



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

Preliminary Plan 4-06136

Application	General Data
Project Name: MIA'S RESERVE Location: South side of Woodyard Road opposite the southern terminus of Green Drive Applicant/Address: VENDEMIA HOMES 16000 Trade Zone Avenue, Suite 401A Upper Marlboro, MD 20774 Property Owner: TIMOTHY B. SPRECKER	Date Accepted: 02/01/07
	Planning Board Action Limit: 06/21/07
	Plan Acreage: 11.7
	Zone: R-R
	Lots: 11
	Parcels: 4
	Planning Area: 81A
	Tier: Developing
	Council District: 09
	Election District: 09
	Municipality: N/A
	200-Scale Base Map: 211SE08

Purpose of Application	Notice Dates
Single-Family Detached Residential	Adjoining Property Owners Previous Parties of Record Registered Associations: 11/09/06 (CB-58-2003)
	Sign(s) Posted on Site and Notice of Hearing Mailed: 05/25/07

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 4-06136
Mia's Reserve, Lots 1-11 and Parcels A-D

OVERVIEW

The subject property is located on Tax Map 117, Grid C-1, and is known as Parcel 40. The subject property consists of approximately 11.7 acres and is zoned R-R. The site has frontage on both the south side of Woodyard Road (MD 223) and the eastern terminus of a stub from Hammerhead Court. This preliminary plan of subdivision proposes subdivision of the property into eleven lots for single-family residences and four parcels for stormwater management and Homeowner's Association open space. Given the sensitive nature of the environmental features on the site, it is appropriate for them to be in open space parcels rather than on individual lots. Each of the proposed lots will be served by an extension of a stub street from Hammerhead Court with no direct access to Woodyard Road. All of the proposed lots meet or exceed the 20,000-square-foot minimum net lot area that is required in the R-R Zone, and range in size from 20,088 square feet up to 40,412 square feet.

SETTING

The subject property is located on the south side of Woodyard Road (MD 223) opposite the southern terminus of Green Street. The middle of the site is located at the eastern terminus of a stub street from Hammerhead Court, an urban secondary residential road within the Muffley Subdivision (REP 206@49), which is proposed to provide the sole access. To the north, west and south are detached single-family dwellings in the R-R Zone. To the east is a church in the R-R Zone.

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-R	R-R
Use(s)	Single-Family Residences	Single-Family Residences
Acreage	11.7	11.7
Lots	0	11
Parcels	1	4
Dwelling Units:		
Detached	0	11
Public Safety Mitigation Fee		No

2. **Public Notice**—This case was continued indefinitely from the April 12, 2007, Planning Board hearing in order to allow the applicant the opportunity to submit additional information regarding environmental impacts. Consequently, the applicant was required to re-post the site for 30 days in

order to give public notice of the new Planning Board hearing date. The applicant was advised of the new 140-day mandatory action date of June 21, 2007. Signs were made, but were not picked up and posted by the applicant until May 25, 2007. The applicant has submitted a request seeking a waiver of two days of the 30-day posting requirement.

3. **Environmental**— There are wetlands, streams and 100-year floodplain on the site. Runoff drains into Piscataway Creek in the Potomac Watershed. Current air photos indicate that the entire site is forested. Based on the most recent Air Installation Compatible Use Zone Study released to the public in August 1998 by the Andrews Air Force Base, aircraft-related noise is significant. The proposal is not expected to be a noise generator. No scenic or historic roads are affected by the application. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program, there are no rare, threatened, or endangered species found to occur on the subject property or on adjacent properties. According to the “Prince George’s County Soils Survey” the predominant soil types on site are in the Beltsville, Matapeake, Mattapex and Sassafra series. The site is in the Developing Tier according to the General Plan.

Conformance with the Subregion V Master Plan

The master plan shows that the subject property is within the Aircraft Installation Compatibility Use Zone (AICUZ). Implementation of the Subdivision Regulations will result in conformance with the requirements of the master plan concerning development in AICUZ areas.

Conformance with the Countywide Green Infrastructure Plan

The Countywide Green Infrastructure Plan indicates that the property contains Regulated Areas and Evaluation Areas. Implementation of the Subdivision Regulations and the Woodland Conservation Ordinance will ensure conformance with the Countywide Green Infrastructure Plan by preserving the priority woodlands on-site. The large preservation area on the west side of the property connects to the larger environmental features to the south.

Natural Resources Inventory

A signed Natural Resources Inventory (NRI), NRI/165/06, was submitted with the application. The NRI includes a forest stand delineation and wetland report. There are streams, wetlands and 100-year floodplain on the property. The stream, wetlands, 100-year floodplain, associated buffers and the expanded stream buffers are shown on the NRI.

Based upon three samples points, one forest stand and 16 specimen trees are noted. The woodland is dominated by white oak averaging 17 inches in diameter at breast height. The shrub layer is dominated by American beech and there are few invasive plants.

According to the Green Infrastructure Plan, the stream valleys are Regulated Areas and the adjacent upland areas are Evaluation Areas.

Woodland Conservation

The Type I Tree Conservation Plan, TCPI/010/05, has been reviewed. The plan proposes clearing 6.43 acres of the existing 10.29 acres of upland woodland, clearing of 0.21 acres of the existing 1.11 acres of woodland within the 100-year floodplain and clearing of 0.08 acres of off-site woodland. The woodland conservation threshold is 2.12 acres. Based upon the proposed clearing, the woodland conservation requirement has been correctly calculated as 4.02 acres. The plan proposes to meet the requirement by providing 3.69 acres of on-site woodland preservation and a

fee-in-lieu for 0.33 acres. An additional 0.17 acres of woodland will be preserved on-site that is not part of any requirement.

Although woodland conservation is generally not recommended on lots in the R-R Zone, the provision of woodland conservation of some lots increases size of the woodland corridor that was created by TCPI/094/05 for the adjacent Muffley Subdivision to the west. The overall design serves to preserve most of the Regulated Areas designated in the Countywide Green Infrastructure Plan and contiguous woodlands in the Evaluation Areas.

Environmental Impacts and Variation to Section 24-130

The plan proposes impacts to expanded stream buffers. Impacts to these buffers are prohibited by Section 24-130 of the Subdivision Regulations unless the Planning Board grants a variation to the Subdivision Regulations in accordance with Section 24-113.

The design should avoid any impacts to streams, wetlands or their associated buffers unless the impacts are essential for the development as a whole. Staff will not generally support impacts to sensitive environmental features that are not associated with essential development activities. Essential development includes such features as public utility lines [including sewer and stormwater outfalls], street crossings, and so forth, which are mandated for public health and safety; non-essential activities are those, such as grading for lots, stormwater management ponds, parking areas, and so forth, which do not relate directly to public health, safety or welfare.

A single impact combines the internal street required to serve nine of the 11 proposed lots and the waterline required to serve the entire subdivision. The total impact is less than that proposed in the plans originally submitted for review because the street alignment has been changed to create an elbow in Road “A” in place of a standard curve. The Department of Public Works and Transportation has not yet formally approved this design, but gave verbal support to the design at the time of the Subdivision Review Committee meeting..

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;**

The installation of a public street and a waterline are required by Prince George’s County 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 expanded stream buffers and wetland buffers include approximately 21 percent of subject property and effectively bisect the property. There is only one available access from a public street that serves only a small portion of the entire property.

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

The installation of a public street and a waterline are required by other regulations. Because the applicant will have to obtain permits from other local, state and federal agencies as required by their regulations, the approval of this variation request would not constitute a violation of other applicable laws.

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

The expanded stream buffers and wetland buffers effectively bisect the property. Without the required public street and waterline, the property could not be properly developed in accordance with the R-R Zoning.

The Environmental Planning Section supports the variation request for the reasons stated above.

Noise

Based on the most recent Air Installation Compatible Use Zone Study released to the public in August 1998 by the Andrews Air Force Base, aircraft generated noise is significant. The study indicates that the noise threshold is within the 70-75 dBA (Ldn) noise contour. This noise level is above the State acceptable noise level for residential land uses. It will not be possible to mitigate noise in the outdoor activity areas; however, proper construction materials should be used to ensure that the noise inside of the residential structures does not exceed 45dBA.

Soils

According to the "Prince George's County Soils Survey" the predominant soil types on site are in the Beltsville, Matapeake, Mattapex and Sassafras series. Beltsville soils are highly erodible, may have impeded drainage and may have a high water table. Mattapex soils may have impeded drainage and a seasonal high water table. Matapeake and Sassafras soils pose no special problems for development.

4. **Community Planning**—The property is located in Planning Area 81A of the 1993 *Subregion V Master Plan* within the Clinton community. The master plan recommends a medium-suburban residential land use for the subject property. This application proposes a low-suburban residential land use, and is therefore consistent with the recommendations within the 1993 Master Plan.

The 2002 General Plan locates the subject property within 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 proposes a low-suburban density residential community, and is therefore consistent with 2002 General Plan Development Pattern policies for the Developed Tier.

5. **Parks and Recreation**—In accordance with Section 24-134(a) of the Subdivision Regulations the Park Planning and Development Division recommends that the applicant pay a fee-in-lieu of parkland dedication because the land available for dedication is unsuitable due to its size and location.
6. **Trails**—There are no master plan trails issues identified in the Adopted and Approved Subregion V Master Plan that impacts the subject site. The subdivision connecting into the subject property has open section roads with no sidewalks.

It should be noted that the Subregion V Master Plan does not designate MD 223 as a trail/bike corridor. MD 223 is open section with no sidewalks to both the east and west of the subject property. However, the adjacent Melwood-Westphalia Plan does recommend a master plan trail along MD 223 to the north of Subregion V. In the Melwood-Westphalia area, this trail has been approved for construction in two development applications on the west side of MD 223, which is opposite the subject site. Because MD 223 is open section with no sidewalks both to the east and west of the subject property, staff does not recommend sidewalks be provided incrementally for the site's short road frontage. However, it is envisioned that sidewalks will be provided along MD 223 when the ultimate right-of-way is acquired and it is built out to four- to six- lanes.

7. **Transportation**— Due to the size of the subdivision, staff has not required that a traffic study be prepared. Previous traffic counts at the intersection of MD 223 and Old Alexandria Ferry Road/Dangerfield Road utilized in the approval of preliminary plan 4-06054 and other preliminary plans in the area have been used. The intersection of MD 223 and Old Alexandria Ferry Road/Dangerfield Road is deemed to be the critical intersection for the subject property. Therefore, 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 in the Developing Tier, as defined in the General Plan for Prince George's County. As such, the subject property is evaluated according to the following standards:

Links and signalized intersections: Level-of-service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better is required in the developing tier.

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 intersection of MD 223 and Old Alexandria Ferry Road/Dangerfield Road is determined to be the critical intersection for the subject property. This intersection would serve a significant portion, approximately 75 percent, of the site-generated traffic. The critical intersection is not 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.

Recent traffic counts taken in April 2005 indicate that the critical intersection operates at Level-of-Service (LOS) F, with a critical lane volume (CLV) of 1,762, during the AM peak hour. During the PM peak hour, the intersection operates at LOS D with a CLV of 1,371.

As previously noted, there are no funded capital projects at this intersection in either County Capital Improvement Program or the State Consolidated Transportation Program that would affect the critical intersection. There are fourteen approved but unbuilt developments that would affect the intersection that have been reviewed and counted by staff. These background developments encompass 563,000 square feet of warehouse or commercial space and 370 residences. A three percent annual rate of through traffic growth along MD 223 has been assumed. With background growth added, the critical intersection would operate as follows: AM peak hour – LOS F, with a CLV of 2,155; PM peak hour – LOS F, with a CLV of 1,717.

With the development of 11 single-family detached residences, the site would generate 8 AM (2 in and 6 out) and 10 PM (7 in and 3 out) peak-hour vehicle trips. The site was analyzed with the following trip distribution:

25 percent—East along MD 223
25 percent—West along MD 223
30 percent—North along Old Alexander Ferry Road
20 percent—South along Dangerfield Road

Given this trip generation and distribution, staff has analyzed the impact of the proposal. With the site added, the critical intersection would operate as follows: AM peak hour—LOS F, with a CLV of 2,157; PM peak hour—LOS F with a CLV of 1,720. Therefore, the critical intersection operates unacceptably under total traffic.

The following improvements, similar to those proposed by a previous application in the area, would provide transportation adequacy. They include the following at the MD 223/Old Alexandria Ferry Road/Dangerfield Road intersection:

- a. Lengthening the westbound right turn lane on MD 223 to remove the westbound right turns from the through lane during the AM peak hour one left-turn lane, one through lane, and one right-turn lane on the westbound approach.
- b. Providing one left-turn lane, two through lanes, and one free-right turn on the northbound approach.
- c. Providing two left-turn lanes, one through lane, and one right-turn lane on the southbound approach

Based on the staff's review of transportation adequacy issues in the area, the transportation staff notes that the intersection of MD 223/Old Alexandria Ferry Road would operate acceptably during the AM and PM peak hours with the improvements listed above. With the improvements, the critical intersection would operate as follows: AM peak hour – LOS C, with a CLV of 1,184; PM peak hour – LOS D with a CLV of 1,446. Bellefonte (4-03118), Willow Ridge Estates (4-05027), and Andrew's Addition to Townsend (4-06054) have similar conditions at this location.

The site proposes access onto Hammerhead Court, and this is acceptable. The subject property is adjacent to MD 223, which is a master plan arterial. The property includes a narrow connection between MD 223 and the portion of the site to be developed, but the plan does not reflect the ultimate right-of-way for MD 223 even though this strip is not proposed for access or development. Consistent with dedication provided by the adjacent Muffley Property, the plan should reflect dedication of 130 feet from the existing centerline of MD 223. While this right-of-way is larger than would normally be requested, it is needed along the south side of MD 223 in the vicinity of Green Street to straighten two existing curves in MD 223.

Transportation Staff Conclusions

Based on the preceding findings, the Transportation Planning Section concludes that adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code if the application is approved with conditions consistent with these findings.

8. **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:

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 5	Middle School Cluster 3	High School Cluster 3
Dwelling Units	11 du	11 du	11 du
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	2.64	0.66	1.32
Actual Enrollment	3,898	5,968	7,835
Completion Enrollment	148.8	90	181
Cumulative Enrollment	2.64	.12	0.24
Total Enrollment	4,052.08	6,058.78	8,017.56
State Rated Capacity	3,771	6,114	7,792
Percent Capacity	107.45%	99.09.%	102.89%

Source: Prince George's County Planning Department, M-NCPPC, February 2007

These figures are correct on the day the referral 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 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 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.

9. **Fire and Rescue**—The Historic Preservation & Public Facilities Planning Section has reviewed this subdivision plan for 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 7-minute response time for the first due fire station Clinton VFD, Company 25, using the 7 Minute Travel Times and Fire Station Locations Map provided by the Prince George's County Fire/EMS Department.

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.

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

10. **Police Facilities**—The subject property is located in Police District V. 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 February 1, 2007.

Reporting Cycle	Date	Emergency Calls	Nonemergency
Acceptance Date	1/06 -1/07	10.00	16.00
Cycle 1	2/06-2/07	10.00	15.00
Cycle 2			
Cycle 3			

The response time standards of 10 minutes for emergency calls and 25 minutes for non-emergency calls were met on February 9, 2007.

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.

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

11. **Health Department**—The Environmental Engineering Program has reviewed the preliminary plan of subdivision and had no comments to offer.
12. **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 (CSD # 1450-2007-00) has been approved to ensure that development of this site does not result in on-site or downstream flooding. Prior to signature approval of this application, the SWM concept plan approval date should be noted on the preliminary plan.
13. **Historic**— A small tributary to Piscataway Creek extends into the eastern portion of the subject property. An examination of aerial photographs indicates that the lot is heavily wooded and has probably been used as a wood lot throughout the twentieth century. There is a driveway on the northern portion of Parcel 40 indicating that there may have been a house built on the property by 1938.

There are two known archeological sites within a one-mile radius of the subject property. Site 18PR439 is associated with His Lordship's Kindness, a National Register of Historic Places and National Landmark site, and 18PR799 is a mid to late twentieth century artifact scatter. There is one National Register and National Historic Landmark site, His Lordship's Kindness/Poplar Hill (PG:81A-1) and one Historic Resource, a Mill Site (PG81A-2), within a one-mile radius of the subject property. The potential for the presence of prehistoric and historic archeological resources is moderate.

In accordance with the Planning Board's directives, as described in the *Guidelines for Archeological Review*, May 2005, and consistent with Subtitle 24-104, 121(a)(18), and 24-135.01, the subject property shall be the subject of a Phase I archeological investigation to identify any archeological sites that may be significant to the understanding of the history of human settlement in Prince George's County, including the possible existence of slave quarters and slave graves, as well as archeological evidence of the presence of Native American peoples.

RECOMMENDATION

APPROVAL, subject to the following conditions:

1. Prior to approval of this preliminary plan, Phase I (Identification) archeological investigations, according to the Planning Board's *Guidelines for Archeological Review* (May 2005), are recommended on the above-referenced property to determine if any cultural resources are present. The entire 11.15 acres shall be surveyed for archeological sites. The applicant shall submit a Phase I Research Plan for approval by the staff archeologist prior to commencing Phase I work. Evidence of M-NCPPC concurrence with the final Phase I report and recommendations is required prior to signature approval.
2. Upon receipt of the report by the Planning Department, if it is determined that potentially significant archeological resources exist in the project area, prior to Planning Board approval of any final plat, the applicant shall provide a plan for:
 - i.) Evaluating the resource at the Phase II level, or
 - ii.) Avoiding and preserving the resource in place.

If a Phase II and/or Phase III archeological evaluation or mitigation is necessary the applicant shall provide a final report detailing the Phase II and/or Phase III investigations and ensure that all artifacts are curated in a proper manner, prior to approval of any grading permits.

3. Prior to the issuance of building permits, the applicant, his heirs, successors and/or assignees shall convey to the homeowners association (HOA) 4± acres of open space land (Parcels A-D). Land to be conveyed shall be subject the following:
 - a. Conveyance shall take place prior to the issuance of building permits.
 - b. A copy of unrecorded, special warranty deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division (DRD), Upper Marlboro, along with the final plat.
 - c. All waste matter of any kind shall be removed from the property, prior to conveyance, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section or the entire project.
 - d. The conveyed land shall not suffer the disposition of construction materials, soil filling, discarded plant materials, refuse or similar waste matter.
 - e. Any disturbance of land to be conveyed to a homeowners association shall be in accordance with an approved 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. 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.
4. Prior to the issuance of any building permits within the subject property, the following road improvements at the intersection of MD 223 and Old Alexandria Ferry Road/Dangerfield Road shall have full financial assurances, have been permitted for construction, and have an agreed-upon timetable for construction with SHA and/or DPW&T:
- a. Lengthening the westbound right turn lane on MD 223 to remove the westbound right turns from the through lane during the AM peak hour one left-turn lane, one through lane, and one right-turn lane on the westbound approach.
 - b. Providing one left-turn lane, two through lanes, and one free-right turn on the northbound approach.
 - c. Providing two left-turn lanes, one through lane, and one right-turn lane on the southbound approach.
5. At the time of final plat approval, the applicant shall dedicate right-of-way along MD 223 130 feet from centerline.
6. Prior to the issuance of permits, a Type II Tree Conservation Plan shall be approved.
7. 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 for Lots 1-11.
8. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the expanded stream buffers, except for those areas with approved variation requests, and be reviewed by the Environmental Planning Section prior to certification. The following note shall be placed on the plat:
- "Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed."
9. The following note shall be placed on the Final Plat of Subdivision:
- "Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/010/07), 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. Copies of all approved Tree Conservation Plans for the subject

property are available in the offices of The Maryland-National Capital Park and Planning Commission, Prince George's County Planning Department."

10. 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.
11. Prior to signature of the preliminary plan and Type I Tree Conservation Plan, the Department of Public Works and Transportation must approve the street design. Any significant change to the street design that results in additional impacts to the expanded buffers will require a new preliminary plan.
12. Prior to the approval of building permits for the proposed residential structures, the applicant, his heirs, successors and or assignees shall place on the building permit a certification by a professional engineer with competency in acoustical analysis demonstrating that the design and construction of the building shells will reduce interior noise levels to 45 dBA (Ldn) or less. Due to the proximity of Andrews Air Force Base, properties within this subdivision have been identified as possibly having noise levels between 70-75 dBA (Ldn) due to military aircraft overflights.
13. The following note shall be placed on the Final Plat:

"Due to the proximity of Andrews Air Force Base, properties within this subdivision have been identified as possibly having noise levels that exceed 70 dBA Ldn due to military aircraft overflights."
14. Prior to final plat approval, the declaration of covenants for the property, in conjunction with the formation of a homeowners association, shall include language notifying all future contract purchasers of the proximity of the property to Andrew's Air Force Base and noise levels related to military aircraft overflights. The property is approximately 1.41 miles from the east runway. The declaration of covenants shall include the disclosure notice. At the time of purchase contract with home buyers, the contract purchaser shall sign an acknowledgement of receipt of the declaration. The liber and folio of the recorded declaration of covenants shall be noted on the final plat along with a description of the proximity of the development to Andrew's Air Force Base and noise levels related to military aircraft overflights
15. Prior to signature of the preliminary plan, copies of the Stormwater Management Concept Approval Letter and the associated plan shall be submitted and the approval date shall be noted on the plan.

STAFF RECOMMENDS APPROVAL OF THE REQUESTED VARIATIONS TO SECTION 24-130.

STAFF RECOMMENDS APPROVAL OF THE TYPE I TREE CONSERVATION PLAN, TCPI/10/07.