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## Preliminary Plan 4-05135

Application	General Data
<b>Project Name:</b> <b>DIXON PROPERTY</b>  <b>Location:</b> West side of existing Church Road and east side of relocated Church Road, approximately 1,000 feet south of their intersections with Annapolis Road.  <b>Applicant/Address:</b> Washington Management and Development, Inc. 8181 Professional Place, Suite 210 Landover, MD 20785	Date Accepted: 06/27/06
	Planning Board Action Limit: 10/6/06
	Plan Acreage: 43.99
	Zone: R-R
	Lots: 57
	Parcels: 3
	Planning Area: 71A
	Tier: Developing
	Council District: 06
	Municipality: Bowie
	200-Scale Base Map: 207/8NE12

Purpose of Application	Notice Dates
RESIDENTIAL SUBDIVISION	Adjoining Property Owners Previous Parties of Record Registered Associations: (CB-58-2003)                     04/24/06
	Sign(s) Posted on Site and Notice of Hearing Mailed:                     09/01/06

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 Plan of Subdivision 4-05135  
Dixon Property, Lots 1-57

OVERVIEW

The subject property is located on Tax Map 46, Grid C-2, and is known as Parcel 8. The property is zoned R-R and consists of approximately 44 acres. The applicant is proposing to subdivide the property into 57 lots for single-family detached dwellings in accordance with the lot size averaging technique for the R-R Zone. Pursuant to CB-6-2006, lot size averaging is only permitted if the preliminary plan of subdivision was accepted prior to July 1, 2006. This application was accepted June 27, 2006. The property has never been the subject of a prior preliminary plan of subdivision application. The site is bisected from north to south by a major PEPCO power transmission right-of-way (ROW). The plan shows 25 lots on the west side of the PEPCO right-of-way, being served by two roads connecting to the east side of relocated Church Road. The remaining 31 lots are east of the ROW and are served by an internal road connecting to the west side of existing Church Road. The proposed lots range in size from 15,000 to 27,850 square feet in area.

There is an existing stream associated with the Collington Branch located along the southern boundary of the subject property, as well as wetlands associated with a second stream. The 50-foot stream buffer and the Patuxent River Primary Management Area (PMA) preservation area buffer associated with the Collington Branch do extend onto the subject property. The applicant is proposing four impacts to the PMA, as discussed in Section 2 of this report, including a road crossing. There are three parcels proposed on the preliminary plan. Parcel A is located in the area west of the ROW and will contain a stormwater management pond, a private recreation area, and open space. Parcel B is located east of the ROW and will contain those same uses. Parcel C contains wetlands and will remain open space. All three parcels are shown to be dedicated to a homeowners association.

A majority of the surrounding properties have already been through the subdivision process. Of particular note is the Stewart's Landing subdivision to the north, which is a cluster subdivision with single-family lots ranging from 10,000 to 19,500 square feet in area, comparable to those shown in this application.

SETTING

The subject property is located on the west side of the existing Church Road and the east side of the relocated Church Road, approximately 1,000 feet south of their intersections with Annapolis Road. The site is developed with a single-family residence and numerous outbuildings, which are to be removed. The majority of the site has been cleared for agriculture. Wooded areas are found along the streams associated with Collington Branch. Surrounding properties are developing with single-family residences in the R-R and R-E Zones.

## FINDINGS AND REASONS FOR STAFF RECOMMENDATION

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

Zone Use(s)	EXISTING R-R	PROPOSED R-R
	Single-family Dwelling Agricultural Outbuildings	Single-family Dwellings
Acreage	43.99	43.99
Lots	0	6
Parcels	1	3
Dwelling Units:		
Detached	1 (to be removed)	57
Public Safety Mitigation Fee		No

2. **Environmental**—This 43.99-acre site in the R-R zone is located on the west side of Church Road and south of the Stewart's Landing subdivision. The PEPCO twin tower transmission lines within a 250-foot right-of-way bisect the property from north/south. Based on year 2000 air photos the site is approximately 20% wooded. A review of available information indicates there are regulated environmental features associated with the site including a stream, wetlands, 100-year floodplain and several areas of steep and severe slopes (steep slopes 15-25% in grade and severe slopes greater than 25%, respectively). Steep slopes at this site are not associated with highly erodible soils. According to the Prince George's County Soil Survey, four soil series are associated with the site and these include Adelphia fine sandy loam, Collington fine sandy loam (five types in this series), Mixed Alluvial land and Shrewsbury fine sandy loam soils. There are development constraints associated with these soils. Mixed Alluvial land and Shrewsbury soils are hydric. Collington soils have steep slopes and Mixed Alluvial soils, have high water tables in relation to house foundations and flood hazards; and seasonally high water tables associated with road construction. Marlboro clays are not associated with this site. Based on information obtained from the Maryland Department of Natural Resources Natural Heritage Program staff, rare, threatened or endangered species do not occur in vicinity of this property. Portions of Church Road are designated as scenic and historic; however, these designated portions do not relate to the site's roadway frontage along the east property line. A planned collector road, Church Road extended (C-300), will be constructed along the site's west property line. According to the approved Countywide Green Infrastructure Plan, the site has Regulated Areas, Evaluation Areas and a Network Gap associated with it. The property is in Collington Branch watershed of the Patuxent River basin, the Bowie and Vicinity Planning Area and the Developing Tier of the adopted General Plan.

### Natural Resources Inventory

A-01 revision to the staff signed Natural Resources Inventory (NRI/016/06) was included in the recent submittal. The preliminary plan and TCPI have been reviewed in relation to the signed NRI and all required revisions have been addressed.

The site has three forest stands that have been identified and referred to as Stands A, B and C, totaling 7.93 acres according to the FSD text. Stand A contains immature hardwoods with the dominant species including yellow poplar and white oak. Stand B contains Bottomland Immature Hardwoods with the dominant species including sweetgum, ash, scarlet oak and red maple. Stand C contains Mid-Successional Hardwoods with the co-dominant species being yellow poplar and

sweetgum. A total of seven specimen trees have been identified at the site. Stand B has a priority rating based on its significant understory and herbaceous layer and because of the regulated features (stream buffers, wetlands and wetland buffers) that are located with it. The two other stands have lower priority retention ratings.

It should be noted that the large areas of wetlands that are currently not forested will not support woodlands and are not appropriate for afforestation.

### **Countywide Green Infrastructure Plan**

The site has Regulated Areas, Evaluation Areas and Network Gaps associated with it as shown on the Countywide Green Infrastructure Plan. Approximately 15% of the site is within Regulated Areas, 15% is within Evaluation Areas and 15% is within Network Gaps. The site has a woodland conservation threshold (WCT) of 4.12 acres based on the fact that the existing acreage of woodland is below the calculated threshold of 7.72 acres. The current TCPI shows this requirement being met with 0.77 acres of on-site preservation, 4.72 acres of afforestation and 3.02 acres of off-site mitigation on another property. The worksheet shows that the Woodland Conservation Threshold is being met on-site with 0.77 acres of preservation and 4.72 acres of afforestation. Even with the elimination of a portion of afforestation Area D, the threshold will be met on-site. On a site with land within the green infrastructure network, it is appropriate to have the woodland conservation threshold met on-site.

The revised plan does not address how the proposed lot layout and design are in conformance with the GI Plan. Pre-Preliminary P-05020 showed a different layout from what is shown on the current application. The pre-preliminary plan showed a road crossing the PEPCO property to avoid impacts to wetlands on the east portion of this site. The current preliminary plan and TCPI propose a street crossing at the wetlands and no vehicular crossing of the PEPCO property.

As was stated in the July 14, 2006 review memo, overall, the lot layout and design in P-05020 is better than the current design because impacts to wetlands on-site were completely avoided by the previous design. The pre-preliminary plan demonstrates this site can be developed with a lot layout that avoids impacts to wetlands. The design in P-05020 should be pursued until written documentation from PEPCO denying the easement crossing is received. Because no objection has been provided and because the revised design results in significant impacts to regulated environmental features, the layout must be revised.

Written documentation from PEPCO regarding their position of a proposed street crossing to justify the redesign and internal street crossing to impact wetlands was previously requested and was not received. A supplemental letter of confirmation has not been received. Written confirmation of granting access or denial of access is required.

It appears the site was initially designed to address Network Gaps associated with the site with four proposed afforestation woodland treatments areas to count toward the site's woodland conservation requirement. All four of these woodland treatment areas are associated with wetland areas. The concern for this proposal is, as was stated in the initial review memo of July 14, 2006, the one wetland area identified on the TCPI as proposed afforestation area D (only the portion that is not forested at this time), is where afforestation would unlikely be successful based on the flat topography associated with it and its designation as a wetland. The portion of afforestation area C that is outside of the wetland is acceptable as shown. The other two afforestation areas (A and B) are appropriate because they result in afforestation of the PMA.

Additional information in support of the wetland portion of proposed afforestation Area D to count as this type of woodland treatment has been provided. Aerial photos from 1938, 1965, 1993, 1998 and 2000 have been re-evaluated. It appears no trees have been growing in this wetland area dating back to 1938 due to the depleted oxygen associated with the hydric soils. Given this reconsideration of proposed afforestation Area D, the wetland portion of the woodland treatment must be revised to eliminate use of this area for afforestation.

### **Regulated Environmental Features**

The site contains regulated environmental features including a stream, wetlands, 100-year floodplain, steep and severe slopes. The site is located in the Patuxent River basin and regulated features are within the Patuxent River Primary Management Area (PMA). All regulated site features are required to be delineated at the time of preliminary plan submission. The Patuxent River Primary Management Area (PMA) is to be preserved to the fullest extent possible as required in Section 24-130(b)(5) of the Subdivision Ordinance. The revised preliminary plan and TCPI show the PMA delineation correctly based on the signed NRI.

There are four proposed impacts to the PMA shown on the current TCPI. A Letter of Justification to identify these proposed impact areas has been submitted and reviewed. The proposed impacts are identified as Impacts A-D. Proposed impacts A-C are for PMA impacts where infrastructure associated with the site is proposed. Impact D is for the variation request in relation to a proposed street crossing of wetlands. As was stated in comment above regarding the site design and lot layout, because the pre-preliminary plan demonstrated the site could be developed without impacts to wetlands, the current design should be redesigned to eliminate impacts to wetlands where possible.

Generally, impacts to the PMA are only recommended for essential development features. Essential development includes, stormwater management ponds and parking areas, which do not relate directly to public health, safety or welfare. Impacts A-C are considered essential and Impact D is not considered essential at this time. Staff recommends approval of the PMA impacts for the stormwater management infrastructure; however, the plans must be revised to eliminate impacts for the road crossing. Elimination of the road crossing would also result in more woodland conservation on-site.

### **Woodland Conservation**

This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the gross tract area is in excess of 40,000 square feet and there are more than 10,000 square feet of existing woodland on-site. A revised Type I Tree Conservation Plan (TCPI) has been submitted and reviewed.

According to the current TCPI worksheet, existing woodland on the site totals 4.12 acres, of which 3.81 acres are within the 100-year floodplain. The site has a calculated woodland conservation threshold of 4.12 acres and a woodland conservation requirement of 8.51 acres. This requirement is proposed to be met with 0.77 acres of on-site preservation, 4.72 acres of afforestation and 3.02 acres of off-site mitigation on another property. Based on this worksheet and reconsideration as discussed previously in this memo, the site's calculated threshold will be met on-site. As noted above, when a site is within the green infrastructure network it is appropriate that the site's threshold be met on-site.

One other aspect relating to woodland conservation information required on a TCPI needs to be addressed on the plan. DER Concept Plan 23266-2006 and the optional note 6 regarding stormwater management plans need to be added to the standard Type I Tree Conservation Plan Notes.

### **Noise**

The west side of the property will have roadway frontage along a planned collector road (C-300) identified in the proposed Bowie and Vicinity Master Plan. The proposed road alignment of C-300 in relation to the subject property is not shown on the revised plan. This proposed road alignment must be shown adjacent to the site's entire west property line. Noise impacts from Church Road extended are not anticipated because this planned road has a collector road classification. Traffic-generated noise is not anticipated to exceed state noise levels in relation to this road.

### **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 the property will, therefore, be served by public systems. A change to categories W-3 and S-3 will be required prior to approval of the final plat.

3. **Community Planning**—The property is within the limits of the 2006 approved Master Plan and Sectional Map Amendment for Bowie and Vicinity, which recommends the site for suburban residential land use at up to 3.5 dwelling units per acre. The applicant's proposal for 57 lots on this property is consistent with the master plan recommendation.

The 2002 General Plan locates this property in the Developing Tier. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial centers, and employment areas that are increasingly transit serviceable. This application is consistent with the 2002 General Plan Development Pattern policies for the Developing Tier and for centers and corridors.

4. **Parks and Recreation**— Staff of Department of Parks and Recreation (DPR) has reviewed the submitted subdivision plans and made the following findings in accordance with Section 24-135(b) of the Subdivision Regulations.

The applicant, his successors, heirs and/or assignees should provide adequate private recreational facilities on site in accordance with the standards outlined in the *Parks and Recreation Facilities Guidelines*.

The preliminary plan shows two areas for private recreational facilities, one on each side of the ROW on parcels proposed for dedication to the HOA. The limits of the private recreational facility shall be reviewed by the Urban Design Review Section of the Development Review Division for adequacy and property siting through a limited detailed site plan as set forth in the conditions of approval.

5. **Trails**—The approved Bowie and Vicinity Master Plan designates both Old Church Road and Church Road relocated (C-300) as master plan bikeways. Along the existing Church Road, staff recommends that the bikeway be implemented with the provision of one "Share the Road with a

Bike” sign. The portion of the existing Church Road along the subject site is open section with no sidewalks.

The approved Bowie and Vicinity Master Plan recommends a trail/bikeway along Church Road relocated (C-300). Through discussion between the applicant for the Fairwood development and the Department of Public Works and Transportation (DPW&T), it has been determined that this master plan trail/bikeway will be implemented through the provision of a six-foot-wide, asphalt shoulder along both sides of Church Road. At major intersections along C-300, this will be transitioned into a side path to help facilitate a safe crossing of the intersections. This decision was reached based on the desire to preserve the rural, scenic nature of the roadway, minimize the cross section of the road where feasible, and preserve some of the existing trees along the right-of-way. In keeping with the previous approvals in the vicinity for the Fairwood development, staff recommends the provision of the same road frontage improvements for the subject site, unless modified by DPW&T. “Share the Road with a Bike” signage is also recommended to alert motorists to the possibility of bicycle traffic along Church Road.

The 1991 Bowie-Collington-Mitchellville and Vicinity Master Plan designated Collington Branch as a stream valley trail corridor, including the portion of the stream valley on the subject site. However, the recently approved Bowie and Vicinity Master Plan deletes the recommendation for this trail due to extensive environmental features and constraints within the stream valley. It was determined by staff that the trail along Collington Branch is not feasible north of MD 214 due to these constraints.

6. **Transportation**—As part of the development application, the applicant presented staff with a traffic study that was prepared in January 2006.

**Traffic Study Analyses:**

The study identified the following intersections as the ones on which the proposed development would have the most impact:

EXISTING CONDITIONS		
Intersection	AM	PM
	(LOS/CLV)	(LOS/CLV)
MD 450 / Highbridge Road	A/925	A/819
MD 450 / Grenville Road	A/893	A/988
Old MD 450 / Church Road	A/470	A/540
Church Road / site access **		
** Unsignalized intersections are analyzed using the highway capacity software. The results show the level-of-service and the intersection delay measured in seconds/vehicle. A level-of-service “E,” which is deemed acceptable, corresponds to a maximum delay of 50 seconds/car. For signalized intersections, a CLV of 1450 or less is deemed acceptable as per the guidelines.		

The traffic study, in collaboration with staff, identified 22 background developments whose impact would affect some or all of the study intersections. Additionally, a growth rate of three percent (through 2009) was applied to the existing traffic counts at the subject intersections. A

second analysis was done to evaluate the impact of the background developments on existing infrastructure. The analysis revealed the following results:

BACKGROUND CONDITIONS		
Intersection	AM	PM
	(LOS/CLV)	(LOS/CLV)
MD 450 / Highbridge Road	C/1185	C/1295
MD 450 / Grenville Road	B/1082	D/1341
Old MD 450 / Church Road	A/629	A/774
Church Road / site access **		
** Unsignalized intersections are analyzed using the highway capacity software. The results show the level-of-service and the intersection delay measured in seconds/vehicle. A level-of-service "E," which is deemed acceptable corresponds to a maximum delay of 50 seconds/car. For signalized intersections, a CLV of 1450 or less is deemed acceptable as per the guidelines.		

Using the *Guidelines For The Analysis Of The Traffic Impact Of Development Proposals*, the study has indicated that the proposed development of 58 single-family dwelling units would be adding 44 (9 in; 35 out) AM peak-hour trips and 52 (34 in; 18 out) PM peak-hour trips at the time of full build-out. A third analysis was done, whereby the impact of the proposed development was evaluated. The results of that analysis are as follows:

TOTAL CONDITIONS		
Intersection	AM	PM
	(LOS/CLV)	(LOS/CLV)
MD 450 / Highbridge Road	C/1198	C/1274
MD 450 / Grenville Road	B/1096	D/1355
Old MD 450 / Church Road	A/649	A/794
Church Road / site access **	C/19.3 secs.	C/19.8 secs
** Unsignalized intersections are analyzed using the highway capacity software. The results show the level-of-service and the intersection delay measured in seconds/vehicle. A level-of-service "E," which is deemed acceptable corresponds to a maximum delay of 50 seconds/car. For signalized intersections, a CLV of 1450 or less is deemed acceptable as per the guidelines.		

Based on the results from the previous analyses, the study concluded that the development of the Dixon Property would satisfy the county code requirements as well as the Traffic Impact Study guidelines.

#### Staff review and comments

Upon review of the applicant's traffic study, staff concurs with its findings and conclusions. In addition to staff's review, the study was reviewed by the staff of the Department of Public Works &



Transportation (DPW&T) as well as the State Highway Administration (SHA). Memoranda (attached) from both agencies have indicated full concurrence with the conclusions of the study.

The proposed development consists of two distinct sections, separated by a PEPCO transmission line within a 250-foot, north/south-oriented right-of-way. The eastern section, which consists of 31 units, is served by a single access road ("Public Road A") on existing Church Road. The Western section, which consists of 26 lots, will access the relocated Church Road via "Road B." Seven of those 26 lots, however, were proposed to have individual driveways directly on the relocated Church Road (C-300), which is a 90-foot master planned collector road. At the time of the Subdivision Review Committee meeting on July 14, 2006, staff apprised the applicant that too many individual driveways on a collector road should be discouraged. DPW&T is also on record in not supporting that many individual driveways. In light of this, the applicant has redesigned the western section of the site such that none of the lots will have direct access to Church Road. Staff concurs with this layout.

### **Transportation Staff Findings**

The application is a preliminary plan of subdivision for a residential development consisting of 57 single-family dwellings. The proposed development would generate 44 (9 in; 35 out) AM peak-hour trips and 52 (34 in; 18 out) PM peak-hour trips at the time of full build-out. The traffic generated by the proposed preliminary plan would impact the following intersections:

- MD 450—Highbridge Road
- MD 450—Grenville Road
- Old MD 450/Church Road
- Church Road—Site Access

None of the intersections identified above are programmed for improvement with 100 percent construction funding within the next six years in the current Maryland Department of Transportation Consolidated Transportation Program or the Prince George's County Capital Improvement Program.

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

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

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

As indicated in the traffic study, all of the intersections within the study area will operate adequately, as defined in the guidelines.

## 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.

7. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this preliminary plan for 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 3	Middle School Cluster 2	High School Cluster 2
Dwelling Units	57 sfd	57 sfd	57 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	13.68	3.42	6.84
Actual Enrollment	5137	7218	10839
Completion Enrollment	176	112	223
Cumulative Enrollment	9.36	17.04	35.16
Total Enrollment	5,336.04	7,350.46	11,104
State-Rated Capacity	4,838	6,569	8,920
Percent Capacity	110.29	111.90	124.48

Source: Prince George's County Planning Department, M-NCPPC, December 2005

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 \$7,671 and \$13,151 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 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)(1)(B)-(E) of the Subdivision 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 Bowie, Company 39, using the Seven-Minute Travel Times and Fire Station Locations Map provided by the Prince George's County Fire Department.

Pursuant to CR-69-2006, Prince George's County Council and the County Executive suspended the provisions of Section 24-122.01(e)(1)(A, B) regarding sworn police and fire and rescue personnel staffing levels.

The Fire Chief has reported that the department has adequate equipment to meet the standards stated in CB-56-2005.

9. **Police Facilities**—The preliminary plan is located in Police District II.

The response standard is 10 minutes for emergency calls and 25 minutes for nonemergency calls. The times are based on a rolling average for the preceding 12 months. The preliminary plan was accepted for processing by the Planning Department on June 27, 2006.

Reporting Cycle	Date	Emergency Calls	Nonemergency
Acceptance Date	01/05/05-06/05/06	10.00	22.00
Cycle 1			
Cycle 2			
Cycle 3			

The response time standards of 10 minutes for emergency calls and 25 minutes for nonemergency calls were met on August 5, 2006.

The Police Chief has reported that the department has adequate equipment to meet the standards stated in CB-56-2005.

Pursuant to CR-69-2006, the Prince George's County Council and the County Executive suspended the provisions of Section 24-122.01(e)(1)(A, B) regarding sworn police and fire and rescue personnel staffing levels.

10. **Health Department**—A raze permit must be obtained through the Department of Environmental Resources prior to the removal of any existing buildings. Any hazardous materials located in any structures on-site must be removed and properly stored or discarded prior to the structures being razed. Also, numerous abandoned vehicles on the property must be removed and properly stored or discarded

Abandoned shallow wells and septic tanks must be shown on the preliminary plan and must be properly abandoned, capped, and backfilled in accordance with COMAR regulations. In addition, any underground fuel storage tanks must be removed and the contents properly discarded. A representative from the Health Department must evaluate the soils for possible contamination once the tanks are removed prior to grading permit approval. If contamination is encountered, the soil beneath the tanks must be removed and properly disposed.

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, 23266-2006-00, 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 archeological investigations were recommended for this property in a referral dated October 20, 2005. The reasons were as follows: The residence of Richard Bowie (no longer standing) is shown on the 1861 Martenet map, just west of the property. The remains of the Bowie residence (Willow Grove) and associated outbuildings were the subject of Phase I, II and III archeological investigations and were identified as the Willow Grove archeological site (18PR510). The Bowies owned the Willow Grove plantation and were slave owners. There is a likelihood of finding archeological remains of historic occupation of the property, including remains of slave quarters.

A Phase I report was submitted to the Historic Preservation Section of the Planning Department on June 30, 2006. The report is under review.

If it is determined that potentially significant archeological resources exist in the project area, prior to Planning Board approval of the final plat of subdivision, the applicant shall provide a plan for:

- a. Evaluating the resource at the Phase II level, and possibly Phase III level; or
- b. Avoiding and preserving the resource in place.

Section 106 review may also require archeological survey for state or federal agencies. Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effects of their undertakings on historic properties to include archeological sites. This review is required when federal monies, federal properties, or federal permits are required for a project.

13. **Lot Size Averaging**—The applicant has proposed to utilize the lot size averaging (LSA) provision provided for in Section 24-121(a)(12) of the Subdivision Regulations for this R-R-zoned property.

Section 27-423 of the Prince George's County Zoning Ordinance establishes the zoning requirements for lot size averaging. Specifically, in the R-R Zone:

- A. The maximum number of lots permitted is equal to the gross acreage (43.99 acres) divided by the largest minimum lot size in the zone (20,000 square feet), or 95 dwelling units permitted.
- B. At least 50 percent of the lots created shall equal or exceed the largest minimum lot size in the zone (20,000 square feet).

For the 43.99 acres located in the R-R Zone, 95 lots would be allowed. The applicant proposes 57 lots, 30 of which meet or exceed 20,000 square feet and the remaining lots are between 15,000 and 19,999 square feet. Therefore, the proposed subdivision meets the minimum zoning ordinance standards for lot size averaging.

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

- A. The subdivision design provides for better access, protects or enhances historic resource or natural features and amenities, or otherwise provides for a better environment than that which could be achieved by the exclusive use of standard lots.**

*Comment:* The design of this subdivision respects the natural features on this property. The large stream system that meanders along the southern and western property boundaries and extends into the center of the property is well protected by this proposal. The stream forms the basis of not only the protected areas but also of the views from homes and lots. Utilizing lot-size averaging helps minimize impacts to the wetlands, thus protecting and enhancing these important natural features of the site. In addition, it allows the applicant to meet 100 percent of the required woodland conservation on-site. This is a better environment than that which could be achieved using standard lots.

- B. The subdivision design provides for an adequate transition between the proposed lot sizes and locations of lots and the lots, or lot size standards, of any adjacent residentially zoned parcels.**

*Comment:* Larger lots are proposed along the property's perimeter, with most of the smaller lots in the interior. The lot sizes proposed in this subdivision provide an excellent transition from the Stewart's Landing subdivision to the north (a cluster subdivision with single-family lots ranging in size from 10,000 to 19,500 square feet in area) to the larger lot development (20,000-plus square feet) to the south. All lots that adjoin undeveloped land meet the minimum 20,000 square foot lot size.

- C. The subdivision design, where applicable, provides for an adequate transition between the proposed natural features of the site and any natural features of adjacent parcels.**

*Comment:* A large wetland and stream area encroaches the southern and western portions of the property and the adjoining properties to the south, north and west. This area will remain densely wooded and provide an adequate transition and buffer to the adjoining properties and streams and wetlands. Larger lots are proposed along the property's perimeter, with smaller lots in the interior.

In conclusion, the use of the lot size averaging technique allows maximum preservation of the stream system while also maximizing the views into it. The plan provides an adequate transition between smaller lots to the north and southeast, larger lots to the south, and the stream system to the south and west. Staff supports the applicant's proposal to utilize the LSA provision for the development of this property.

## RECOMMENDATION

APPROVAL, subject to the following conditions:

1. Prior to the issuance of permits, a Type II tree conservation plan shall be approved.

2. Development of this site shall be in conformance with the Stormwater Management Concept Plan 23266-2006-00 and any subsequent revisions.
3. In conformance with the approved Bowie and Vicinity Master Plan, and consistent with recommendations for the nearby approved Fairwood development, the applicant, his heirs, successors and/or assignees shall provide the following:
  - a. Provide six-foot-wide asphalt shoulders along the subject site's entire length of Church Road relocated (C-300) unless modified by DPW&T.
  - b. Designate Church Road (C-300) as a Class III bikeway with appropriate signage. Because Church Road is a county right-of-way, the applicant, his heirs, successors and/or assignees shall provide a financial contribution of \$210 to the Department of Public Works and Transportation for the placement of this signage. A note shall be placed on the final plat for payment to be received prior to the issuance of the first building permit
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. Prior to the approval of building permits, the applicant, his heirs, successors and/or assignees shall convey to the homeowners association (HOA) 13± acres of open space land (Parcels A, B, and C). 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.
- 11. The applicant, his heirs, successors, and/or assignees, shall provide adequate, private recreational facilities on site on the homeowners association (HOA) land in accordance with the standards outlined in the *Parks and Recreational Facilities Guidelines*.
- 12. A limited detailed site plan review by the Planning Board or its designee pursuant to Division 9, Part 3 of the Zoning Ordinance is required for the proposed siting of private recreation facilities on Parcels A and B.
- 13. The applicant shall submit three original, executed recreational facilities agreements (RFA) to DRD for their approval, three weeks prior to a submission of a final plat. Upon approval by DRD, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.
- 14. The applicant shall submit to the DRD a performance bond, letter of credit or other suitable financial guarantee, in an amount to be determined by the DRD, within at least two weeks prior to applying for building permits.
- 15. The developer, his heirs, successor and/or assignees shall satisfy the Planning Board that there are adequate provisions to assure retention and a future maintenance of the proposed recreational facilities.
- 16. If, upon review of the Phase I archeological report, it is determined that potentially significant archeological resources exist in the project area, prior to Planning Board approval of the final plat of subdivision, the applicant shall provide a plan for:
  - a. Evaluating the resource at the Phase II level, and possibly Phase III level; or
  - b. Avoiding and preserving the resource in place.
- 17. Prior to signature approval of the preliminary plan, the lot layout shall be revised to show access across the PEPCO easement and the elimination of the crossing of the wetlands. If, prior to permit application the applicant receives a letter from PEPCO denying access across the easement, then the layout may be revised to show access from Church Road for Lots 7-22 and the wetland impact is considered approved. The TCPII shall show the minimization of impacts associated with this crossing.
- 18. Prior to signature approval of the preliminary plan, the TCPI shall be revised to eliminate that portion of proposed afforestation area D inside the wetlands and adjust the worksheet accordingly.
- 19. Prior to signature approval of the preliminary plan, a revised preliminary plan and TCPI shall be submitted that eliminates impacts to wetlands to the fullest extent possible.
- 20. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain streams, wetlands, 100-year floodplain and severe slopes

within the PMA, except for areas of approved disturbance, and shall be reviewed by the Environmental Planning Section prior to approval of the final plat. The following note shall be placed on the plat:

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

21. Prior to the issuance of any permits which impact jurisdictional 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.
22. Prior to signature approval of the preliminary plan, the TCPI shall be revised as follows:
  - a. Provide optional note 6 regarding stormwater management plans to the standard Type I Tree Conservation Plan Notes and include information regarding the approved Concept Plan 23266-2006.
  - b. After this revision has been made, have the qualified professional who prepared the plan, sign and date it.
23. Development of this subdivision shall be in conformance with an approved Type I Tree Conservation Plan (TCPI/32/06). The following note 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/32/06), 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 Ordinance. This property is subject to the notification provisions of CB-60-2005.”
24. Prior to signature approval of the preliminary plan, submit a copy of the Stormwater Management Concept Plan shall be submitted to M-NCPPC for review to determine whether the proposed concept conflicts with proposed woodland conservation areas shown on the TCPI. If the former plan has conflicts in relation to proposed woodland conservation treatment areas on the TCPI, the technical stormwater management plans must be revised to eliminate the conflicts.
25. Prior to signature approval of the preliminary plan, submit a revised preliminary plan and TCPI shall be submitted that shows the site’s entire west property line in relation to the proposed (C-300) Church Road alignment.

STAFF RECOMMENDS APPROVAL OF TREE CONSERVATION PLAN TCPI/32/06.