slopes). The site features and their associated buffers including the PMA have been clearly shown on the TCP and preliminary plan. The plan proposes three impacts to the PMA and a letter of justification has been submitted. Staff recommends that the Planning Board find that the PMA has been preserved to the fullest extent possible. An analysis is provided below.

PMA Impact Area # 1—Adjacent to Stormwater Management Pond # 1

Proposed Impacts: The proposed impact consists of minimal clearing (approximately 700 square feet), and utility construction (approximately 50 linear feet) within the wetlands, 25-foot wetland buffer and 50-foot stream buffer in order to construct a sewer main outfall.

PMA Impact Area # 2—Adjacent to Stormwater Management Pond #2

Proposed Impacts: The proposed impacts consist of a) Clearing (approximately 10,000 square feet) minimal excavation, and utility construction (approximately 400 linear feet) within the 100-year floodplain and the 50-foot stream buffer in order to construct a sewer main outfall. A stream crossing is also required. b) Minimal clearing and excavation and utility construction to construct the stormwater management pond outfall pipe.

PMA Impact Area # 3—Karen Boulevard Road Crossing

Proposed Impacts: The proposed impacts consist of a) Clearing, fill, and utility and road construction within the 100-year floodplain and the 50-foot stream buffer in order to construct the Karen Boulevard extension into the site. A stream crossing is also required. b) Minimal clearing and roadway fill and utility construction to construct the 60-foot road right-of-way and culvert crossing.

A copy of the plan's wetland delineation plans sent to the Army Corps of Engineers was submitted as part of the recent package. According to the applicant the document is awaiting written confirmation. The plan as submitted contains sufficient information for this review.

Prior to building and grading permits which impact wetlands, wetland buffers, streams or Waters of the U.S., the applicant should provide the Environmental Planning Section with copies of all federal and state wetland permits, evidence that approved conditions have been complied with, and associated mitigation plans.

The Bibb silt soils found on this property have an assortment of limitations including high water table, impeded drainage, slopes, slow permeability, and poor stability. Although these limitations will ultimately affect the construction phase of this development there are no limitations that would affect the site design or layout. It is important to understand that during the review of building permits the Department of Environmental Resources may require a soils study addressing the soils limitations with respect to the construction of homes.

According to the AICUZ study, the subject property is partially located within a noise zone for Andrews Air Force Base where certain uses are considered to be incompatible with the high levels of noise. The subject property is in a zone where noise levels reach 65–70 dBA (Ldn). These levels are higher than the state noise standard of 65 dBA Ldn for residential uses. The preliminary plan does correctly reflect the location of the 65 dBA Ldn noise contour, however, the plat note must notify prospective property owners of the existing high noise levels. While exterior noise mitigation from overhead sources is not possible to mitigate, interior noise can be mitigated. Certification from an acoustical engineer will be needed prior to permit approval ensuring that interior noise levels are mitigated to 45 dBA (Ldn) or less.

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, and will therefore be served by public/private systems.

3. **Community Planning**—The subject property is located within the limits of the 1985 Suitland-District Heights and vicinity master plan, in Planning Area 75A in the District Heights community. The 2002 General Plan locates the property in the Developed Tier. The proposed preliminary plan is consistent with the land use recommendation of the master plan and the General Plan.

   The master plan land use recommendation for this property is Suburban to Medium Residential density to serve as a buffer and provide a stable residential character for the area surrounding the Walker Mill Regional Park. The master plan indicates that the entire property is within a perceptually sensitive area and the Southwest Branch stream valley runs through the western portion of the property. A master plan trail facility is located along the southwest branch on Parcel C. The proposed development is impacted by aircraft noise from nearby Andrews Air Force Base.

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 of the mandatory dedication of parkland because the land available is not suitable due to its size and location.

5. **Trails**—One master plan trail impacts the subject property. The 1985 Equestrian Addendum to the adopted and approved *Countywide Trails Plan* and the adopted and approved Suitland-District Heights and vicinity master plan both recommend a stream valley trail along Southwest Branch. This trail will link several residential areas with Walker Mill Regional Park. The trail runs parallel to the north property line.

   It is currently not known whether construction of a trail along Southwest Branch into Walker Mill Regional Park will be feasible due to environmental constraints. Therefore, no trail construction on the subject property is recommended at this time. However, staff recommends the provision of a 30-foot-wide public use easement within Parcel C, from north to south, be reflected on the final plat of subdivision. The easement would accommodate the construction of this trail in the future if it were determined feasible by the Department of Parks and Recreation. The Department of Parks and Recreation master plan does not provide for the acquisition of Parcel C through reservation or through the mandatory dedication of parkland.

   It is also recommended that a 15-foot-wide public use easement be provided from the end of Fallsgrove Lane (DSP-04007) to the master plan trail easement on Parcel C. This easement will allow public access from the subject site to the trail if determined by the HOA at a later date that the trail connection was desirable.

6. **Transportation**—The transportation staff determined that recent traffic volume counts for the two intersections of Ritchie Road with Berry Lane and Walker Mill Road are needed. In response, the applicant submitted the required traffic volume counts for these two intersections in a reported dated November 17, 2005. The findings and recommendations outlined below are based upon a review of these materials and analyses conducted by the staff of the Transportation

Planning Section, consistent with the *Guidelines for the Analysis of the Traffic Impact of Development Proposals.*

Growth Policy—Service Level Standards

The subject property is located within the 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.

The application is a preliminary plan of subdivision for 42 residential lots. The proposed development would generate 33 (7 inbound and 26 outbound) AM and 39 (25 inbound and 14 outbound) PM peak hour vehicle trips as determined using *The Guidelines for the Analysis of the Traffic Impact of Development Proposals*.

The traffic generated by the proposed preliminary plan would impact the unsignalized intersection of Berry Lane and Ritchie Road and the signalized intersection of Ritchie Road with Walker Mill Road. These intersections would serve most of the site-generated traffic.

Preliminary Plan of Subdivision 4-02123 was approved for 42 residential lots in April 2003. This preliminary plan has recently expired, but up to its expiration all of the assumed traffic for this subdivision was considered as background traffic for determining transportation adequacy of all new preliminary plans in the area.

The proposed preliminary plan (4-05092) generates the same number of AM and PM peak-hour trips as the expired preliminary plan (4-02123).

Using the recently conducted traffic counts for the intersections identified above, and when analyzed with existing, background and total future traffic as developed using the guidelines, these critical intersections are and would continue to operate at or better than the policy service level required. The existing, background and total traffic conditions for the two identified intersections are presented below, respectively:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
Ritchie Road and Walker Mill Road	806	1,205	A	C
Ritchie Road and Berry Lane	26.9*	26.4*	--	--

*In analyzing unsignalized intersections and roundabouts, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the guidelines, an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are outside of the normal range of the procedure and should be interpreted as a severe inadequacy. This criterion is applicable to roundabouts as well as standard four-way or three-way intersections.

BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
Ritchie Road and Walker Mill Road	993	1,424	A	D
Ritchie Road and Berry Lane	26.9*	26.4*	--	--

*In analyzing unsignalized intersections and roundabouts, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the guidelines, an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are outside of the normal range of the procedure and should be interpreted as a severe inadequacy. This criterion is applicable to roundabouts as well as standard four-way or three-way intersections.

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
Ritchie Road and Walker Mill Road	1,024	1,486	B	E
Ritchie Road and Berry Lane	46.5*	45.0*	--	--

*In analyzing unsignalized intersections and roundabouts, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the guidelines, an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are outside of the normal range of the procedure and should be interpreted as a severe inadequacy. This criterion is applicable to roundabouts as well as standard four-way or three-way intersections.

Based upon the preceding findings, the Transportation Planning Section concludes that adequate transportation facilities will exist as required by Section 24-124 of the Prince George's County Code to serve the proposed development.

7. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this preliminary 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.

Finding

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 7	Middle School Cluster 4	High School Cluster 4
Dwelling Units	42 sfd	42 sfd	42 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	10.08	2.52	5.04
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	36,703	10,891.36	17,171.32
State Rated Capacity	39607	10375	14191
Percent Capacity	92.67%	104.98%	121.00%

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

These figures are correct on the day this 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 amounts 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 on 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 a 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 public facilities policies for school facilities contained in Section 24-122.02, CB-30-2003, and CB-31-2003 and CR-23-2003.

8. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(B)(E) of the Zoning Ordinance.

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 Ritchie, Company 37**,** using the *7 Minute Travel Times and Fire Station Locations Map* provided by the Prince George's County Fire Department.

The Fire Chief has reported that the current staff complement of the Fire 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 August 1, 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 III. The standard for emergency calls response is 10 minutes and 25 minutes for nonemergency calls. The times are based on a rolling average for the preceding 12 months, beginning with January 2005. The preliminary plan was accepted for processing by the Planning Department on October 6, 2005.

Reporting Cycle	Date	Emergency Calls	Nonemergency
Acceptance Date	01/05/05-09/05/05	9.00	20.00

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 1,345 (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 emergency calls and 25 minutes for nonemergency calls were met on the date of acceptance of this application (10/06/2005). In accordance with Section 23-122.01 of the Subdivision Regulations, all applicable tests for adequacy of police facilities have been met, and a commitment of mitigation is not required from the applicant.

10. **Health Department**—The Health Department has no comment.

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, #40589-2002-00, has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. Development of this property should be in conformance with the approved plan.

12. **Historic**—The Historic Preservation and Public Facilities Planning Section notes that a Phase I archeological survey is not recommended.

13. **Detailed Site Plan—**At the public hearing on March 13, 2003, for Preliminary Plan 4-02123 the Planning Board took into careful consideration the extensive grading that would be necessary to implement the plan, reduced the number of lots in the subdivision to 42, and further determined that the most appropriate tool to evaluate the development of this property would be a limited detailed site plan (LDSP). The Planning Board found that the LDSP could be reviewed at a staff level. Subsequent to the approval of the preliminary plan the applicant filed DSP-04007, which was approved on March 28, 2005, for 40 lots.

The Planning Board, in establishing the conditions for the LDSP, clearly limited the scope of the review. The review would evaluate appropriate grading to create the most desirable relationships between lots and the dwellings on those lots. The review would evaluate the use of retaining walls and the views of those retaining walls from proposed dwellings within the subdivision and views from existing dwellings on adjoining lots. And finally the review would include an evaluation of landscaping.

The Planning Board was very specific in its direction to staff regarding the limit of review of landscaping. The Planning Board's primary concern was to mitigate the views from one dwelling unit to another in place of a review of architectural elevations. The purpose was not to totally screen one dwelling unit from another but to mitigate and soften the views of dwellings on adjoining lots. The Planning Board determined that with careful consideration and evaluation of grading and the placement of landscaping, a desirable community could be accomplished.

Section 27-270 of the Zoning Ordinance established the order of approvals, but allows the order to be altered in certain circumstances. The Planning Board required that the LDSP be approved prior to the approval of the final plat in accordance with the strict application of Section 27-270 to ensure that flexibility existed during the site plan review process to shift the lotting pattern, if necessary, prior to the approval of a final plat. In fact, the applicant did revise the layout with the detailed site plan to stub the northwestern cul-de-sac to the west, abutting Parcel 320. This revision resulted in a loss of 2 lots, and the LDSP was approved for 40 lots.

When the subject preliminary plan was filed staff did not require the plan to be revised in accordance with the previously approved DSP to reflect the change to the street layout and reduction of lots due to potentially substantial engineering costs. In fact, as part of the review of DSP-04007, staff found that the street layout revision was in substantial conformance with the preliminary plan and did not require a reconsideration of Preliminary Plan 4-02123 to alter the cul-de-sac to a stub street. However, staff did required that prior to the approval of the limited detailed site plan that the applicant send a certified letter to the owners of Parcel 320 to advise them of the change from a cul-de-sac to a stub street abutting their property. The owners of Parcel 320 did not respond and the DSP was approved. Arguably the stub street layout increases the available right-of-way for the development of Parcel 320, and therefore may increase the potential development opportunity.

To address a technical issue, staff recommends that the order of approvals be altered to allow the applicant to develop in accordance with the already approved LDSP for 40 lots, instead of requiring a revision to the LDSP solely to conform to the order of approval (27-270) that requires preliminary plan approval prior to the site plan approval. DSP-04007 remains valid and the applicant can be required to develop in accordance with that approved plan for 40 lots. The approval of this preliminary plan with a condition that development occurs to conform to DSP-04007 will result in an acknowledgement that the development of this property can support 40 lots. The final plats will reflect the layout approved with DSP-04007.

RECOMMENDATION

APPROVAL, subject to the following conditions:

1. The final plat shall carry a note that development of this property shall conform to DSP-04007, approved on March 28, 2005, or any subsequent revisions.

2. Development of this property shall be in accordance with Stormwater Management Concept Plan #40589-2002-00.

3. Prior to the approval of the final plat of subdivision, in accordance with Section 24-112 of the Subdivision Regulations, the applicant shall vacate that portion of Karen Boulevard necessary for the implementation of the subdivision.

4. Prior to the issuance of building permits, the applicant, his heirs, successors and/or assignees shall demonstrate that a homeowners association (HOA) has been established and that the common areas have been conveyed to the HOA.

5. At the time of final plat, the applicant, his heirs, successors and/or assignees shall convey Parcels C, D, F and G to the HOA. Land to be conveyed shall be subject to the following:

   a. Conveyance shall take place prior to the issuance of building permits.

   b. A copy of the 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 storm drain 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. Storm drain 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. Storm drain outfalls shall be designed to avoid adverse impacts on adjacent land owned by or to be conveyed to The Maryland-National Capital Park and Planning Commission (M-NCPPC). If the outfalls require drainage improvements on land to be conveyed to or owned by M-NCPPC, the Department of Parks and Recreation (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.

i. There shall be no disturbance of any adjacent land that is owned by, or to be conveyed to, M-NCPPC, without the review and approval of DPR.

j. 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.

6. 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.

7. The final plat shall describe a 30-foot-wide master plan trail easement on Parcel C. The easement location shall be approved by the trails coordinator and shall be parallel with the north property line. The easement shall extend from the west property line to the east property line.

8. The final plat shall describe a 15-foot-wide public use trail easement on Parcels D and C. The easement shall connect Karen Court to the 30-foot-wide master plan trail easement on Parcel C. The trails coordinator shall determine the location of the easement.

9. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain all elements of the Patuxent River Primary Management Area, except for areas of approved impacts, and shall be reviewed by the Environmental Planning Section prior to signature approval. The following notes 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."

10. 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.

11. At time of final plat the following note shall be placed on the plat: "This property is subject to high levels of noise from aircraft associated with Andrews Air Force Base."

12. Prior to the issuance of building permits for residential units on this site, the building permits shall be modified to contain certification by a professional engineer with competency in acoustical analysis that the building shells within the noise corridors of Andrews Air Force Base have been designed to attenuate noise levels to 45 dBA Ldn or less.

13. Prior to issuance of any permits for the subject property, the off-site mitigation location, in conformance with the Woodland Conservation Ordinance, shall be secured and the site location noted on the TCPII for the subject property and the TCPII for the off-site mitigation location.

14. Development of this subdivision shall be in compliance with an approved Type I Tree Conservation Plan (TCPI/03/03-01). The following notes shall be placed on the Final Plat of Subdivision:

> "This development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/03/03-01), 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 TREE CONSERVATION PLAN TCP/03/03-01.