



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

## Preliminary Plan 4-07016

Application	General Data
<b>Project Name:</b> <b>TEMPLE HILLS SUBDIVISION</b>  <b>Location:</b> Southwest terminus of Joel Lane, 500 feet southwest of its intersection with Temple Boulevard.  <b>Applicant/Address:</b> Mid Atlantic Real Estate Investment, Inc. P. O. Box 3083 Oakton, VA. 22124-9083  <b>Property Owner:</b> Mid Atlantic Real Estate Investment, Inc.	Date Accepted: 05/17/07
	Planning Board Action Limit: 11/04/07
	Plan Acreage: 15.00
	Zone: R-80
	Lots: 14
	Parcels: 2
	Planning Area: 76B
	Tier: Developed
	Council District: 08
	Election District: 12
	Municipality: N/A
200-Scale Base Map: 208SE03	

Purpose of Application	Notice Dates
RESIDENTIAL SUBDIVISION	Adjoining Property Owners Previous Parties of Record Registered Associations: (CB-58-2003) 02/23/07
	Sign(s) Posted on Site and Notice of Hearing Mailed: 09/25/07

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 4-07016  
Temple Hills Subdivision, Lots 1-14 and Parcels A & B

OVERVIEW

The property is located on Tax Map 97, Grid A-2, and is known as Lots 1-6, Block 2; Lots 1-14, Block 3; Lots 1-8, Block 4; Lots 4-10, Block 1; Outlot A and all of Dunbar Road and part of David Drive and Pine Street (now known as Joel Lane) as dedicated to public use and recorded on record plat WWW 20@7 (1951). The applicant is proposing to resubdivide these 35 lots and outlot and vacate those portions of the dedicated public streets not necessary for the implementation of the preliminary plan.

The development of this property as currently subdivided would be difficult. Extending through the property is 3.42 acres of 100-year floodplain, wetlands and steep and severe slopes. The applicant has proposed significant stormwater management facilities and stormdrain piping to develop this property as proposed. Based on staff's discussions with citizens living on Joel Lane and staffs of the Department of Environmental Resources and Department of Public Works and Transportation, the surrounding properties have significant flooding. The applicant is proposing a combination of drywells as well as a stormwater management pond at the end of Joel Lane which will handle not only part of the runoff from proposed development on the subject property but from adjoining properties as well. Staff believes that the development of this property with the stormwater facilities as shown on the approved stormwater concept plan could ultimately result in improvements to stormwater management in the area. This will help ensure that the development of this property does not result in on-site or downstream flooding and that the layout and amount of development proposed are compatible with the stormwater management proposed.

The area that is the subject of this preliminary plan is 15 acres and is zoned R-80. The applicant is proposing to resubdivide the property into 14 lots and two parcels for the development of single-family dwelling units. The applicant's original proposal was for 18 lots, but the applicant removed four of the proposed lots that were heavily encumbered by floodplain and were impossible to reach without significant impacts to protected environmental features. Parcel A (6.7 acres) and Parcel B (1.46 acres) are open space parcels that are proposed to be conveyed to a homeowners association (HOA). The property has frontage on Joel Lane to the northeast and David Drive and Norris Drive to the east. The applicant is proposing to extend Joel Lane, a 40-foot-wide dedicated public street into the property to serve each of the 14 lots proposed. The applicant is proposing the immediate transition of Joel Lane to a 50-foot-wide right-of-way as it enters the site, terminating at a cul-de-sac at the southwest property line.

SETTING

The property is located at the southwest end of Joel Lane, west of Temple Hill Road and north of Fisher Road. The properties to the northeast and southeast are zoned R-80 and developed with single-family dwelling units. The property to the northwest is zoned R-30C and is developed with senior citizen housing. To the southwest is vacant R-30 and R-55-zoned land.

FINDINGS AND REASONS FOR STAFF RECOMMENDATION

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

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone	R-80	R-80
Use(s)	Vacant	Single-Family Residences
Acreage	15.0	15.0
Lots	35	14
Outlots	1	0
Parcels	0	2
Dwelling Units:		
Detached	0	14
Public Safety Mitigation Fee		No

2. **Environmental**—There are streams and wetlands and 100-year floodplain on-site. The entire site is wooded. The site eventually drains into Henson Creek in the Potomac River watershed. According to the “Prince George’s County Soils Survey” the principal soils on this site are in the Aura, Bibb, Howell and Sassafras series. Marlboro clay does not occur in the area. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program, rare, threatened, or endangered species do not occur on this property or adjacent properties. There are no designated scenic and historic roads in the vicinity of this property. The Beltway is a nearby source of traffic-generated noise; however it is sufficiently distant that there is no significant impact to the subject property. The proposal is not expected to be a noise generator. This property is located in the Developing Tier as reflected in the adopted General Plan.

**Environmental Issues Addressed in the Henson Creek Master Plan**

The master plan does not indicate any special environmental issues associated with this property.

**Conformance with the Countywide Green Infrastructure Plan**

No designated network elements of the *Countywide Green Infrastructure Plan* occur on the subject property.

**Natural Resources Inventory**

A signed Natural Resources Inventory, NRI/033/07-02, was submitted with the application. All streams, wetlands, 25-foot wetland buffers, 100-year floodplain, areas with severe slopes and areas with steep slopes containing highly erodible soils are shown on the plans. The expanded stream buffer required by Section 24-130 of the Subdivision Regulations is correctly delineated in the NRI, TCPI and preliminary plan.

A single stand of mixed hardwood dominated by black oak and white oak covers all of the 15 acres of the site. The average diameter at breast height is about 18 inches. Sixteen specimen trees were found. The shrub layer contains small trees and mountain laurel. Multiflora rose is the only invasive plant species noted. The priority areas are those associated with the stream and wetlands. The forest stand delineation meets the requirements of the Woodland Conservation Ordinance.

## **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. All disturbance not essential to the development of the site as a whole is prohibited within stream and wetland buffers. Essential development includes such features as public utility lines [including sewer and stormwater outfalls], road 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. Impacts for essential development features require variations to the Subdivision Regulations. Four variation requests were submitted.

Variation request 1 is for a stormwater outfall that will impact approximately 2,255 square feet of expanded stream buffer. Variation request 2 is principally for the construction of the stream crossing for the extension of Joel Lane to serve ten of the 14 proposed lots and secondarily for connection to the existing sanitary with a total proposed impact of approximately 34,386 square feet. Staff notes that the plan has minimized impacts by combining a required connection to the existing sanitary sewer within the area of proposed impact 2. Variation request 3 is for an impact of approximately 12,639 square feet for the extension of Joel Lane to serve the entire development, but it also includes an impact for a driveway to serve Lot 1. Because a storm water outfall is also required at this location, the impact for the driveway is secondary and is recommended for approval.

Section 24-113 of the Subdivision Regulations contains four required findings to be made before a variation can be granted. The Environmental Planning Section supports the variation requests for the reasons stated below.

**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;**

Street construction is required to provide access for emergency vehicles and safe travel. Stormwater management is required by Prince George's County Code. All designs of these types of facilities are reviewed by the appropriate agency to ensure compliance with other 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 property contains extensive wetlands and 100-year floodplain that fragment the property. The majority of the developable land cannot be served by a public street without impact 1 to the expanded stream buffers. The location of existing Joel Lane and

required improvements dictate the need for impact 3. The specific topography of the site specifies the placement of the required stormwater management outfall.

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

Road construction and stormwater management 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 property has extensive areas of wetlands and 100-year floodplain that create a proportionately high area of expanded stream buffers that fragment the property. The denial of impact 3 would result in the loss of all of the proposed 14 lots. The denial of impact 2 would result in the loss of ten of the proposed 14 lots. The denial of impact 1 would result in the loss of ten of the proposed 14 lots.

#### **Need for Detailed Site Plan**

The Environmental Planning Sections notes that even if impacts to the expanded stream buffers are approved, certain lots will be significantly encumbered with conservation easements and have design issues. Lot 1, 5 and 6 do not provide the necessary space for construction or useable side (20 feet) or rear (40 feet) yard areas. In addition, Lot 1 will be required to have the structure placed in a location that will have it front into the rear of existing Lot 24. After subtracting the area of the conservation easement, the useable lot area of proposed Lot 2 will be less than 9,500 square feet. The structure on proposed Lot 3 will be looking into the rear yards of proposed Lots 2 and 4. In light of these design challenges, staff recommends that prior to final plat of subdivision a detailed site plan be approved by the Planning Board. The plan should use field-run topography and include actual footprints of proposed structures and shall focus on useable yard areas (20-foot side and 40-foot rear) and the orientation of structures. Loss of lots may occur.

#### **Woodland Conservation**

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

A Type I Tree Conservation Plan, TCPI/098/04 has been reviewed. The woodland conservation threshold is 2.32 acres. Based upon the proposed clearing, the woodland conservation requirement has been correctly calculated as 4.20 acres. The plan proposes to meet the requirement by providing 4.48 acres of on-site preservation. An additional 2.00 acres of woodland will be retained on-site that are not part of any requirement.

The plan indicates the intent to meet all requirements by on-site preservation. The proposed preservation areas correctly include the stream valley and additional woodland associated with it. The proposed woodland conservation areas satisfy the intent of the Woodland Conservation Ordinance.

## Soils

According to the “Prince George’s County Soils Survey” the principal soils on this site are in the Aura, Bibb, Howell and Sassafras series. Aura soils are highly erodible. Bibb soils are associated with floodplains. Howell soils may have slow permeability and wetland inclusions. This information is provided for the applicant’s benefit. No further action is needed as it relates to this Preliminary Plan of Subdivision review. A soils report in conformance with CB-94-2004 will be required during the permit process review.

3. **Community Planning**—The property is located in Planning Area 76B of the 2006 *Approved Henson Creek-South Potomac Master Plan* within the Henson Creek community. The master plan recommends a residential low-suburban residential land use at a density of 5.7 dwellings to the acre 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.

4. **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.
5. **Trails**—There are no master plan trails issues identified in the Adopted and Approved *Henson Creek-South Potomac Master Plan* that impacts the subject site. The Sector Plan includes a strategy to “provide neighborhood sidewalk connections to schools, parks, and activity centers” (Sector Plan, page 71).

Existing roads are open section in the vicinity of the subject site. All of the existing roads connecting with and adjacent to the subject site are open section with no sidewalks. However, the southern terminus for both Joan Lane and Janice Lane include a standard sidewalk along the culs-de-sac, indicating that some roads may be improved with curb, gutter, and sidewalk in the future, if desired by the community and if the right-of-way allows. The Sector Plan does recommend sidewalk construction along certain priority sidewalk corridors, as well as sidewalk connections to parks and schools. M-NCPPC currently owns several parcels of undeveloped parkland in the vicinity of the subject site. The existing Samuel Chase Elementary School is located approximately one-quarter mile south of the subject application.

6. **Transportation**—The application seeks to resubdivide 35 recorded lots into a new 18-lot (now reduced to 14) subdivision. The applicant has not prepared a traffic impact study nor did the transportation staff request one. The findings and recommendations outlined below are based upon a review of all relevant 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*, and in consideration of findings made in connection with past applications.

## **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.

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

The subject application involves the resubdivision of 35 recorded lots (three of the original lots shown on Plat 020-007, Temple Hills, Section One, recorded in 1951, are not included in this subdivision). This recorded subdivision was proposed to connect to the county roadway network through existing subdivisions by means of Joel Lane and Damian Drive. There is no existing development within the limit of the 1951 subdivision. However, these platted and recorded lots have the presumption of the right to be developed. Therefore, it would be assumed that this site, by right, could have a trip generation equivalent to 35 single-family detached residences, or 26 AM and 32 PM peak-hour vehicle trips. The applicant's proposal is a significant reduction in that already approved for the site, as noted below.

The traffic generated by the proposed plan would primarily impact the signalized intersection of Temple Hill Road and Fisher Road. Staff has no counts that have been done within the past year at the critical intersection; the last known analysis of this intersection was presented to the Planning Board in 1997. That analysis indicated that the critical intersection would operate at LOS B or better in each peak hour. There are no funded improvements to this intersection in either the county Capital Improvement Program (CIP) or the state Consolidated Transportation Program (CTP).

This applicant proposes 18 (now reduced to 14) single-family detached lots. Based upon rates in the guidelines, 18 residences would generate 7 AM and 8 PM peak-hour vehicle trips. This level of trip generation is within the trip quantity that could be produced by right by the existing lots; therefore, there is evidence that the Planning Board can find that the proposed resubdivision would generate no net trips as a result. When viewing both existing and background development, there would be no resulting impact on traffic operations at the Temple Hill Road/Fisher Road intersection as a result of the resubdivision.

This site is not within or adjacent to any master plan transportation rights-of-way. The primary issues regarding this plan are related to access. The lots would gain access by means of a public street onto existing Joel Lane. It is noted that the current plan includes a cul-de-sac at the end of Joel Lane in accordance with DPW&T's wishes.

The adjacent Temple Heights subdivision was platted in 1946 with all streets, including Joel Lane and Temple Boulevard, having a 40-foot right-of-way. Under current standards, these roadways would be substandard. Although staff would generally not support additional lots using a substandard street system for access, there are two factors that require consideration:

- a. The underlying 35 lots of Temple Hills, Section One, could be developed by right with access onto the same substandard street system.

- b. Temple Boulevard, which is the substandard street where traffic volumes could approach 1,000 vehicles per day, has no houses fronting upon it, no residential driveways, and little residential parking.

Given these two factors, the transportation staff determines that the existing streets within the Temple Heights subdivision, namely Joel Lane and Temple Boulevard, would provide adequate access for the eight lots within the subject property plus limited development upon Parcel 88. That limit would be an estimated average daily traffic (ADT) of 600 along any portion of Joel Lane. With the current development proposed, the maximum ADT along any portion of Joel Lane is estimated at 170.

**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. No transportation-related conditions are recommended.

- 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:

**Impact on Affected Public School Clusters**

Affected School Clusters #	Elementary School Cluster 6	Middle School Cluster 3	High School Cluster 3
Dwelling Units	18 DU	18 DU	18 DU
Pupil Yield Factor	.24	.06	.12
Subdivision Enrollment	4.32	1.08	2.16
Actual Enrollment	4,518	5,968	9,696
Completion Enrollment	168.96	90	181
Cumulative Enrollment	9.12	31.08	62.16
Total Enrollment	4,700.4	6,090.16	9,941.32
State-Rated Capacity	4,775	6,114	10,392
Percent Capacity	98.43	99.61	95.66

Source: Prince George’s County Planning Department, M-NCPPC, January 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 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 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 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 Silver Hill, Company 29, 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.

9. **Police Facilities**—The subject property is located in Police District IV. 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 May 17, 2007.

<b>Reporting Cycle</b>	<b>Previous 12-Month Cycle</b>	<b>Emergency Calls</b>	<b>Nonemergency</b>
Acceptance Date 5/17/2007	4/06-4/07	9 minutes	18 minutes
Cycle 1	5/06-5/07		
Cycle 2	6/06-6/07		
Cycle 3	7/06-7/07		

The response time standards of 10 minutes for emergency calls and 25 minutes for nonemergency calls were met on May 25, 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 Environmental Engineering Program has reviewed the preliminary plan of subdivision and had no comments to offer.
11. **Stormwater Management**—The Department of Public Works and Transportation (DPW&T), Engineering Division, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan (CSD 42317-2004-00) has been approved to ensure that development of this site does not result in on-site or downstream flooding. Development must be in conformance with this approval or any approved revision thereto.
12. **Historic**— Phase I archeological survey is not recommended on the subject property. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low. The property appears from the 1965 aerial photographs to have been impacted by construction on the site. A majority of property contains over 15 percent slopes. Archeological sites are not typically found on slopes over 10 percent. However, the applicant should be aware that one prehistoric archeological site is located within a one-mile radius of the subject property. In addition, one National Register property (St. Ignatius Church and Cemetery 76B-6) and two Historic Sites (St. Barnabas Church, Oxon Hill 76A-4 and Kildare 76B-7) are located within a one-mile radius of the subject property.

Moreover, Section 106 review may 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 state or federal monies, or federal permits are required for a project.

## RECOMMENDATION

APPROVAL, subject to the following conditions:

1. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the expanded stream buffers, excluding those areas where variation requests have been approved, and be reviewed by the Environmental Planning Section prior to approval. 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.”
2. Prior to the issuance of any permits which impact jurisdictional wetlands or wetland buffers, the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
3. Prior to approval of the final plat, a detailed site plan shall be approved by the Planning Board. The plan must use field-run topography and include actual footprints of proposed structures. The review shall focus on useable yard areas (20-foot side and 40-foot rear) and the orientation of structures. Loss of lots may occur.

4. 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/098/04), 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.”
5. Prior to the issuance of building permits, the applicant, his heirs, successors and/or assignees shall convey to the homeowners association (HOA) 8.16± acres of open space land (Parcels A-B). 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.
6. A Type II tree conservation plan shall be approved in conjunction with the detailed site plan.
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.

8. Development of the site shall be in conformance with the approved stormwater management concept plan (CSD 42317-2004-00) or any approved revision thereto.
9. The applicant shall provide standard sidewalks along both sides of all internal roads, unless modified by DPW&T.

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

STAFF RECOMMENDS APPROVAL OF THE TYPE I TREE CONSERVATION PLAN, TCPI/098/04.