



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

Preliminary Plan 4-06138

Application	General Data
Project Name: THE MOSAIC AT TURTLE CREEK Location: South of Campus Drive approximately 300 feet west of Mowatt Lane Applicant/Address: Thomas M. Farasy, Manager 8403 Colesville Road, Suite 705 Silver Spring, MD 20910 Property Owner: STATE OF MARYLAND	Date Accepted: 1/23/07
	Planning Board Action Limit: 6/12/07
	Plan Acreage: 8.71
	Zone: R-10
	Lots: 0
	Parcels: 1
	Planning Area: 66
	Tier: Developed
	Council District: 03
	Election District: 21
	Municipality: N/A
	200-Scale Base Map: 209NE03

Purpose of Application	Notice Dates
Multifamily Residential Development 300 Condominium Units	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: 04/30/07

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 4-06138
The Mosaic at Turtle Creek, Parcel 1

OVERVIEW

The subject property is located on Tax Map 33, Grid A-3, and is known as part of Parcel 43. Parcel 43 was subdivided by deed by the owner, the State of Maryland, to create two parts. The southern section, Lower Buddington (5.6 acres), is part of an approved but unrecorded residential subdivision (College Heights West, 4-05060). The subject property is referred to as Upper Buddington and is 8.7 acres in area. It has never been the subject of a preliminary plan of subdivision. All previously-existing buildings on the site have been removed.

The site is to remain a single parcel. The applicant is proposing to construct 300 condominium apartment units, as permitted in the existing R-10 Zone. Staff would note, however, that the preliminary plan of subdivision does not establish the permitted use on a property or approve the improvements on the property. The number of units to be permitted on the site will be decided as part of a required detailed site plan review. For the purposes of this report staff is analyzing 300 multifamily units, which would be the absolute maximum allowed pursuant to a conditional zoning map amendment approved by the District Council for this site (A-9983-C).

Access to the site is proposed via a recorded easement across the adjoining Parcel 44 to Mowatt Lane to the east. The site will have frontage on an extension of Commander Drive to the south that is shown as part of the College Heights West subdivision. However, access to Commander Drive should be denied due to the severe environmental impact that crossing the stream along the site's southern boundary would involve and the safety issue from 300 dwelling units accessing a secondary residential right-of-way. There is no access proposed to the surrounding residential neighborhood to the south and west.

SETTING

The property is located on the north side of Commander Drive extended, a paper street, just southwest of the intersection of Mowatt Lane and Campus Drive. The surrounding neighborhood is a mixture of institutional uses associated with the University of Maryland to the north and east, and suburban residential development to the south and west. A stream separates the site from the proposed residential subdivision to the south.

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-10	R-10
Use(s)	Vacant	300 Multifamily condominium units
Acreage	8.71	8.71

Lots	0	0
Parcels	1	1
Dwelling Units		
Multifamily	0	300
Public Safety Mitigation Fee		No

2. **Previous Approvals**—The subject property was rezoned to the R-10 Zone pursuant to Zoning Map Amendment No. A-9983-C, which was approved by the District Council on September 18, 2006. That approval was subject to three conditions, the first two of which involve a requirement for a detailed site plan review for development of the site and placing a development cap of 300 dwelling units. The third involves a requirement to be satisfied as part of this application:

3. **At the time of preliminary plan, the applicant shall submit plans, to be approved by the Department of Public Works and Transportation, to ensure that Mowatt Lane can be upgraded to provide adequate access to the site.**

The applicant has submitted plans to DPW&T which are currently under review. They will need to be approved prior to a final plat being approved.

3. **Environmental**—The Environmental Planning Section has no records of any previous applications for this property. This application proposes the subdivision of one 8.71-acre parcel in the R-10 Zone for the construction of a multifamily residential development. The University of Maryland owns the subject property and is subject to the requirements of the State Forest Conservation Act; however, the proposed development is a private venture and as such will be reviewed the same as any other subdivision—the requirements of the Woodland Conservation Ordinance shall apply. If the Department of Natural Resources chooses to take jurisdiction over the subject property, review of the plans will come under the jurisdiction of the Forest Conservation Act. However, in an e-mail dated April 25, 2007, Marian Honeczy of the Department of Natural Resources (DNR), Forest Service, agrees that this project should be considered a private project and would be reviewed at the county level.

Site Description

The subject property is located south of Campus Drive, approximately 300 feet west of Mowatt Lane. The surrounding properties are residentially zoned. The site is characterized by terrain sloping south toward unnamed tributaries of the Brier Ditch Creek watershed, which traverse the subject property in the Anacostia River basin. A review of the available information indicates that there are areas of severe slopes, and some areas of steep slopes on highly erodible soils on the site. There are streams, Waters of the U.S., wetlands, and 100-year floodplain. There are no Marlboro clays found on the site. There are no noise issues associated with the current proposal. The soils found to occur on the site, according to the Prince George's County Soil Survey, are Bibb, Fallington, Matawan, Beltsville, Keyport, and Sunnyside. These soil types generally exhibit slight to moderate limitations to development due to steep slopes, seasonally high water table, poor stability, perched water table, and impeded drainage. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program, there are no rare, threatened or endangered species found to occur in the vicinity of this property. There are no designated scenic or historic roads adjacent to this property. This property is located in the Developed Tier as delineated on the adopted General Plan.

Langley Park, College Park and Greenbelt Master Plan Conformance.

The subject property is located within Analysis Area 5 of the Langley Park, College Park and Greenbelt master plan. There are no specific environmental recommendations or design standards that require review of conformance. The environmental requirements for stream preservation, woodland conservation and stormwater management are addressed in the Environmental Review section below.

Conformance with Previous Approvals

On September 18, 2006 the District Council approved A-9983-C, which rezoned the subject property from the R-55 Zone to the R-10 Zone. The following are the environmentally-related conditions of approval (in **bold**) with an analysis provided in plain text.

2. **Detailed Site Plan review shall include, but not be limited to determination that:**
 - a. **The woodland stream valley buffer will act as a visual screen and provide an attractive nature walk area for neighborhood residents, including the single family homes to the south.**
 - b. **The stream buffer preserves the stream valley, to the greatest extent possible. The buffer should be 100 feet, unless the applicant can justify a smaller width.**

Comment: The preliminary plan shows the preservation of almost all of the 100-foot-wide buffer from the stream. The plans show this 100-foot-wide buffer as part of the expanded buffer and variation requests were included for any portion of the expanded buffer that is proposed to be disturbed. Staff recommends that the Planning Board find that the 100-foot-wide buffer has been preserved to the fullest extent possible.

Countywide Green Infrastructure Plan Conformance

The site contains regulated areas and evaluation areas within the designated network of the Countywide Green Infrastructure Plan. On sites such as this, where there are sensitive environmental features within the designated network and where the project is in the Developed Tier, it is important to balance the need for preservation with the need to place uses where “gray” infrastructure already exists. The proposed design and layout of the site maximizes the preservation of the stream and a 100-foot-wide buffer and minimizes proposed impacts. The woodland conservation threshold is shown to be provided on-site through preservation of the woodlands within the stream buffer.

Natural Resources Inventory

The preliminary plan application has a signed Natural Resources Inventory (NRI/152/06), dated April 17, 2007, that was included with the application package. A revised NRI to reflect the correct expanded buffer in compliance with the preliminary plan and the TCPI was signed on May 21, 2007. No further revisions are required for conformance to the NRI.

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 Type I Tree Conservation Plan submitted

as part of this application was reviewed.

The woodland conservation threshold for this site is 1.44 acres, or 20 percent of the net tract. As currently designed, an additional 2.12 acres are required due to removal of woodlands, for a total requirement of 3.56 acres. The plan shows the requirement being met with 1.69 acres of on-site preservation, 0.04 acre reforestation, and 1.83 acres of off-site credits for a total of 3.56 acres of woodland conservation provided as required.

The plan shows the concentration of the preservation efforts along the stream channel in a contiguous block as part of the expanded buffer, which is the most desirable design. A very small area of reforestation is proposed adjacent to the preservation area. Reforestation areas under one acre in size are not recommended because the probability that this area will be planted is small. This is also an area that will be considered for redesign to minimize the impacts to the 100-foot-wide buffer further. Because off-site mitigation is already being proposed, this acreage (0.04 acre) should be included in the off-site requirement.

Environmental Impacts and Variations to Section 24-130

The site contains regulated features that are protected under Section 24-130 of the Subdivision Regulations. The preliminary plan shows the expanded buffer correctly as shown on the signed NRI. The Subdivision Regulations require the preservation of the expanded stream buffer in a natural state (Section 24-130(b)(6) and (7)) unless the Planning Board approves a variation request and can make the required findings of Section 24-113.

A variation request for proposed impacts was submitted and shows impacts for sanitary sewer connections, stormwater management facilities/outfalls, some minor grading, and roadway access and construction.

Variation requests are generally supported for impacts that are essential to developments, such as road crossings to isolated portions of a parcel or impacts for the construction and installation of necessary public utilities, if the impacts are minimized. In this case, the impacts requested are limited to those necessary for the proposed development, mainly due to the limited access points to the property and the need to connect to the sanitary sewer system. It should be noted that the applicant has revised the plans extensively in order to respect the 100 foot-wide buffer that was a condition of the A-9983-C case.

As part of the evaluation of the various outfall locations, the applicant submitted a stream restoration study dated April 20, 2007. The study evaluates upstream and downstream existing conditions and makes recommendations regarding stream restoration in the area. It cautions against piecemeal restoration as this type of approach has not been successful in the past. Whole sections of streams need to be evaluated and restored so as not to create problems downstream from the restored areas. The study raises several important points that should be evaluated further during the review of the detailed site plan.

Review of the Variation Requests Submitted

Variation #1 Exhibit A

This area of impact contains one outfall that is provided to convey stormwater runoff from the adjacent parcel north of the subject property. The proposed expanded buffer impact is 846 square feet.

Variation #2 Exhibit A

This small area of impact is to provide adequate drainage of stormwater from the building and the adjacent grassed area. The proposed impact to the expanded buffer is 1,117 square feet.

Variation #3 Exhibit B

This impact is required to provide a sanitary sewer connection from the proposed building to an existing sewer line located on-site. The proposed impact to the expanded buffer is 2,468 square feet.

Variation #4 Exhibit B

This disturbance is required to provide a sanitary connection from the proposed building to an existing sewer line located on-site and to provide adequate drainage of stormwater from the building and the adjacent grassed area. The proposed impact to the expanded buffer is 3,680 square feet.

Variation #5 Exhibit C

This small impact area is proposed to be a temporary disturbance to the 100-foot stream buffer for the purpose of grading to establish the construction of a roundabout. Because this area of impact could be easily avoided through the use of a small retaining wall, this impact area should be evaluated further during the review of the detailed site plan. The proposed impact to the expanded buffer is 1,582 square feet.

Variation #6 Exhibit C

This outfall is from the underground stormwater management facility which will provide for volume controls for this portion of the site. The proposed impact to the expanded buffer is 1,962 square feet.

Variation #7 Exhibit D

This variation request should have been separated into more than one request. It includes disturbance for a sanitary sewer connection; for a stormwater pipe and outfall under the proposed access road; and for the proposed access road to the site. The layout of and access to the subject site were discussed in detail in meetings and in correspondence. Alternative access points were discussed and no other viable alternative was found. The total proposed impact to the expanded buffer is 5,058 square feet.

Variation #8, 9 and 10 Exhibit E

These disturbances are required for the construction of the access road into the site. The proposed impact to the expanded buffer is 1,422 square feet.

Variation #11 Exhibit F

This disturbance is also proposed for the construction of the access roadway to the subject property. This is the most severely impacted area in the development. The impact area contains a

culvert to convey stormwater run-off from adjacent properties north of the proposed private drive with disturbances to wetlands, floodplain and stream buffer; however, it is clear that the road could not be constructed within five feet of the stream buffer without causing impacts. The proposed impact to the expanded buffer is 4,939 square feet.

Analysis of Requested Impacts

The following is analysis of Section 24-113 of the Subdivision Ordinance which 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 sanitary sewer connections, stormwater management facilities/outfalls, and for road access are required by other county regulations to provide for public safety, health and welfare. All designs of these types of facilities are reviewed by the appropriate agency to ensure compliance with the regulations. These regulations require that the designs are not injurious to other property.

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

The specific topography of the site requires the use of stormwater management outfalls. The location of the nearest sewer connection results in the need to provide the sewer connection in the locations shown. The conditions of the subject property are unique with respect to the placement of the storm drain outfalls.

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

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

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

The topography provides no viable alternatives for the conceptual locations of the stormwater outfalls, sewer line connections and grading for roadway access.

Staff supports the requested variations, based on the findings above.

Water and Sewer Categories

The water and sewer service categories are W-3 and S-3 according to water and sewer maps obtained from the Department of Environmental Resources dated June 2003. The property will be served by public systems.

3. **Community Planning**—The subject property is located in PA 66/College Park Community and is within the limits of the 1989 approved master plan for Langley Park-College Park-Greenbelt and vicinity. The preliminary plan of subdivision does not conform to the land use recommendation public/quasi-public uses. The 1989 master plan for Langley Park-College Park-Greenbelt and vicinity recommends public or quasi-public land use for the site, and retained the existing R-55 Zone to reflect the zoning and character of the property that surrounds the site (surrounded on all sides by property in the R-55 Zone).

The 1989 master plan recommends infill development with “residential densities compatible with existing densities to preserve acceptable levels of public facility service, primarily an adequate transportation system (p. 65).” Guideline 6 on page 72 states: “High-density housing should be located only in such a manner as to relate to, and maximize convenience to, public and private service facilities for the greatest number of people in the area, and only where designated in the Plan.” Guideline 8 on the same page states: “Multifamily development should have direct access to arterial or collector roads and should not have primary access through single-family residential streets.” The proposed application does not meet these recommendations.

The 2002 General Plan for Prince George’s County establishes 3 policy Tiers, 26 centers, and 7 corridors. The subject property is located within the Developed Tier, which envisions a network of sustainable, transit-supporting, mixed-use, pedestrian-oriented, medium- to high-density neighborhoods. This site is not located within a center or a corridor.

The 2002 General Plan outlines a number of goals for the Developed Tier, three of which are of particular relevance to this application: strengthen existing neighborhoods, encourage appropriate infill, and encourage more intense, high-quality housing and economic development in centers and corridors. Since this proposal is not located in a center or corridor, there are some concerns with regard to compatibility that should be addressed at the time of detailed site plan review.

The 2002 University of Maryland Facilities Master Plan establishes a vision and guidance for the continued growth of the University of Maryland, College Park campus. According to the facilities master plan, the subject property is designated as part of the “Southwest District” of the campus, and an undesignated building site slated for new construction in the years 2011 and beyond, flagged as “N94,” is indicated on the site. Appendix B details the specific recommendations for all identified building sites including N94, which is recommended as a two-story building with a “Special” functional use and 50,000 planned square feet of space.

In a letter dated June 26, 2006, Vice President for Administrative Affairs John D. Porcari states that the University System of the Maryland Board of Regents approved the condominium proposal and recognized the unique nature of the project as consistent with and supportive of the facilities master plan. This approval has the effect of updating the facilities master plan in accordance with the proposal.

Upon meeting with the applicant and on further review of the recommendations of the relevant plans at the time of the rezoning application, it appears that the proposed development will maximize convenience to the public and private facilities and amenities offered by the proximity of the University of Maryland. With the amendment of the facilities master plan by the Board of Regents, this application meets the purposes of that plan for the subject property.

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, and/or assignees should provide adequate private recreational facilities on site in accordance with the standards outlined in the *Park and Recreation Facilities Guidelines*.

The preliminary plan shows several areas for private recreational facilities. The limits of the private recreational facility shall be reviewed by the Urban Design Section of the Development Review Division (DRD) for adequacy and property siting through a detailed site plan as set forth in the conditions of approval.

5. **Trails**— There are no master plan trails issues identified in the 1989 adopted and approved Langley Park-College Park-Greenbelt master plan that impact the subject site.
6. **Transportation**—The Transportation Planning Section has reviewed the subdivision application referenced above. The property is located on the along the west side of Mowatt Lane, an “Other Public” right-of-way maintained by the University of Maryland, south of Campus Drive, the main access road through the University of Maryland.

The transportation staff determined that a traffic study detailing weekday analyses was needed. In response, the applicant submitted an acceptable traffic study dated March 2007 that was referred for comment. 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.

Analysis of Traffic Impacts

The traffic study for this site examined the site impact at four signalized intersections listed below in addition to the intersection of site access with Mowatt Lane and the traffic circle at the intersection of Mowatt Lane with Campus Drive:

US 1 / Guilford Road

Campus Drive / Adelphi Road

MD 193 / Adelphi Road

US1 / Campus Drive/ Paint Branch Parkway

The existing conditions at the study intersections are summarized below:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
US 1/Guilford Road	820	739	A	A
Campus Drive/Adelphi Road	1,107	1,069	B	B
MD 193/Adelphi Road	1,153	1,186	C	C
US 1/Campus Drive/Paint Branch Parkway	958	1,358	A	D
Campus Drive/Mowatt Lane *	8.0	8.7	A	A
Mowatt Lane/Site Access Road **	----	----		
<p>*The AASIDRA traffic circle analysis tool was used to determine and evaluate the average delay and LOS for this location.</p> <p>**In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.</p>				

The area of background development includes ten properties in the vicinity of the subject property, which was provided to the traffic consultant. Background conditions also assumes through traffic growth of 1.5 percent along US 1 and MD 193. There are no additional fully funded and/or programmed improvements for construction within the next six years in the county's Capital Improvement Program (CIP) or state's CTP in the area. Background conditions as reported in the traffic study are summarized below:

BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
US 1/Guilford Road	923	843	A	A
Campus Drive/Adelphi Road	1,141	1,102	B	B
MD 193/Adelphi Road	1,234	1,270	C	C
US 1/Campus Drive/Paint Branch Parkway	1,080	1,490	B	E
Campus Drive/Mowatt Lane *	8.0	8.7	A	A
Mowatt Lane/Site Access Road **	----	----		
<p>*The AASIDRA traffic circle analysis tool was used to determine and evaluate the average delay and LOS for this location.</p>				

**In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.

The site is proposed for development as residential condominium. The traffic study is based upon 300 residential condominium units. The site trip generation rates shown in the traffic study are the same as the trip generation rates recommended by the guidelines. The site trip generation is 210 AM peak hour trips (42 in, 168 out) and 240 PM peak hour trips (156 in, 84 out). Using these figures, the following results are obtained under total traffic:

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
US 1/Guilford Road	929	866	A	A
Campus Drive/Adelphi Road	1,167	1,135	C	B
MD 193/Adelphi Road	1,243	1,305	C	D
US 1/Campus Drive/Paint Branch Parkway	1,089	1,498	B	E
Campus Drive/Mowatt lane *	8.8	9.0	A	A
Mowatt Lane/Site Access Road **	23.3	27.4	C	C
*The AASIDRA traffic circle analysis tool was used to determine and evaluate the average delay and LOS for this location.				
**In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.				

Given these analyses, the submitted traffic study concludes that all these intersections within the study area are operating acceptably and they would continue to operate at acceptable levels of service during both peak hours.

Both DPW&T and SHA have reviewed the submitted traffic study and provided comments that expressed general agreement with the traffic study conclusions. The DPW&T comments included provision of a left-turn lane along Mowatt lane at the proposed site access. The SHA comments called for an additional analysis of the weaving section along MD 193 between Adelphi Road and Ehrewnsberger Drive. Staff did not carry forward the SHA recommendation since this portion of MD193 is outside of the agreed-upon study area.

Plan Comments

At the present time the subject property does not front any public roadway. Once the proposed extension of Commander Drive is dedicated and constructed as indicated by the approved College Heights West Preliminary Plan (4-05060), the subject property will have frontage on a public roadway. However, due to existing environmental constraints and safety concerns, the site's only access will be via an access road in a private easement to Mowatt Lane in accordance with Section 24-128(b)(9). No access will be provided to Commander Drive extended.

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 in accordance with these findings.

7. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and CB-30-2003 and CR-23-2003.

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 7	Middle School Cluster 4	High School Cluster 4
Dwelling Units	300 du	300 du	300 du
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	72	18	36
Actual Enrollment	35,388	11,453	16,879
Completion Enrollment	218	52	105
Cumulative Enrollment	113.04	508.62	58.2
Total Enrollment	35,819	12,038.7	17,092.36
State Rated Capacity	39,187	11,272	15,314
Percent Capacity	91.406%	92.64%	111.61

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

These figures were correct on the day the referral memorandum was written. Other projects that are approved prior to the public hearing on this project will cause changes to these figures. The numbers shown in the resolution of approval will be the ones that apply to this project.

County Council bill CB-31-2003 establishes a school facilities surcharge in the amount of: \$7,000 per dwelling if a building is located between I-495 and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts on 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.

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. 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.

8. **Fire and Rescue**—The Historic Preservation and 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 seven-minute response time for the first due fire station College Park, Company 12, using the Seven-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.

9. **Police Facilities**—The preliminary plan is located in Police District I. 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 January 23, 2007.

Reporting Cycle	Date	Emergency Calls	Nonemergency
Acceptance Date	12/04/05 12/04/06	10.00	17.00
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 January 23, 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.

10. **Health Department**—The Health Department has reviewed the application and has no comments.
11. **Stormwater Management**—The Department of Public Works and Transportation (DPW&T), has determined that on-site stormwater management is required. A stormwater management concept plan has been submitted, but has not yet been approved. Prior to signature approval, the concept plan shall be approved and the plan number and approval date shall be added to the preliminary plan. To ensure that development of this site does not result in on-site or downstream flooding, it must be in accordance with this approved plan.
12. **Historic Preservation**— A Phase I archeological survey is recommended for the above-referenced property for the following reasons:

There is a small drainage that runs through the southern part of the property. No buildings appear in this area on the 1861 or 1878 Martenet maps. However, by 1894, there are several houses

shown in the area to the west of the University of Maryland. A house or outbuilding appears in the 1938 and 1965 aerial photographs. The building is no longer standing in the 1993 aerials.

There are 17 known archeological sites within a one-mile radius of the subject property. Twelve of these sites date to the prehistoric period and 5 are historic sites dating primarily to the late 19th and 20th centuries. There is one National Register site, Ash Hill/Hitching Post Hill (PG:68-1), three historic sites—Rossborough Inn (PG:66-35-2), Holbrook House (PG:66-21-31), and Bloomfield/Deakins House (PG:29-5)—and two historic resources, Morrill Hall (PG-66-35-6) and Calvert House (PG-66-35-7), located 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.

13. **Public Utility Easement**—The preliminary plan includes the required ten-foot-wide public utility easement. This easement will be recorded on the final plat.
14. **Access**—As discussed in the Transportation section of this report, the development on this site is proposed to be served by a 22-foot-wide driveway within a 50-foot right-of-way through a recorded easement (L. 23459, F. 261) across the adjoining Parcel 44 in accordance with Section 24-128(b)(9). The proposed drive provides a safer, more convenient method of ingress and egress to the site, minimizes environmental impacts and eliminates the need to route traffic through an existing single-family neighborhood, therefore we find that the utilization of Section 24-128(b)(9) for the subject property is appropriate.

Staff is aware of ongoing negotiations between the applicant and the owner of Parcel 44 regarding the possible purchase of the area of the easement. If the applicant is able to gain this land, it can be folded into the subject property at the time of final plat through a common boundary line adjustment.

15. **City of College Park**—This application adjoins the city. They held a hearing and will be presenting their recommendation at the public hearing.

RECOMMENDATION

APPROVAL, subject to the following conditions:

1. Prior to signature approval of the preliminary plan, the TCPI shall be revised to eliminate the use of 0.04 acre of reforestation and add this acreage to the off-site requirement. Based on the revised NRI, revise the TCPI as necessary to ensure that the calculations are correct.
2. Development of this subdivision shall be in compliance with the Type I Tree Conservation Plan (TCPI/007/07) approved as part of this application. 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/007/07), 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, Environmental Planning Section.”

3. At time of detailed site plan review, the placement of the stormwater outfalls and sanitary sewer connections will be further evaluated, on the plans and in the field, to determine the proper placement of all utilities so that the stream is not further degraded by this work. In addition, the stream sections above and through the subject property shall be evaluated for measures needed to stabilize the banks and ensure that the underground pipes remain below ground. Impact area #5 will also be re-evaluated to determine if the impacts in this area can be further reduced.
4. At the time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the expanded stream buffer, except for areas of approved variation requests as redesigned per the conditions of approval, and shall be reviewed by the Environmental Planning Section prior to approval of the final plat. The following note shall be placed on the plat:

“Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.”
5. Prior to the issuance of any permits which impact wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall submit to the M-NCPPC Planning Department copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
6. Prior to signature approval of the preliminary plan of subdivision, a copy of the stormwater management concept approval letter and the associated plan shall be submitted and the plan number and approval date added to the plan. The concept shall be consistent with that shown on the TCPI.
7. A Type II tree conservation plan shall be approved in conjunction with the detailed site plan.
8. The applicant, his successors, and/or assignees shall provide adequate, private recreational facilities in accordance with the standards outlined in the Parks and Recreation Facilities Guidelines, subject to the following:
 - a. Submission of 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.
 - b. Submission to DRD of a performance bond, letter of credit, other suitable financial guarantee, or other guarantee in an amount to be determined by DRD within at least two weeks prior to applying for building permits.

9. A site plan shall be submitted to the Development Review Division (DRD) of the Prince George's County Planning Department, which complies with the standards outlined in the *Parks and Recreation Facilities Guidelines*.
10. The developer, his successor and/or assignees shall satisfy the Planning Board that there are adequate provisions to assure retention and future maintenance of the proposed recreational facilities.
11. Private recreational facilities shall be reviewed by the Urban Design Review Section of DRD for adequacy and property siting, at the time of the detailed site plan.
12. Prior to the issuance of any building permits within the subject property, the applicant shall provide a left-turn lane along Mowatt Lane and at the proposed access road shall (a) have full financial assurances, (b) have been permitted for construction, and (c) have an agreed-upon timetable for construction with the City of College Park and/or the appropriate operating agency.
13. Prior to approval of the final plat, the applicant's plans for improvements to Mowatt Lane shall be approved by DPW&T.
14. Prior to approval of the final plat, Commander Drive extended as shown on the College Heights West preliminary plan (4-05060) shall be dedicated to public use via a recorded plat, unless access pursuant to Section 24-128(b)(9) is no longer considered applicable.
15. Prior to signature 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. Historic background research shall be performed to determine who may have built and lived in the structure visible in the 1938 aerial photographs. Information on this house site could provide information on the development of the area around the University of Maryland in the late 19th and early 20th centuries. The entire 8.71 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.
16. 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 detailed site plan or final plat, the applicant shall provide a plan for:
 - a. Evaluating the resource at the Phase II level
 - b. Avoiding and preserving the resource in place.
17. 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.
18. Total development of the subject property shall be limited to uses that would generate no more than 210 AM and 240 PM peak-hour trips. Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.

