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Preliminary Plan 4-07076

Application	General Data
Project Name: ESTATES OF PLEASANT VALLEY CONSERVATION SUBDIVISION Location: North of Accokeek Road, south of Floral Park Road, west of MD 5, and east of Church Drive. Applicant/Address: Saddle Creek, LLC. 14416 Old Mill Road, Suite 201 Upper Marlboro, MD. 20772 Property Owner: Saddle Creek, LLC.	Date Accepted: 11/21/07
	Planning Board Action Limit: 2/15/08
	Plan Acreage: 278.09
	Zone: R-R & R-E
	Gross Floor Area: N/A
	Lots: 336
	Parcels: 13
	Planning Area: 85A
	Tier: Developing
	Council District: 09
	Election District: 11
	Municipality: N/A
	200-Scale Base Map: 217/8SE06

Purpose of Application	Notice Dates
RESIDENTIAL SUBDIVISION AND VARIATIONS TO SECTION 24-130 OF THE SUBDIVISION REGULATIONS	Adjoining Property Owners Previous Parties of Record Registered Associations: 8/22/07 (CB-58-2003)
	Sign(s) Posted on Site and Notice of Hearing Mailed: 1/15/08

Staff Recommendation		Staff Reviewer: Whitney Chellis	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
		X	

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Preliminary Plan of Subdivision 4-07076
Estates at Pleasant Valley Conservation Subdivision
Lots 1-336 and 13 parcels

OVERVIEW

The subject property is located on Tax Map 144 in Grid D-3. It is 278.09 acres and is located within the Developing Tier. The site is undeveloped and contains streams, wetlands and 100-year floodplains and priority woodlands. A PEPCO right-of-way separates the property into two portions, the northern section gaining access from Floral Park Road while the southern section gains access from Accokeek Road. The applicant is proposing to subdivide the property into 336 lots and 13 parcels for the development of single-family dwellings in accordance with Section 24-152 of the Subdivision Regulations for a conservation subdivision.

The site is a combination of record lots (Lots 44-47 and 61-66) and acreage parcels (Parcels 86, 157, 110 and 66). All of the lots were recorded in land records in 1930 and are the subject of record plat SDH 3@86. Staff identified inconsistencies in the limit of the proposed subdivision and the existing tax map property description as discussed further in the findings section of this report.

At the writing of this report, staff is compelled to recommend disapproval of this preliminary plan of subdivision. Although staff strongly supports the use of the optional design approach of a conservation subdivision in this case, staff believes that the subdivision in its present configuration does not conform to the requirements and purposes for a conservation subdivision (24-152(b)). In addition, as discussed further in the Transportation Section of this report, adequate transportation facilities cannot be found pursuant to Section 24-124(a)(1) because the preliminary plan does not provide for the dedication of A-55 (Accokeek Road), a master plan arterial facility provided for in the adopted and approved Subregion V Master Plan for Transportation Facilities, and necessary to correct safety issues, nor can adequate transportation facilities be found based on the applicant's proposal for mitigation at MD 373 and MD 5. Further, and as discussed in the Parks and Recreation Section of this report, the preliminary plan does not provide for the mandatory dedication of parkland as required pursuant to Section 24-134 of the Subdivision Regulations.

In addition, staff has found a number of deficiencies in the preliminary plan and tree conservation plan submitted for review. The deficiencies, when reviewed in total, could result in substantives changes in the preliminary plan and tree conservation plan that should be corrected prior to the consideration of this plan by the Planning Board. These issues are discussed further in the findings section of this report.

The preliminary plan of subdivision was accepted on November 21, 2007, and is currently within the first 70 days of the required mandatory action time frame. The applicant has the option of granting a waiver and extended the preliminary plan into a second 70 days for a maximum mandatory action time frame of 140 days as provided for in Section 24-117(d) of the Subdivision Regulations. Staff believes that an additional 70 days could afford the applicant time to correct the deficiencies, address layout issues, and create a design that would meet the purposes of the conservation subdivision. However,

as discussed further below, a conservation subdivision is optional in the Developing Tier, and the applicant may desire to develop this property using conventional standards provided for in the R-R and R-E Zones. Based on the preliminary plan, tree conservation plan, and information available to staff at this time a conventional design would not result in substantial changes to the preservation proposed with this conservation subdivision.

The following is the criteria for the Planning Board approval of a conservation subdivision preliminary plan:

24-152 (j) Criteria for approval. The Planning Board shall find that the conservation subdivision:

- (1) Fulfills the purpose and conforms to the regulations and standards for a conservation subdivision.**
- (2) Achieves the best possible relationship between the development and the conservation of site characteristics as prioritized in the sketch plan and preliminary plan.**

As set forth in the findings section of this report, staff does not believe that the proposed preliminary plan fulfills the purposes for a conservation subdivision or achieves the best possible relationship between the development and the conservation of priority woodland, scenic vistas, and viewsheds.

SETTING

The property is located on the south side of Floral Park Road, extending south to the north side of Accokeek Road and the eastern terminus of Church Drive, approximately 4,000 feet west of MD 5 (Branch Avenue). The site is approximately 72 percent wooded and contains grassy fields on reclaimed sand and gravel mining areas on the other 28 percent. Significant portions of the site were mined for sand and gravel. Accokeek Road is a designated historic road and Floral Park Road is a designated scenic and historic road. Traffic-generated noise impacts are associated with the master plan arterial A-55 (Accokeek Road Relocated) in the southern portion of the site. The property is located in the Piscataway Creek watershed and the Potomac River basin and is located in the Developing Tier as reflected in the approved General Plan. The Green Infrastructure Plan shows regulated areas, evaluation areas, and network gaps in conjunction with the Butler Branch stream corridor that crosses the western portion of this property. The site adjoins undeveloped or agriculturally developed land to the north, east and south, and single-family residences to the west.

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 and R-E	R-R and R-E
Use(s)	Vacant	Single-family residential
Acreage	278.09	278.09
Lots	10	336
Parcels	4	13
Dwelling Units:		
Detached	0	336
Public Safety Mitigation Fee	No	No

2. **Conservation Subdivision**—The District Council enacted CB-4-2006 (Subdivision Bill) and CB-6-2006 (Zoning Bill) on July 18, 2006, and established the purposes, requirements, procedures and standards for conservation subdivisions. That legislation repealed the cluster and lot size averaging options for the subdivision of land. The conservation subdivision is required for land in the Rural Tier, saving limited exemptions, and is an optional subdivision design approach for land in the Developing Tier. The subject property is located in the Developing Tier as defined by the General Plan and is zoned R-E and R-R. Therefore, a conservation subdivision in this instance is optional. The site could be developed under the conventional R-E and R-R Zone standards.

To further encourage the use of conservation subdivisions and promote preservation opportunities, CB-6-2006 in particular reduced the minimum lot size in the R-E and R-R Zones when filing a conservation subdivision. In the R-E Zone the minimum lot size in a conventional subdivision is 40,000 square feet and in the R-R Zone it is 20,000 square feet. In a conservation subdivision the minimum lot sizes are reduced in half; in the R-E Zone (20,000 square feet) and in the R-R Zone (10,000 square feet). This reduction was to translate into conservation of unique and important characteristics of a site that may not normally be regulated in conventional developments. Therefore, a conservation subdivision reduced lot sizes in half in these zones, and should provide greater preservation than would be realized with conventional development techniques.

Section 24-152(b) of the Subdivision Regulations establishes the purposes of the conservation subdivision as follows:

Purpose—The purpose of a conservation subdivision is to protect the character of land through the permanent preservation of farmland, woodland, sensitive natural features, scenic and historic landscapes, vistas, and unique features of the site in keeping with the General Plan and Countywide Green Infrastructure Plan. The standards in this Section provide for lots, open space and internal street designs that conserve woodlands, farmland, farm structures, historic structures, and the scenic and unique character of development sites. A conservation subdivision prioritizes site characteristics for conservation and is intended to create a site layout that conserves important site features such as open space networks, blocks of productive farmland, unique characteristics of a site and contiguous woodland habitats. The site design should encourage agricultural pursuits, create attractive development layouts respecting existing features of the site, and encourage connectivity between scenic, historic, agricultural, and environmental characteristics of abutting properties.

In furtherance of the purpose, Section 24-152(e) sets forth the submittal requirements for a conservation subdivision. Prior to the submittal of a preliminary plan, a “sketch plan” is required. The sketch plan is a planning tool used to establish a conceptual foundation for preservation opportunities that may exist on a site. The characteristics are set into broad categories of scenic, agricultural, environmental and historic. Through the sketch plan and preliminary plan processes, other site characteristic may be identified for preservation. Preservation may be a combination of site characteristic and may overlap. When opportunities overlap, these areas are considered high priority areas for conservation.

A sketch plan is an administrative process that is reviewed at staff level and is not, therefore, an approval of a subdivision. In fact, the legislation specifically states that “[T]he certification of the sketch plan is not to be construed as the approval of the lot yield, but the completion of the sketch plan process for planning purposes.” The sketch plan process is used as a conceptual tool to assist staff and the applicant in the evaluation of a particular site and its

appropriateness for a conservation subdivision. The approval of the subdivision is left to the preliminary plan process and at the sole discretion of the Planning Board.

A sketch plan is only to provide guidance to an applicant and staff in the preparation of a preliminary plan. The Planning Director does not have the authority to approve a subdivision at a Planning Director level through a sketch plan process. Moreover, evaluation of a site does not cease once a sketch plan process has been certified, but continues when a preliminary plan is filed. The applicant may or may not consider the staff's evaluation and guidance in its application for a preliminary plan.

In this case the applicant filed Sketch Plan S-07002 and the plan was certified by the Planning Director on November 11, 2007. Staff agreed with the applicant's assumption that the site is appropriate for a conservation subdivision and does provide opportunities for preservation that may not be obtained with a conventional subdivision. The specific opportunities were not identified with the sketch plan; however, review of the available information at the time of certification provided staff with sufficient information to certify the sketch plan and therefore allow the applicant to move forward with the preliminary plan application.

With the certification of the sketch plan process, staff identified additional information that would be required with the preliminary plan, and in particular to guide the conservation subdivision preliminary plan application. Staff advised the applicant that additional information would be required relating to opportunities for preservation of the viewshed along Floral Park Road, a designated scenic and historic road; Accokeek Road, a designated historic road and a master plan arterial (A-55); and C-527 at its intersection. Staff also requested information regarding the priority woodland on site.

The submittal requirements for the sketch plan are set forth in Section 24-152(e) in part as follows:

24-152 (e) Submittal requirements. The applicant shall file a sketch plan in accordance with Section 24-119(C) before submitting a preliminary plat of subdivision.

- (1) The Planning Director or designee shall certify the completion of the sketch plan process, as required in this Section prior to the acceptance of a preliminary plat of subdivision.**
 - (C) The certification of the sketch plan is not to be construed as the approval of the lot yield, but the completion of the sketch plan process for planning purposes.**
- (2) The intent of the sketch plan is to clearly document the design process, and to prioritize the characteristics of the site to be preserved in a conservation parcel or lot. Priorities can be a combination of site characteristics and may include areas of the site not otherwise regulated by this Subtitle.**
 - (A) The sketch plan shall document the existing features of the site. The characteristics of the site are generally categorized as follows:**
 - (i) Scenic;**
 - (ii) Agricultural;**

- (iii) Environmental; and
 - (iv) Historic.
- (B) The sketch plan shall include:
 - (i) Existing grades at two-foot contours, and a non-disturbance line;
 - (ii) Information on surrounding properties to evaluate the opportunities for connectivity between characteristics of abutting properties; and
 - (iii) Location and/or documentation of woodlands, farmland, farm structures, historic structures, streams, wetlands, scenic vistas, rock formations, hedgerows, pastures, cultural resources, unique views from streets and adjoining properties, and any other information pertaining to the character of a site. The sketch plan shall incorporate information from a signed natural resources inventory (NRI).
- (C) The sketch plan shall identify the areas proposed for conservation lots and parcels including conceptual house site and septic recovery area on conservation lots.
- (D) The sketch plan shall establish a building and structures envelope on each conservation lot.
- (E) The sketch plan shall propose locations for dwellings on that portion of the site determined to be least suitable for conservation.
- (F) The sketch plan shall locate areas of the site that have appropriate soils for septic recovery fields (community, shared and/or individual systems) if proposed and shall show areas for stormwater management facilities, if any, and the type of facility proposed.
- (G) The sketch plan shall show conceptual locations for proposed roads, lot lines and setbacks.
- (H) The sketch plan should designate existing environmental and landscape features such as groups of trees, specimen trees, hedgerows, and woodland areas.

24-152 (f) Conservation area.

- (1) The conservation area shall be located on a parcel or lot and characterized as primarily scenic, agricultural, historic or environmental, or any combination.
- (2) Design criteria for conservation areas.
 - (A) The area of the site required for a conservation parcel or lot shall be determined based on the priorities established in the review of the sketch plan, may include areas of the site not otherwise more specifically regulated by this Subtitle, and should be one parcel or lot to the extent possible.

- (B) Conservation areas shall connect with existing and potential conservation areas on abutting sites to encourage corridors of compatible site characteristics, unless it is found to be impractical due to topography, spacing or existing natural barriers.**
- (D) Fragmentation of the conservation area into small, irregularly shaped conservation parcels and lots shall be avoided.**
- (G) Woodland conservation required for the area of conservation parcels or lots may be provided at an off-site location, only if it is necessary to preserve the rural and agricultural landscape.**
- (H) Septic recovery areas and stormwater management facilities may be located on a conservation parcel to be maintained by the homeowners' association if there is no adverse impact to the character of that area of land, and it is demonstrated that the residential development area cannot support these facilities. Stormwater management facilities in conservation parcels should not include typical dry ponds with associated steep slopes, dams, mowed areas, fencing or unsightly overflow structures. Farm ponds, bioretention ponds, naturally contoured ponds and wet ponds with wetland edges and no visible structures are permitted on the conservation parcel which is to be maintained by the homeowners' association.**

24-152 (h) Scenic and historic roads. Development along a designated scenic or historic road shall conform to the following standards:

- (1) There should be no views of the rears of dwellings from the road.**
- (2) Engineered berms for screening purposes are not permitted unless they are constructed to mimic natural contours.**
- (3) Fencing along the road shall be rural in character.**
- (4) Views from scenic and historic roads shall be preserved or may be created through the installation of landscaping that mimics natural conditions.**
- (5) Trees and vegetation shall not be removed within the required setback unless in accordance with an approved tree conservation plan.**
- (6) Existing slopes and tree tunnels along the street frontage should be retained, unless required to be removed by the Department of Public Works and Transportation (DPW&T) or the State Highway Administration (SHA) for frontage improvements.**
- (7) Buildings that are located within two hundred (200) feet from the street should be sited such that the principal entrance is oriented toward the street.**
- (8) A scenic easement shall be provided along the frontage of a designated scenic or historic road abutting the 10-foot public utility easement. The scenic easement shall be a minimum of forty (40) feet and increased where appropriate to retain unique characteristics of the scenic and historic character of the road.**

- (9) **In general, access (public and private) to a scenic or historic road should be limited to the extent possible unless for safety reasons or for some other benefit such as environmental preservation, or to implement the stated purposes of this Division.**

Sketch Plan Comments:

Section 24-152 of the Subdivision Regulations sets forth specific criteria to be used when proposing a conservation subdivision. Section 24-152(g) of the Subdivision Regulations sets forth the design criteria for the residential development area, Section 24-152(f) sets forth design criteria for conservation parcels and lots, and Section 24-152(h) sets forth design criteria for scenic and historic roads. These criteria should be used throughout the planning process when reviewing the sketch plan and the preliminary plan.

The applicant included a lotting pattern on the sketch plan. The lotting pattern is not required because the evaluation of the sketch plan is to identify opportunities for preservation and to determine if the site is appropriate for a conservation subdivision. Neither staff nor the Planning Director has the authority to approve a preliminary plan lotting pattern in an administrative process. By including a lotting pattern, the focus of the process becomes the lotting pattern and lot yield and not the opportunity for preservation unique to a specific site. Staff expects that at the time of the preliminary plan, areas that may have been identified on a sketch plan as opportunities for preservation may not be practical for preservation because of the competing interests of the lot yield and purposes of the conservation subdivision. The applicants should prioritize the opportunities with the assistance of staff and negotiate further at the time of review of the preliminary plan. When opportunities overlap, staff considers these as high priority for preservation.

Although the lotting pattern was useful in the sketch plan process, the number of lots as clearly set forth in the Subdivision Regulations was not approved. Section 24-152(e)(1)(C) states “[T]he **certification of the sketch plan is not to be construed as the approval of the lot yield, but the completion of the sketch plan process for planning purposes.**”

The applicant was encouraged by staff through the sketch plan certification process that a conservation plan was appropriate and suitable for this site and found the following:

“Staff believes that this sketch plan presents a proposal suitable for development pursuant to the conservation subdivision technique for the following reasons:

- “1. The submitted sketch plan results in a better layout or preservation of the site resources than would a conventional subdivision design. The sketch plan shows no expanded buffer or wetlands on lots, whereas the conventional layout has more than 20 acres of environmentally sensitive area included on lots. In addition, the sketch plan shows half as much impacted square footage to the expanded and wetland buffers as does the conventional layout.
- “2. The site characteristics being preserved are above and beyond those that would be preserved as part of any subdivision. The vast majority of the development is situated well to the interior of the site, beyond the perimeter.
- “3. The sketch plan shows more than a minimum 40 percent of the gross tract area as a conservation area.

“4. The sketch plan does an excellent job of providing a contiguous conservation parcel and woodland habitat on site, while retaining the linkages to adjoining properties.

“In this instance, the staff and applicant have identified existing woodland, sensitive natural features (wetlands, streams and floodplain), contiguous woodland habitats (both on site and connections to adjoining properties), and scenic vistas into the site as the site characteristics being preserved through the use of the conservation subdivision technique. There are no historic structures identified on the site, but staff will be recommending a Phase I archeological survey for those sections of the site which have not been disturbed by mining activity. The applicant shows a well planned, contiguous conservation area on the site with excellent connectivity to environmental characteristics on adjoining properties. All of these factors lead the staff to conclude that this sketch plan presents a proposal suitable for development pursuant to the conservation subdivision technique, as modified by the aforementioned comments in this report.”

In addition, staff also advised the applicant in the certification process that additional information was necessary and that evaluation of the site would continue through the preliminary plan process:

“The sketch plan as submitted does not include documentation of the farm structures, historic structures, scenic vistas, cultural resources, or unique views from streets and adjoining properties. While there do not appear to be any structures on the site, an inventory of significant visual features, generally required with the review of a designated scenic historic road, would address documentation of scenic vistas or unique views from streets and adjoining properties.

“The applicant is providing a contiguous woodland habitat throughout the site which links to other permanently preserved woodland areas on adjoining properties as regulated under the Countywide Green Infrastructure Plan. Additional information regarding topography, existing tree lines, and the existing stream will be required during the preliminary plan process on the northeast and southwest side of the property in order to evaluate opportunities for connectivity.

“The sketch plan shows the development area of the site within that portion not encumbered by environmental features and thus least suitable for conservation. The plan retains the most of the wooded perimeter along Accokeek Road. However, the plan also shows lots within existing woodland conservation mitigation banks which were previously dedicated for conservation. This concept does not conform to the purposes of the conservation subdivision regulations. In this regard, the sketch plan does not result in a better design than a conventional subdivision because the same areas being preserved would be preserved otherwise. As discussed below, these mitigation banks need to be addressed further.

“While the applicant has generally done a good job of providing varying lot sizes, several areas of the plan (particularly the central core area of Blocks F, H and I) are laid out in a very suburban grid pattern. At the time of preliminary plan, staff would like to see a less regimented development scheme in these areas. The number of cul-de-sacs has been reduced in keeping with the Planning Board policy of minimizing situations where cul-de-sacs end in close proximity to one another.”

Once the sketch plan process has been certified for a conservation subdivision, a preliminary plan is required. At the time of review of the preliminary plan, Section 24-152(g) sets forth the design criteria for the residential development area, Section 24-152(f) sets forth design criteria for conservation parcels and lots, and Section 24-152(h) sets forth design criteria for scenic and historic roads. The design criteria are also used when reviewing the sketch plan.

Preliminary Plan Comments:

The preliminary plan of subdivision was accepted on November 21, 2007, and is currently within the first 70 days of the required mandatory action time frame. The applicant has the option of granting a waiver and extended the preliminary plan into a second 70 days for a maximum mandatory action time frame of 140 days.

In a conservation subdivision, Section 24-152(c) establishes that in R-E and R-R Zones a minimum of 40 percent of gross tract area must be designated as a conservation lot or parcel. The minimum may not include areas of the site not already regulated by Section 24-130 of the Subdivision Regulations (expanded buffers and primary management areas), and depending on the specific site characteristics. The Subdivision Regulations sets forth that conservation areas may be made up of areas outside the regulated areas. In this case the applicant conforms to the minimum technical standards of the zone by providing 43 percent in a conservation parcel(s). Staff would note that primarily the conservation parcel comprises expanded buffers (24-130) and required tree conservation (TCPI/44/07). The woodland conservation requirement is based on the zoning of the property and would be required in a conventional development scenario.

On December 14, 2007, the case was brought before the Subdivision Review Committee (SRC) where the applicant was advised that additional areas for conservation should be evaluated for opportunities for preservation and identified on the preliminary plan outside the areas already regulated by Subtitle 24-130 of the Subdivision Regulations and on the tree conservation plan in furtherance of the conservation subdivision purpose (24-152(b)).

Staff noted three areas that could provide the applicant greater opportunities for the use of a conservation subdivision in preserving areas of the site not already regulated or used by the applicant to fulfill development requirements of tree conservation. Staff identified the following:

1. **Block D, Accokeek Road at its intersection with C-527:** The applicant was advised that the area of Block D provides the greatest opportunity for conservation. This area of the site contains priority woodland identified in the FSD and is evaluated in detail in the Environmental Planning Section of this report. This forest stand creates an opportunity to impact the larger community; it is located at the entrance to a proposed M-NCPPC community park and is the primary focus from Accokeek Road (a designated historic road), or if dedicated, the master plan arterial (A-55), at its intersection with the collector roadway (C-527). Preservation of the woodland extending northwest from the intersection of C-527 and A-55 to the main entrance drive (Street A) and north to the expanded buffer would consolidate the most significantly overlapping opportunities for preservation within this conservation subdivision and would fulfill the purposes of Section 24-152.

The preliminary plan originally proposed 43 lots in this area and preserved the alignment of A-55 and C-527. The applicant was advised that staff would be recommending the dedication of A-55, a master plan arterial facility, and identified this area as the priority for this conservation subdivision for preservation. The revised plan submitted on January 15, 2008, by the applicant at the posting of this property now proposes 59 lots in this area and

no longer provides for the A-55 master plan right-of-way; in fact, the applicant is now proposing lots within the master plan alignment for A-55 as discussed further in the Transportation Section of this report, contrary to the guidance of staff.

2. **Block J, South of the PEPCO right-of-way abutting public parkland:** The applicant was advised that this area of the site contains priority woodland as identified in the FSD and evaluated in detail in the Environmental Planning Section of this report, and creates a preservation opportunity that would impact the larger community due to its proximity to the proposed community park. This location would also preserve an existing tree line on a ridgeline within the subdivision. This tree stand contains a large number of specimen trees that should be preserved. The revised preliminary plan proposes to clear this area of the site for lots.
3. **Floral Park Road frontage (Blocks A and B):** The applicant was advised that preservation opportunities existed along Floral Park Road, which is a designated scenic and historic road. The applicant was encouraged to preserve the viewshed along this road frontage beyond the master plan recommendation of a 40-foot scenic and historic road buffer. The applicant revised the preliminary plan and increased the number of lots along Street P. The resulting relationship of the lots-to-dwellings on abutting properties and stormwater management facilities in this area is undesirable as discussed in the Urban Design Section of this report. Although the revised preliminary plan did generally address staff's guidance, further evaluation is appropriate of this area of the site.

At the time of review of the preliminary plan, Sections 24-152(g) sets forth the design criteria for the residential development area. The design criteria are also used in part when reviewing the sketch plan.

24-152(g)—Residential development area.

- (1) **The residential development area shall include individual lots, recreational facilities, community or individual septic recovery areas, stormwater management facilities, and all easements and streets serving these lots.**
- (2) **Layout Design Criteria**
 - (A) **Internal streets shall be sited to maintain the existing grade as much as possible.**
 - (B) **Lots and the sitting of dwellings shall be arranged and sufficiently set back to preserve views of the site characteristics from streets and abutting properties.**
 - (C) **Dwellings should not be located in the center of open fields or on a ridgeline.**
 - (D) **Existing farm roads and driveways should be incorporated into the internal street or trail design where possible.**
 - (E) **Access to all lots should be from interior streets and easements.**
 - (F) **Dwellings and streets should be located at the edges of woodlands or situated in a manner that will maximize the amount of contiguous wooded area left intact.**

- (G) **Proposed street and driveway crossings through wetlands, floodplains, steep slopes, and streams are prohibited, unless the crossing will provide more efficient lot and street layout that provides less net disturbance of these features than an alternative layout.**
- (H) **Trees on ridgelines should be preserved.**
- (I) **Dwellings should be located a minimum of forty (40) feet from any environmentally regulated area, including woodland conservation areas.**
- (3) **Lot specific design criteria.**
 - (A) **Buildings and driveways shall be sited to maintain the existing grade as much as possible.**
 - (B) **A variety of lot sizes and lot widths should be provided within clusters of dwellings in order to prevent visual monotony.**
 - (C) **Dwellings should be sited to avoid the rears being oriented toward the fronts of other dwellings and external streets. A landscape plan may be required to provide for the buffer of views of the rear and sides of dwellings from all streets and easements and the fronts of other dwellings.**
 - (D) **Direct driveway access for individual lots onto perimeter streets shall be avoided unless necessary for safety reasons or for some other benefit such as environmental preservation.**
 - (E) **Large expanses of driveways and parking areas shall not be visible from the external streets and abutting properties.**

The following is the criteria for the Planning Board approval of a conservation subdivision preliminary plan:

24-152(j)—Criteria for approval. The Planning Board shall find that the conservation subdivision:

- (1) **Fulfills the purpose and conforms to the regulations and standards for a conservation subdivision.**
- (2) **Achieves the best possible relationship between the development and the conservation of site characteristics as prioritized in the sketch plan and preliminary plan.**

As discussed above, staff does not believe that the proposed preliminary plan fulfill the purposes for a conservation subdivision or achieves the best possible relationship between the development and the conservation of priority woodland, scenic vistas, and viewsheds.

24-152(k)—Preliminary plat. In addition to the information required for a major subdivision provided in Section 24-119, the preliminary plat for a conservation subdivision shall:

- (1) **Include all information required in the sketch plan process, including the proposed purpose (scenic, historic, agricultural, or environmental) of the conservation area(s); and**
 - (2) **Include a draft conservation easement document.**
3. **Outstanding Submittal Requirements**—The preliminary plan of subdivision establishes an important foundation for the development of the property. The accuracy of the preliminary plan details and the supporting documentation is essential in the staff's review of a preliminary plan and recommendation to the Planning Board. Staff review of the preliminary plan includes conformance to Subtitle 27 (Zoning) and Subtitle 24 (Subdivision). Often staff does find technical oversights that occur in the preparation the plan. When this occurs, staff identifies those deficiencies to the Planning Board and recommends that those corrections be made prior to signature approval of the plan.

Signature approval is an administrative process and should not be viewed as an opportunity to redesign or supplement the findings of fact made by the Planning Board. Staff, in the review of the preliminary plan, must use good judgment in distinguishing between technical corrections and/or oversights and when inattention to the details in the preparation of the plan could substantively alter the recommendations of staff.

In regards to the subject application, the corrections that are necessary to the preliminary plan and tree conservation plan may have a substantive impact to the Planning Board's consideration of the plan. In staff's judgment, these correction should be made prior to the Planning Board hearing to allow staff to ensure conformance to Subtitle 24 and Subtitle 27 and the accuracy of the plans, and to evaluate any resulting revisions to the plans. Twenty-seven proposed lots do not meet the minimum zoning requirements.

1. Lots 4-6 and 9-11, Block K, do not meet the minimum lot size (10,000 square feet) for the R-R Zone in a conservation subdivision and range in size from 9,766 to 9,800 square feet.
2. Lots 26 and 27, Block J, do not meet the minimum lot width at the front street line (45 feet) in the R-R Zone in a conservation subdivision and both propose 39.27 feet of street frontage.
3. Lots 48-57, on the south side of Public Street U (no block was provided on the plan), the lots do not meet the minimum lot width along a historic road (Accokeek Road) of 200 feet. The lots range in width from 50 feet to 150 feet.

At the Subdivision Review Committee meeting on December 14, 2007, staff requested additional information from the applicant:

4. The scenic and historic road easement is not provided along Floral Park Road. The designation appears to be indicated but is consistent with the line of right-of-way dedication.
5. Bearings and distances have not been provided along the property boundary. Staff identified inconsistencies in the limit of the proposed subdivision and the existing property description. In order to determine that an illegal subdivision has not occurred,

staff requested that the applicant provide deeds for the property. Deeds have not been provided at the writing of this staff report nor have bearings and distances been provided on the preliminary plan to determine conformance with deeds that would be submitted.

6. At the meeting of the Subdivision Review Committee for 4-07076, staff made the following recommendation regarding internal trail connections:

“Provide internal HOA trail connections between development envelopes to the extent feasible and practical given environmental constraints. Appropriate trail connections shall be marked and labeled on the approved plan. If no internal trail connections are feasible due to environmental constraints, a brief summary shall be provided by the applicant documenting why internal pedestrian connections are not feasible or practical between development envelopes as background information for the subject application.” (December 13, 2007, memorandum from Shaffer to Chellis).

Staff has not received any additional information from the applicant regarding the feasibility of trail connections.

7. Gas Easement—The preliminary plan delineates a 40-foot natural gas easement through the property from Floral Park Road to Accokeek Road. The easement extends on the west side of the lots on the west side of Street P, turns west, then south, crossing the PEPCO property continuing south along the western property line abutting the Pleasant Springs community. The sketch plan had proposed to serve this pod of the development solely from the Pleasant Springs community, as discussed further in the Transportation Section of this report. Staff recommended at that time that access should also be provided to Accokeek Road to serve these 29 lots to link the two communities.

The applicant revised the preliminary plan and no longer provided a connection through Pleasant Springs community (Church Drive), and proposed access via Accokeek Road only. The applicant advised staff that they were unable to cross the gas line easement and that the residents of Pleasant Springs were not in support of a connection. Staff requested copies of the easement and any correspondence that the applicant had with the easement holder in their request to cross the easement with a public road. Staff is sensitive to the Pleasant Springs community's desire not to have a connection, but believe that opportunities should be explored to link communities where appropriate. The applicant has not provided this requested additional information.

8. Access Easement(s)—The preliminary plan delineates a 20-foot-wide access easement and a 25-foot-wide access easement. The 25-foot access easement extends south from the PEPCO property to Accokeek Road through the residential development portion of this property. This easement contains an existing haul road that was used for the mining operation that occurred on this property. However, during a site visit it was apparent to staff that the haul road is still being used. Based on aerial photographs, the easement extends through the PEPCO property to the west and appears to serve other properties to the north and west. Staff requested that the applicant determine if the easement was to the benefit of any other properties and provide the proposed future disposition of the easement. The revised preliminary plan continues to show the easements but is silent to its disposition. If the easements are to the benefit of other properties, those property owners must agree to the relocation or abandonment of the easement(s).

The haul road within the easement is recommended to be used to provide a connection between the development pods to the north of the PEPCO property and the southern portion of the development. This connection would allow residents along Floral Park Road to have access to the proposed M-NCPPC community park located at the intersection of A-55 and C-527, if a trail system is provided. The haul road currently extends over the Butler Branch stream valley, via an earthen dam road that is approximately 18 feet tall, 150 feet long, and 100 feet wide. This is a major stream crossing and pipes the stream at the base. The applicant has proposed to convey this area of the site to the homeowners association (HOA), which will make it responsible for the maintenance of this facility. The dam is not a part of the stormwater management plan or public/private road network. The applicant should provide current information on the dam construction to ensure its integrity. Conveyance of this facility to the HOA could create a liability not proportional to the resources of the homeowners.

9. Parcels C (1,645 square feet) and O (1,149 square feet)—The applicant is proposing to convey these parcels to the owners of Lot 43 to the east. There is an apparent encroachment of accessory structures associated with the dwelling on Lot 43 onto the subject property. The applicant, at the request of staff, provided a copy of a letter dated December 21, 2007 (Shearer to Hendrick), requesting that Mr. and Mrs. Jesse Hendrick sign a letter of intent that they will accept the conveyance of these two parcels. A copy of the signed letter has not been provided to staff, and staff is unaware of any further correspondence with the Hendricks.
4. **Urban Design**—Staff recommends that because there is no requirement of a detailed site plan in this case, the applicant should address a number of design issues prior to any action on this Preliminary Plan of Subdivision.
 1. As set forth in the sketch plan phase of development, several portions of the proposed layout in the R-R-zoned section present a long and monotonous streetscape. The layout should be revised to allow open space to be located strategically along internal streets and between certain numbers of lots in order to provide views into conservation areas. At the time of review of the sketch plan (S-07002), staff advised the applicant that “[W]hile the applicant has generally done a good job of providing varying lot sizes, several areas of the plan (particularly the central core area of Blocks F, H and I) are laid out in a very suburban grid pattern. At the time of preliminary plan, staff would like to see a less regimented development scheme in these areas. The number of cul-de-sacs has been reduced in keeping with the Planning Board policy of minimizing situations where cul-de-sacs end in close proximity to one another.”

There are two development pods that extend south into the property from Floral Park Road. Staff recommends that the applicant modify the layouts to create a better relationship between the land and the proposed development and development on abutting properties.

2. Public Street Q extends into the site roughly 1,100 feet from Floral Park Road and terminates in a standard cul-de-sac. The right-of-way for the cul-de-sac is located 26 feet from the west property line of the site. That property line is the rear lot line for Lot 1 (NLP 101@35), which is improved with a single-family dwelling and is void of trees; that lot has a manicured yard to the common property line with the subject site. The dwelling on Lot 1 (off-site) will be located approximately 350 from the pavement of the cul-de-sac, there is a minor grade change but the views will be immediately from Lot 1 to the public street. Lot 12 extends from the cul-de-sac south and the lot side yard will be

shared by the rear lot line of Lot 1. SWM Pond 1 is located south of Lot 12. In order to accommodate a lot and the SWM pond without impacting the expanded buffer grading for the SWM pond is located on Lot 12. The grading on Lot 12 for the SWM pond results in an eight-foot grade drop on the lot to the pond. The relationship of the cul-de-sac in the rear yard of Lot 1 and the grading and constraints on Lot 12, staff recommends that the cul-de-sac be pulled back adequately to accommodate the grading for the SWM pond off Lot 12 and shift the cul-de-sac away from Lot 1 (the Wilkerson property).

3. Private Street P extends into the site roughly 900 feet south from Floral Park Road and is 20 feet wide with a proposed pavement width of 18 feet. Originally the applicant had proposed a standard public street terminating in a cul-de-sac. In order to create a greater buffer along Floral Park Road, staff suggested that the applicant consider a reduced standard private street or easement. The applicant redesigned the street and increased the number of lots in this pod of development; however, the street now terminates at SWM Pond 2 with no ability for vehicular turn-around. Staff is concerned that residents and visitors will have to use driveways for turn-around and that a public safety issue may exist in that emergency vehicles will not be able to navigate the narrow street. Staff recommends that the turn-around be provided while maintaining adequate buffers along Floral Park Road and abutting properties.
5. **Environmental**—The Environmental Planning Section has reviewed the revised preliminary plan for a conservation subdivision, 4-07076, and the revised Type I tree conservation plan, TCPI/044/07, stamped as received on January 15, 2008. The Environmental Planning Section recommends disapproval of 4-07076 and disapproval of TCPI/044/07.

The Environmental Planning Section previously reviewed portions of the subject property as tree mitigation bank TCPII/154/02, tree mitigation bank II/039/03, and woodland conservation exemption E-035-03. A sketch plan for 175.39 acres in the R-R Zone and 102.70 acres in the R-E Zone, into 336 lots and 13 parcels, using the conservation subdivision approach has been certified.

Site Description

There are streams, wetlands and 100-year floodplains found on this property. The site is approximately 72 percent wooded and contains grassy fields on reclaimed sand and gravel mining areas on the other 28 percent. According to the “Prince George’s County Soil Survey,” the principal soils on the site are in the Aura, Beltsville, Bibb, Croom, Elkton, Galestown, Leonardtown, Mattapex, Rumford, and Sassafra series. Significant portions of the site were mined for sand and gravel. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program, no rare, threatened or endangered species are found to occur on this site or on adjacent properties. Accokeek Road and Floral Park Road are designated scenic or historic roads. Traffic-generated noise impacts are associated with the master plan arterial A-55 in the southern portion of the site. The property is located in the Piscataway Creek watershed and the Potomac River basin. The property is located in the Developing Tier as reflected in the adopted General Plan. The *Countywide Green Infrastructure Plan* shows regulated areas, evaluation areas, and network gaps in conjunction with the Butler Branch stream corridor that crosses the western portion of this property.

MASTER PLAN CONFORMANCE

In the approved Master Plan and Sectional Map Amendment for Subregion V (September 1993), the environmental envelope section contains guidelines for future development. The following guidelines have been determined to be applicable to the current project. The text in **BOLD** is from the master plan and the plain text provides comments on plan conformance.

1. **An open space and conservation network, based on existing soil conditions, slopes, watercourses, vegetation, natural ecological features, and estimated future population needs, should be established and maintained.**

Comment: Implementation of the *Countywide Green Infrastructure Plan* will ensure compliance with this guideline. The preliminary plan proposes conservation parcels that will protect the already regulated stream valleys and tracts of contiguous woodland in conformance with the *Countywide Green Infrastructure Plan*; however, consideration should be given to expanding the buffers to include more of the designated evaluation areas in keeping with the conservation subdivision provisions. All of the required woodland conservation for the proposed development must be on site.

2. **Developers shall be encouraged to utilize the Comprehensive Design Ordinance, the cluster provisions and site plan review provisions of the subdivision regulations and other innovative techniques that ensure responsible environmental consideration.**

Comment: Development of this site is utilizing a conservation subdivision approach.

3. **Land dedicated in accordance with the subdivision regulations for the provision of needed recreational facilities should not consist solely of floodplains or other parts of the Natural Reserve Area.**

Comment: The preliminary plan does not propose land dedication for recreational facilities at this time.

4. **The responsibility for environmentally sound development practices should apply equally to private and public interests; decisions concerning the selection and use of properties should be based on environmental considerations.**

Comment: Section 24-130 of the Subdivision Regulations, the Woodland Conservation Ordinance, and implementation of the *Countywide Green Infrastructure Plan* will focus development in an environmentally sound manner.

5. **Developers shall be encouraged to capitalize on natural assets through the retention and protection of trees, streams and other ecological features.**

Comment: The conservation subdivision approach addresses the preservation of natural assets; however, the preliminary plan submitted proposes placing lots on the entirety of the developable area and results in the same areas of preservation as would occur on a conventional subdivision. To date, the conservation priorities for the site have not been stated in either the conservation subdivision or preliminary plan applications.

6. **Woodlands associated with floodplains, wetlands, stream corridors and steep slopes shall be given priority for preservation.**

Comment: This guideline is a standard practice for all tree conservation plans. As noted above, the preservation areas are the same as those that would occur with a conventional subdivision.

- 7. To the extent practicable, large contiguous tracts of woodland should be conserved in both upland and bottomland situations in order to reduce forest fragmentation, maximize woodland interiors, and reduce the edge/area ratio.**

Comment: This guideline is a standard practice for all tree conservation plans. The current status of much of the property as a woodland conservation mitigation bank ensures the preservation of large contiguous tracts of woodlands. Connectivity of preserved woodlands is discussed in detail in the Environmental Review section below.

- 8. The Natural Reserve Areas, containing floodplain and other areas unsuitable for development, should be restricted from development except for agricultural, recreational and similar uses. Land grading should be discouraged. When disturbance is permitted, all necessary conditions should be imposed.**

Comment: Section 24-130 of the Subdivision Regulations ensures that only necessary impacts to sensitive environmental features are permitted. Variation requests to sensitive environmental features were submitted with this application and are discussed in detail in the Environmental Review section below.

- 9. All development proposals should provide effective means for the preservation and protection of Natural Reserve Areas, the development plans for lands containing open space and conservation areas should specify how and by whom these areas will be maintained.**

Comment: This conservation subdivision proposes the creation of conservation parcels that will be owned and maintained by the future homeowners.

- 10. Limited development should be permitted in Conditional Reserve Areas, based on the significant physiographic constraints and natural processes of the land.**

Comment: “Conditional reserve areas” in master plans were superseded by the “evaluation areas” designated in the *Countywide Green Infrastructure Plan* in 2005. As noted above, the evaluation areas have not been preserved in keeping with the conservation subdivision design option. In fact, much of the proposed development is proposed within the designated evaluation areas.

- 11. In the Perceptual Liability Areas, land uses such as schools, residences, nursing homes, and libraries that are sensitive to noise intrusion, air pollution and other characteristics of excessive vehicular traffic should be protected by suitable construction techniques and by the enforcement of legally mandated standards.**

Comment: No specific perceptual liability areas were identified by the master plan in this area and none are planned on the site.

- 12. Developers shall be encouraged to include careful site planning and construction techniques which are designed to reduce the adverse impact of point and nonpoint source noise that exceeds the State’s current maximum allowable levels for receiving land uses.**

Comment: The site design will need to address future traffic-generated noise from the master plan arterial A-55. All residential lots will have to be designed so the outdoor activity areas are not impacted by traffic-generated noise exceeding 65 dBA Ldn and all residential structures will need to have interior noise levels of 45 dBA Ldn or less. In part this will be accomplished by providing distance between the road and structures in conformance with Section 24-121(a)(4), which requires a minimum 150-foot lot depth for lots adjacent to arterials roads. Noise issues are further discussed in detail in the Environmental Review section below.

- 13. Farming conservation measures such as diversions, terraces, and grassed waterways in conjunction with contour strip cropping and crop rotations should be implemented.**

Comment: No farming is proposed with this conservation subdivision.

- 14. Citizens, developers and others should be encouraged to seek current information on the area's sensitive environmental condition, and on all aspects of related regulatory systems and functional programs from the appropriate local, State and Federal agencies.**

Comment: Information available at PGATLAS.com provides generalized information regarding sensitive environmental features of the region and the natural resource inventory provides detailed information regarding the subject property.

CONFORMANCE WITH THE COUNTYWIDE GREEN INFRASTRUCTURE PLAN

The property is proposed to be developed with the optional conservation subdivision provisions of the Subdivision Ordinance. In order to evaluate conformance with the *Countywide Green Infrastructure Plan* provisions, the design must also be in conformance with the provisions of the conservation subdivision approach, which the current design is not. Additional preservation, beyond the preservation that would be achieved with a conventional design, should be focused on the evaluation areas designated in the *Countywide Green Infrastructure Plan*. The contrary is reflected in the current design—the development is concentrated within the designated evaluation areas.

CONFORMANCE WITH THE CONSERVATION SUBDIVISION ORDINANCE

CB-4-2006 requires the completion of the sketch plan process before a preliminary plan of subdivision for a conservation subdivision is accepted. It is further required that the Planning Director or designee certify the completion of the sketch plan process prior to acceptance of the preliminary plan. The certification of the sketch plan is not the approval of a specific lot yield or layout, but the completion of the sketch plan process for planning purposes.

The Environmental Planning Section reviewed the sketch plan to determine if the sketch plan submitted fulfilled the intents listed in Section 24-152(e)(2) and concluded that the application did not address many of the required provisions. The sketch plan was certified as having completed the process with many of the issues remaining unresolved.

The following are the comments that apply to the review of the preliminary plan. The specific language of the Subdivision Ordinance is shown in **bold type** and Environmental Planning Section comments are provided in regular type.

- (2) **The intent of the sketch plan is to clearly document the design process, and to prioritize the characteristics of the site to be preserved in a conservation parcel or lot. Priorities can be a combination of site characteristics and may include areas of the site not otherwise regulated by this Subtitle.**

- (a) **The sketch plan shall document the existing features of the site. The characteristics of the site are generally categorized as follows:**

- (i) **Scenic**
- (ii) **Agricultural**
- (iii) **Environmental, and**
- (iv) **Historic**

The specific scenic qualities of the site were not identified in the sketch plan application. The agricultural, environmental and historic characteristics of this site have been documented in the signed natural resources inventory (NRI/150/06) but priorities for preservation were not identified. During the review of the sketch plan, the Environmental Planning Section characterized the priorities for this site as the existing woodlands, the streams and their associated expanded buffers, and the scenic road viewshed.

Issues regarding the existing scenic and historic roads have also not been addressed. Section 27-445.12, Table 1, of the Zoning Ordinance requires a minimum lot width at the building line of 200 feet and a minimum lot width of 200 feet at the street line on a scenic or historic road. This regulation is only partially adhered to along Floral Park Road. Along Accokeek Road this regulation is not adhered to in any fashion. The preliminary plan does not show the customary 40-foot-wide scenic easements adjacent to Floral Park Road or Accokeek Road. An inventory of significant visual features is required in accordance with adopted scenic road policies.

Required Analysis: As requested and not received during the sketch plan process, the priorities for conservation need to be identified. This list should be placed as a note on the preliminary plan and used as the basis for designing a subdivision that meets the concepts and provisions of Section 24-152 of the Subdivision Ordinance.

Required Information: A revised inventory of significant visual features that relate to the scenic and historic roads shall be submitted. Guidance for the preparation of visual inventories and evaluation can be found in “National Register Bulletin 18: How to Evaluate and Nominate Designed Historic Landscapes” and “National Register Bulletin 30: How to Identify, Evaluate and Register Rural Historic Landscapes.”

- (b) **The sketch plan shall include:**

- (i) **Existing grades at two-foot contours, and a non-disturbance line;**
- (ii) **Information on surrounding properties to evaluate the opportunities for connectivity between characteristics of abutting properties,**

- (iii) **Location and/or documentation of woodlands, farmland, farm structures, historic structures, streams, wetlands, scenic vistas, rock formations, hedgerows, pastures, cultural resources, unique views from streets and adjoining properties, and any other information pertaining to the character of a site. The sketch plan shall incorporate information from a signed natural resources inventory (NRI).**

Comment: The preliminary plan shows existing grades based on two-foot contours, conceptual grading, and a proposed limit of disturbance. Although some information has been provided regarding surround properties, additional information regarding topography, existing tree lines, and the existing stream is required during the preliminary plan process on the northeast and southwest side of the property in order to evaluate opportunities for connectivity. The TCPI includes the location of woodlands, open fields, and environmental features, incorporating information from the signed NRI/150/06. The NRI includes documentation of woodlands, farmland, streams, wetlands, hedgerows, and pastures.

Required Analysis: As noted above, the sketch plan as submitted did not include documentation of the farm structures, historic structures, scenic vistas, cultural resources, or unique views from streets and adjoining properties. The existing tree lines should also be evaluated to determine locations where the preservation of the existing edges is appropriate.

- (c) **The sketch plan shall identify the areas proposed for conservation lots and parcels including conceptual house site and septic recovery area on conservation lots.**

Comment: The preliminary plan shows the areas proposed for conservation parcels. No conservation lots are proposed.

- (d) **The sketch plan shall establish a building and structures envelope on each conservation lot.**

Comment: No conservation lots are proposed.

- (e) **The sketch plan shall propose locations for dwellings on that portion of the site determined to be least suitable for conservation.**

Comment: The preliminary plan shows the locations of proposed dwellings outside of the regulated features of the site, but within the designed evaluation areas of the *Countywide Green Infrastructure Plan*. The plan also shows lots within existing woodland conservation mitigation banks that are currently dedicated for conservation. This concept does not conform to the provisions of the conservation subdivision regulations. The preliminary plan does not result in a better design than a conventional subdivision because the same areas being preserved would be preserved in a conventional design.

- (f) **The sketch plan shall locate areas of the site that have appropriate soils for septic recovery fields (community, shared and/or individual systems) if proposed and shall show areas for stormwater management facilities, if any, and the type of facility proposed.**

Comment: Individual septic recovery systems are not proposed. Eight stormwater management ponds are shown on the Type I tree conservation plan.

The sketch plan shall show conceptual locations for proposed roads, lot lines and setbacks.

Comment: The preliminary plan shows all proposed roads, lot lines and setbacks.

- (g) **The sketch plan should designate existing environmental and landscape features such as groups of trees, specimen trees, hedgerows, and woodland areas.**

Comment: The preliminary plan, combined with the NRI, shows all existing environmental features and landscape features.

ENVIRONMENTAL REVIEW

The following comments are made based on the sketch plan received April 20, 2007, and should be addressed in the preliminary plan submittal.

1. A signed natural resources inventory (NRI/150/06) was submitted with this application. The preliminary plan and Type I TCP show the environmental features in conformance with the NRI.

The forest stand delineation (FSD) indicates seven forest stands totaling 201.36 acres and notes the species, size and condition of 117 specimen trees. The following descriptions of the existing forest stands are based solely on the existing forest stand conditions and not on their value related to the conservation subdivision process.

Forest Stand “A” contains approximately 72.30 acres and generally borders the stream valleys. The stand is dominated by American beech, red oak, white oak, yellow poplar, and chestnut oak, with an average diameter at breast height of 13.1 inches. A total of 14 tree species were noted at the 27 sample points. The understory species include highbush blueberry, American holly, mountain laurel, and mapleleaf viburnum. There are few invasive plants. According to the FSD, there is very limited evidence of past logging activities, insect infestations, or disease problems. Numerous specimen trees occur within this stand. This stand rates a **high priority for preservation** because of its location, diverse composition, age and many specimen trees.

Forest Stand “B” contains approximately 67.10 acres and generally occurs within the stream valleys. The stand is dominated by yellow poplar, sweet gum, and red maple with an average diameter at breast height of 12.6 inches. The understory species include spicebush, greenbrier, and ferns. There are some invasive plants; however, these are generally near the edge of the woodland where past disturbance has occurred. According to the FSD, there is evidence of logging activities that took place 15-20 years ago and there are no significant insect infestations or disease problems. Numerous specimen trees occur within this stand. This stand rates a **high priority for preservation** because it is located in the stream valleys.

Forest Stand “C” contains approximately 1.32 acres in the stream valley near an old beaver dam. The stand is dominated by river birch, sycamore, yellow poplar, sweetgum, and red maple with an average diameter at breast height of 11.9 inches. The understory species include spicebush and false nettle. There are some invasive plants, including multiflora rose and Japanese honeysuckle. According to the FSD, there is evidence of logging activities that took place 15-20 years ago and there are no significant insect infestations or disease problems. Numerous specimen

trees occur within this stand. This stand rates a **high priority for preservation** because it is within the stream valley.

Forest Stand “D” contains approximately 8.72 acres in the northern portion of the site. The stand is dominated by mature Virginia pine, sweetgum, and yellow poplar with an average diameter at breast height of 9.4 inches. The understory species include highbush blueberry, American holly, and greenbrier. No invasive plants were found. According to the FSD, there is evidence of past logging activities. The mature Virginia pine is not a high priority for preservation because when the stand is opened during the clearing operation the remaining trees are subject to windthrow. This stand also contains many windthrown trees at present making it less desirable for preservation. No specimen trees occur within this stand. This stand rates a **low priority for preservation**.

Forest Stand “E” contains approximately 6.21 acres and occurs along the edge of the older woodland of stands “A” and “B.” The stand is dominated by young sweetgum, yellow poplar, Virginia pine, red cedar, black walnut, red maple, box elder, and tree of heaven with an average diameter at breast height of 8.3 inches. The understory species include greenbrier, trumpet vine, and false nettle. There are invasive plants, including multiflora rose, Japanese honeysuckle, oriental bittersweet, and tree of heaven. According to the FSD, the stand has grown on areas that have been previously mined for sand and gravel. No specimen trees occur within this stand. This stand rates a **low priority for preservation**.

Forest Stand “F” contains approximately 30.77 acres of immature Virginia pines and sweetgum with an average diameter at breast height of 8.4 inches. The understory species include spicebush and false nettle. There are some invasive plants, including multiflora rose and Japanese honeysuckle. According to the FSD, there is very limited evidence of past logging activities, insect infestations or disease problems. No specimen trees occur within this stand. This stand rates a **low priority for preservation**.

Forest Stand “G” contains approximately 14.94 acres in the southeastern portion of the site. The stand is dominated by red oak, white oak, yellow poplar, and American beech, with an average diameter at breast height of 11.0 inches. A total of ten tree species were noted at the seven sample points. The understory species include highbush blueberry and American holly. There are few invasive plants. According to the FSD, there is very limited evidence of past logging activities, insect infestations, or disease problems. Numerous specimen trees occur within this stand. This stand rates a **high priority for preservation** because of its diverse composition, age, specimen trees, and adjacency to a major stream valley. Some of the forest stand boundaries are incomplete.

Significant portions of the site were mined for sand and gravel; however, this information was not reflected on the signed NRI submitted with the sketch plan. Because the signed NRI is required to reflect the soil conditions of the site, and the soil conditions of the site have been altered from that shown, a revised NRI is required that reflects the mining operation impacts and soils study submitted with the preliminary plan. After a revised soils report [see Item 8 below] has been reviewed and approved, the NRI will need to be revised to show the previously mined areas and correct the forest stand boundaries.

Required Revisions: The NRI should be revised to show the limits of the previously mined areas and to reflect the correct forest stand boundaries.

Recommended Future Condition: At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain all of the regulated

environmental features and their buffers except for areas of approved impacts and be reviewed by the Environmental Planning Section prior to certification. The conservation easement shall not be on any proposed lots. 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. Two woodland conservation mitigation banks exist on the site and are reflected on Tree Conservation Plans TCPII/154/02 (53.86 acres) and TCPII/039/03 (23.34 acres). The areas of these banks are shown on the signed NRI and are currently protected by restrictive easements. If the easements are not removed in their entirety prior to the approval of the preliminary plan by the Planning Board, then the areas of the tree mitigation banks may not be used to calculate the conservation parcel requirements. The plans show proposed lots within the existing conservation easements but no information has been provided regarding the disposition of the easements.

Required Information: The presence of the existing mitigation banks and their associated easements must be shown on the preliminary plan and TCPI and a note must be provided stating the disposition of the easements and the woodland conservation acreages to be transferred. If the mitigation is to be moved, this process must be completed, and the revised easements secured, prior to final plat. The TCPI must also have a note stating the new location of the woodland conservation. Without this information it will be impossible to evaluate the application for conformance with Section 24-152 of the Subdivision Ordinance or the Woodland Conservation Ordinance.

3. The preliminary plan shows numerous proposed impacts to expanded stream buffers. It appears that to have any development on the site, impacts to some to the expanded buffer will be necessary in order to provide access to certain areas and to provide necessary stormwater management outfalls.

Impacts to significant environmental features that are required to be protected by Section 24-130 of the Subdivision Regulations require variation requests in conformance with Section 24-113 of the Subdivision Regulations. The design should avoid any impacts to streams, wetlands, and their associated buffers unless the impacts are essential for the development as a whole. Staff generally will not 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, that are mandated for public health and safety; nonessential activities are those, such as grading for lots, stormwater management ponds, parking areas, and so forth, that do not relate directly to public health, safety or welfare.

Impacts to sensitive environmental features require variations to the Subdivision Regulations. Twelve variation requests were submitted. The requests as submitted appear to be necessary, given the current layout; however, design changes are required as noted above in order to meet the requirements of the conservation subdivision provisions. After the revised preliminary plan and revised TCPI are submitted, the variation requests should be revised as necessary and can then be comprehensively reviewed.

Required Revisions: Three impacts shown on the TCPI need to be revised. Extensive clearing is shown near stormwater pond 2; however, it is not clear why this is needed. The grading for the

installation of stormwater pond 4 can be changed to reduce the impact to just the outfall. Grading is shown in the rear of Lot 55 and Lot 56 that is solely for creation of the lots and is not required for the development as a whole.

Recommended Future Condition: Prior to the issuance of any permits that 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.

4. This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because there are previously approved tree conservation plans for mitigation banks. A Type I tree conservation plan is required with a preliminary plan application. Type I Tree Conservation Plan TCPI/044/07 has been reviewed.

The conservation subdivision regulations indicate that the woodland conservation required for the site may be provided at an off-site location, only if it is necessary to preserve the rural and agricultural landscape. The plan as submitted appropriately meets the requirement that all required woodland conservation be on site; however, it has not conformed to the guidance to stress preservation of priority woodlands within regulated areas and evaluation areas designated by the *Countywide Green Infrastructure Plan*. The plan also contains existing woodland conservation that was established to meet the requirements of other sites. If at all possible, this woodland conservation should remain within the confines of this application.

Based upon the forest stand delineation and NRI, woodland preservation should be a priority for stands "A," "B," "C," and "G." The applicant has also submitted a report entitled, "Priority Forest Analysis," dated January 9, 2008. The priority woodlands identified in that report are consistent with those identified by staff. The report also notes that of the approximately 127 acres identified as priority woodlands, the TCPI proposes removal of about 29 percent of the priority woodlands.

Until a complete analysis of the priority site features has been submitted, only a preliminary review of the TCPI can be conducted. The worksheet uses significantly different acreages for the area of the R-E-zoned land and the area of the R-R-zoned land. It is apparent that the areas used in the worksheet are incorrect. This error creates additional errors by miscalculating the woodland conservation threshold and woodland conservation requirement for the proposed development. The requirement is greater than the 80.56 acres listed in the worksheet.

The plan notes woodlands that will be preserved on site but not as part of any requirement. Most of this woodland is with an existing gas line easement and is subject to removal at any time by the holder of the easement. Additional woodland is retained on some lots, but not as part of any requirement. These areas must be calculated as cleared because retaining them, but not calculating them as cleared, leaves them in the status of regulated woodlands where future property owners would be required to revise the TCP if they desired to clear those areas.

There are numerous outstanding issues that may result in changes to the TCPI as submitted. The master plan A-55 may be dedicated or placed in reservation. The plan may require dedication of parkland. A revised stormwater management plan may require changes to ponds. Because of the unknowns, staff of the Environmental Planning Section cannot formulate conditions at this time that would result in a Type I TCP that conforms to the regulations.

Recommended Future Condition: 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/044/07), 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.”

Recommended Finding: The plans do not conform to Section 24-132 of the Subdivision Regulations.

5. An approved stormwater management concept, CSD 38052-2007-00, was submitted with this application. The plan shows the proposed installation of seven ponds to serve the proposed development as shown on the original plans submitted for review. The revised plans show additional development in the area of future A-55 that was not analyzed as part of CSD 38052-2007-00. The added development will either require an increase in the size of proposed pond 4 or the installation of a new pond at a location to be determined. Either of these options will affect the layout of the subdivision.

Because the layout of the ponds will probably change based on a redesign of the site to meet the conservation subdivision provisions, a full review of the stormwater management concept cannot occur at this time. After the site has been redesigned, a new analysis of the stormwater concept shall be conducted.

Recommended Finding: Because the preliminary plan does not have an approved stormwater concept plan that conforms to the layout received on January 15, 2008, the plan does not conform to the requirements of Section 24-121(a)(15), Section 24-130(b)(1), Section 24-130(b)(2), or Section 24-130(b)(3) of the Subdivision Regulations.

6. Traffic-generated noise impacts are associated with the master plan arterial A-55 in the southern portion of the site. All residential lots will have to be designed so the outdoor activity areas are not impacted by traffic-generated noise exceeding 65 dBA Ldn and all residential structures will need to have interior noise levels of 45 dBA Ldn or less. In part, this will be accomplished by providing distance between the road and structures. The preliminary plan and Type I tree conservation plan should show the unmitigated 65 dBA Ldn ground level and second-story noise contours associated with traffic-generated noise from future A-55.

A noise study, dated August 17, 2007, was submitted with this application. The study includes the standard computations required to determine the 65 dBA Ldn noise contours associated with the existing Accokeek Road. Staff concurs that the 65 dBA Ldn noise contours extend 110 feet from the centerline of existing Accokeek Road.

The provisions of the conservation subdivision regulations allow for smaller lot sizes than are allowed in the underlying zone, in order to preserve larger areas of open space and address other design concerns. Because this is a conservation subdivision, no portion of any lot should be impacted by traffic-generated noise. The revised preliminary plan and TCPI show that the lots fronting existing Accokeek Road will be impacted by traffic-generated noise.

A revised noise study addressing the future conditions related to A-55 was submitted. Staff concurs that the 65 dBA noise contour is 170 feet from the centerline of A-55. This noise line is shown on the revised preliminary plan and revised TCPI. All of the lots that could have been affected by future traffic on A-55 (Lots 19-34) have been designed so that the predicted noise contour will not be on any of these lots.

Required Revisions: The lotting pattern should be revised to ensure that no portion of any lot is impacted by traffic-generated noise.

Recommended Finding: The plans do not conform to Section 24-121 of the Subdivision Regulations.

7. Accokeek Road is a designated historic road and Floral Park Road is a designated historic and scenic road. The “Design Guidelines and Standards for Scenic and Historic Roads” provides guidance for the review of applications that could result in the need for roadway improvements. Outside of the right-of-way, the review of development applications should consider how to protect the viewshed and/or significant visual features within the viewshed. In the review of a subdivision, the placement and size of lots and the use of building restriction lines and conditions relating to the size and building materials of proposed structures can be used to maintain the scenic qualities of a road. Application of the Woodland Conservation Ordinance, either at TCPI or TCPII, can often be used to preserve existing woodland along scenic/historic roads or create wooded buffers along roadways. Scenic easements can also be used to protect the quality of a viewshed along a scenic/historic road.

Section 24-152 of the Subdivision Regulations [text in **bold**] provides guidance with respect to the treatment of land adjacent to scenic or historic roads:

- (h) **Scenic and historic roads. Development along a designated scenic or historic road shall conform to the following standards:**
 - (1) **There should be no views of the rears of dwellings from the road.**
 - (2) **Engineered berms for screening purposes are not permitted unless they are constructed to mimic natural contours.**
 - (3) **Fencing along the road shall be rural in character.**
 - (4) **Views from scenic and historic roads shall be preserved or may be created through the installation of landscaping that mimics natural conditions.**
 - (5) **Trees and vegetation shall not be removed within the required setback unless in accordance with an approved tree conservation plan.**
 - (6) **Existing slopes and tree tunnels along the street frontage should be retained, unless required to be removed by the Department of Public Works and Transportation (DPW&T) or the State Highway Administration (SHA) for frontage improvements.**
 - (7) **Buildings that are located within two hundred (200) feet from the street should be sited such that the principal entrance is oriented toward the street.**

- (8) **A scenic easement shall be provided along the frontage of a designated scenic or historic road abutting the 10-foot public utility easement. The scenic easement shall be a minimum of forty (40) feet and increased where appropriate to retain unique characteristics of the scenic and historic character of the road.**
- (9) **In general, access (public and private) to a scenic or historic road should be limited to the extent possible unless for safety reasons or for some other benefit such as environmental preservation, or to implement the stated purposes of this Division.**
- (10) **Septic recovery areas shall not be permitted within the scenic easement, unless determined appropriate.**

Most of these provisions have not been met with the current design. Rears of lots face the roads, not all of the buildings are 200 feet from the roads, and the minimum 40-foot-wide landscape buffers adjacent to the ten-foot-wide public utility easement parallel to the land to be dedicated for the roads have not been provided. The landscape buffers should be placed within a scenic easement on the final plats. Because these easements would restrict the use of the property, the easements should be placed within an HOA parcel.

In the Subregion V Master Plan, Accokeek Road is both designated as a historic road and shown to be realigned slightly to accommodate additional traffic. This slight realignment does not negate its designation as a historic road, because it maintains its historic alignment in that the road remains essentially in the same location. If the road were to be eliminated or if the alignment were to be changed significantly, such as if it were planned to be shifted to a north/south alignment from its current east/west configuration, this might be reason to disregard the designation of the road as historic. In the current application, the roadway is simply being shifted to the north to conform to the master planned alignment. Because the master plan both designated the road as historic and anticipated the realignment, it was understood that the road should retain its historic designation. Staff would note, however, that the adopted and approved Subregion V Master Plan does recognize that the County Road Ordinance defines a historic road as “a public or private road which has been documented by historic surveys, and which maintains its historic alignment and historic landscape context through views of natural features, historic landscape patterns, historic sites and structures, historic farmstead groupings, or rural villages.”

Even if the realigned Accokeek Road is deemed to not have a designation of a historic road, the provisions of Section 24-121(a)(4) would apply:

24-121(a)(4)—Residential lots adjacent to existing or planned roadways of arterial classification shall be platted with a minimum depth of one hundred and fifty (150) feet. Residential lots adjacent to an existing or planned roadway of freeway or higher classification, or an existing or planned transit right-of-way, shall be platted with a depth of three hundred (300) feet. Adequate protection and screening from traffic nuisances shall be provided by earthen berms, plant materials, fencing, and/or the establishment of a building restriction line, when appropriate.

Required Revisions: The preliminary plan and Type I TCP should be revised to meet the provisions of 24-152(h) and 24-121(a)(4).

Recommended Future Condition: Landscape buffers, a minimum of 40-foot-wide easements adjacent to the ten-foot public utility easements parallel to the land to be dedicated for Floral Park Road and Accokeek Road, shall be shown on the final plats as scenic easements and the following note shall be placed on the plats:

“Scenic easements described on this plat are areas where the installation of structures 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 permitted.”

Recommended Finding: The plans do not conform to Section 24-152(h) or to Section 24-121(a)(4) of the Subdivision Regulations.

8. Significant portions of the site were previously mined for sand and gravel. Due to the unknown nature of the soils and the limitations associated with these areas, a soils report addressing the soil structure, soil characteristics, and foundation stability is required. The soils study shall clearly define the limits of past excavation and indicate all areas where fill has been placed. All fill areas shall include borings, test pits, and logs of the materials found. Borings and test pits in fill areas shall be deep enough to reach undisturbed ground.

The report submitted with this application does not adequately meets the requirements that were listed in the Environmental Planning Section memorandum dated July 27, 2007, Estates of Pleasant Valley, S-07002, or the Environmental Planning Section memorandum dated December 26, 2007, Estates of Pleasant Valley, 4-07076. The soils report should be amended to clearly define the limits of past excavation and indicate all areas where fill has been placed. All fill areas should include borings, test pits, and logs of the materials found. Borings and test pits in fill areas should be deep enough to reach undisturbed ground.

The report submitted with this application notes concerns caused by the presence of sandy elastic clays and lean clays within the fill areas. Additionally, the report raises concerns due to perched water tables within the fill areas. When combined these raise serious concerns about the suitability of the existing fill within the previously mined areas for foundations, roads and other infrastructure.

Recommended Finding: The plans do not conform to Section 24-131 of the Subdivision Regulations.

9. The master plan arterial road, A-55, is lotted out on the most recent plans.

Recommended Finding: The plans do not conform to Section 24-121(a)(3) or Section 24-121(a)(4) of the Subdivision Regulations.

Summary

The Environmental Planning Section recommends disapproval of 4-07076 and TCPI/047/07 for the following reasons:

The plans do not conform to Section 24-121(a)(3) or Section 24-121(a)(4) of the Subdivision Regulations.

The plans do not conform to the requirements of Section 24-130(b)(1), Section 24-130(b)(2) or Section 24-130(b)(3) of the Subdivision Regulations.

The plans do not conform to the requirements of Section 24-130(b)(6) or Section 24-130(b)(6) of the Subdivision Regulations.

The plans do not conform to Section 24-131 of the Subdivision Regulations.

The plans do not conform to Section 24-132 of the Subdivision Regulations.

The plans do not conform to Section 24-152(h) of the Subdivision Regulations.

Water and Sewer Categories

The water and sewer categories are W-4 and S-4 according to water and sewer maps obtained from the Department of Environmental Resources dated June 2003; therefore, the property will be served by public systems. The Department of Environmental Resources indicates that water and sewer line extensions are required to serve the property and encourages the applicant to design the sewer to serve the Pleasant Springs community to the west. WSSC notes that a water and sewer main line extension will be required to serve the property. The sewer main line extension will be constructed to the west within the Butler Branch stream valley, with the northern and southern portions of the property connecting to this extension. Sewer service as proposed does not abut the Pleasant Springs community. The proposed sewer easement should be extended to the property line to provide for the main line extension within the Butler Branch stream valley.

6. **Community Planning**—The area in which this application is located is identified in the master plan as a suburban living area in the North Village of the Brandywine Community. The neighborhood enclaves in this village are “primarily recommended for low-suburban residential development, and should be focused around the village or neighborhood or neighborhood activity centers that are recommended in each. Single-family residential construction is emphasized throughout these areas, but extensive use of cluster and comprehensive design zone techniques is advocated to achieve diversity in construction styles and lot sizes.”

This application is located in a possible future neighborhood activity center in the Developing Tier. A possible future center is one that is anticipated for more intense development at some point in the future, but is not accorded any priority status for public facilities, programming, grants, loans, programs, standards, etc., until after being designated as a “center” by the District Council in some future plan (biennial, master or sector plan). In most cases, there are significant new public infrastructure facilities that need to be programmed in order for development to occur, such as an alternative to the Waldorf Bypass in Brandywine. It should be noted that the County Council has directed that the Waldorf Bypass not be considered in the new Subregion 5 master plan and concurrently, the State Highway Administration is re-evaluating the proposed Waldorf Bypass in Subregion V as part of the ongoing US 301–Waldorf Transportation Improvement Study.

Furthermore, according to the General Plan, the boundaries of existing or possible future centers “should be confirmed or revised when master plans or sector plans are prepared to implement the general plan.” (p. 47). At the same time, the scale of the center (whether classified as a Community, Regional, or Metropolitan) can be evaluated. The Brandywine future center boundaries encompass a very large area, including both Employment Area “C” and the Brandywine Special Study Area community, which are located south of the subject site on the south side of Accokeek Road (A-55) and are divided by MD 5/US 301. The size of the Brandywine General Plan Center area is large enough for several mixed-use focal points or centers with transit or pedestrian orientations. Due to

its size, the recommended scale of the Brandywine center may be reclassified from a Community to Regional scale or higher in the future.

Center boundaries could also be revised to reduce the size of the currently identified possible future center land area. In this circumstance, the subject property could be excluded from the center designation and revert to the Developed Tier. Another set of General Plan land use policies would apply but the overall priority for employment land use would remain. Thus, the existing master plan recommendation for a high-quality industrial park could still be the appropriate land use policy for this area.

Commercial activity centers are recommended approximately a mile to the east of this application along the MD 5 corridor: (1) near the intersection of Brandywine Road and Branch Avenue MD 5, and (2) near the intersection of new arterial road A-55 and MD 5. A single-family, detached, residential subdivision as proposed by this application conforms to the recommendations of the master plan for Suburban Estate and Low-Suburban residential development in this part of the Brandywine community.

7. **Parks and Recreation**— Staff of the Department of Park and Recreation (DPR) has reviewed Preliminary Plan 4-07076. Their review considered the recommendations of the approved Subregion V Master Plan and Sectional Map Amendment, the Land Preservation and Recreational Program for Prince George’s County, current subdivision regulations, and existing conditions in the vicinity of the proposed development.

The applicant is proposing 336 single-family residential units on site. Using current occupancy statistics for single dwelling units, the development will provide approximately 897 new residents.

Adjacent to southeastern property line is the 67.18-acre Pleasant Springs Community Park. This parkland was recently acquired by M-NCPPC and contains two rental properties and a small pond, but no active recreation facilities. Both DPR and the applicant agreed to look into the possibility of developing the park in concert with developing the subdivision.

DPR staff and the applicant have been negotiating to come to an agreement to fulfill the requirements of mandatory dedication of parkland (Section 24-134) by developing a mutually acceptable package of off-site public recreational facilities within the adjacent Pleasant Springs Community Park.

Section 24-134 of the Subdivision Regulations provides for the mandatory dedication of park land. The amount of land is based on the density and in this case equates to 13.9 acres of land. It is the sense of staff, based on discussion with DPR, that the package of off-site public recreational facilities would be based generally on the comparative value of the land and that the community is in high need for facilities based on population.

At the witting of this staff report, an agreement has not been reached, however, with appropriate guidance from the Planning Board staff believe that an agreement can be reached.

8. **Trails**—The adopted and approved Subregion V Master Plan recommends master plan trails along both C-527 and A-55 (Accokeek Road/Accokeek Road relocated). This trail will be a segment of the Accokeek Road bikeway between Accokeek and Brandywine. The master plan includes the following background on this planned trail/bikeway:

This bikeway is envisioned as part of a large loop through the lower portion of the Subregion utilizing Accokeek Road, Piscataway Creek Stream Valley Park trail, and Livingston Road. This loop will provide connections to Cosca Regional Park as well as seven proposed local parks. It is also part of a second loop by way of Timothy Branch and Mattawoman Watershed Park trails (master plan, page 169).

The subject application proposes 336 lots. The development is essentially divided into four separate sections: one main portion of the development off C-527, the portion of the development off Church Drive, the portion of the development off Street Q, and Street P. No street connectivity between these development pods is shown due to steep slopes, wetlands, and other environmental constraints. However, staff recommends that some internal HOA connector trails be provided to enhance the pedestrian connectivity of the site and provide a more unified development. The feasibility of connections between the development pods should be explored and trail connections should be provided where environmental constraints allow.

It should also be noted that the M-NCPPC Department of Parks and Recreation owns an adjacent property, which appears to be currently undeveloped. It may be appropriate to allow for future pedestrian connections or open space windows from the subject site to this parkland from Public Street A and Public Street L to allow residents access to adjoining open space and future recreational facilities.

The master plan trail along C-527 and A-55 will also provide access from the subject site to the adjacent undeveloped M-NCPPC Pleasant Springs Community Park. This connection is important as it will allow residents of the proposed development to access the adjoining parkland without having to drive. However, if this master plan roadway and trail are not provided as part of this development, the need for internal trail connections becomes even more important. At the time of the Subdivision Review Committee meeting for 4-07076, staff made the following recommendation regarding internal trail connections:

“Provide internal HOA trail connections between development envelopes to the extent feasible and practical given environmental constraints. Appropriate trail connections shall be marked and labeled on the approved plan. If no internal trail connections are feasible due to environmental constraints, a brief summary shall be provided by the applicant documenting why internal pedestrian connections are not feasible or practical between development envelopes as background information for the subject application” (December 13, 2007, memorandum from Shaffer to Chellis).

Staff has not received any additional information from the applicant regarding the feasibility of trail connections. It appears that environmental constraints (wetlands and areas of steep and severe slopes) preclude trail connections between many of the development pods. However, a trail connection from the northern-most development pod is feasible, which would connect that otherwise isolated portion of the subject site with the rest of the development and adjacent M-NCPPC property. This trail connection can utilize an existing gravel access road already on the subject site. This access road will connect Public Street I with Public Street Q. This trail connection can utilize a stormwater management access road in the north and an existing gravel road in the south. This existing gravel road already crosses the PEPCO right-of-way and extends from the portion of the subject site off Accokeek Road to the vicinity of proposed Private Street P. This connection will require the permission of PEPCO for the crossing of its right-of-way. However, as this appears to be the only opportunity to link the northern portion of the site with the rest of the development, staff is requesting the provision of this connection, with wording that if PEPCO denies the crossing the condition is void. Similar trail crossings have been approved by

in the recently approved Fairwood development. Appropriate open space windows should be provided to accommodate this trail connection along both Public Street Q and Public Street I.

Staff also emphasizes the importance of the master plan trail connection along C-527 and A-55. Not only will the trail link the subject site with the adjacent M-NCPPC parkland, but it could also provide a major nonmotorized connection to the Brandywine Special Study Area and several proposed parks to the west (as shown on the Subregion V comprehensive plan). The provision of the master plan trail along the master plan road is recommended for the subject application. However, if roadway construction is not required, staff still recommends the provision of a trail connection from Public Street S to the existing M-NCPPC parkland just to the east of the subject site. This trail should follow the northern edge of the master plan right-of-way. This trail may either be incorporated into future road construction or be reconstructed as part of the construction of the master plan road.

The Urban Design Section has noted the lack of open space windows into the extensive network of preserved environmental features and sensitive areas. Staff supports the provision of additional open space windows providing views into the preserved open space. The submitted plan currently shows the majority of the road frontages completely separated from the open space with lots. Open space windows should be provided throughout the development to allow all residents to see, access, and appreciate the open space and sensitive areas being preserved on the site. Staff recommends minimum 50-foot-wide open space windows along Public Street I and Public Street Q to accommodate the proposed trail connection. Minimum 50-foot windows are also recommended along Public Street D and Public Street L. These roads were selected due to the proposed relatively long stretches of unbroken residential lots and the abutting open space immediately behind the lots. A minimum 50-foot width is recommended in order to provide space to accommodate trail connections or other passive recreation activities, break up stretches of otherwise unbroken residential lots, and provide viewsheds into the preserved environmental features.

9. **Transportation**— Due to the uses proposed, staff deemed that a traffic study should be required. The resulting study has been referred to the County Department of Public Works and Transportation (DPW&T) and the Maryland State Highway Administration (SHA), and the comments from those agencies were received regarding the study. 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 existing conditions at the critical intersections identified for review and study are summarized below:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM & Sat.)		Level of Service (AM & PM & Sat.)	
MD 5 and Brandywine Road	1,786	1,850	F	F
MD 5 and MD 373	1,507	1,645	E	F
Brandywine Road and Floral Park Road	29.8*	23.3*	--	--
Floral Park Road and northeast site access	Future			
Floral Park Road and northwest site access	Future			
MD 373 and Becker Road	10.4*	10.4*	--	--
MD 373 and southeast site access	Future			
MD 373 and southwest site access	Future			
*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.				

There is a project funded for construction involving the two MD 5 intersections within the State Consolidated Transportation Program (CTP). This project would widen MD 5 from four lanes to six lanes through the MD 373 and the Brandywine Road intersections. This is the initial phase of a plan to eventually provide an interchange to serve both existing intersections. Twenty-three approved but unbuilt developments that would directly affect the critical intersections were identified. Annual through traffic growth of 3.0 percent per year was added to account for development and traffic growth in the general area. With background growth and funded improvements added, the following results are obtained:

BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM & Sat.)		Level of Service (AM & PM & Sat.)	
MD 5 and Brandywine Road	1,974	2,131	F	F
MD 5 and MD 373	1,454	1,677	E	F
Brandywine Road and Floral Park Road	351*	614*	--	--
Floral Park Road and northeast site access	Future			
Floral Park Road and northwest site access	Future			
MD 373 and Becker Road	10.9*	11.5*	--	--
MD 373 and southeast site access	Future			
MD 373 and southwest site access	Future			
<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>				

A residential subdivision consisting of 336 lots is proposed. The proposed development would generate 252 AM (50 in, 202 out) and 302 PM (198 in, 104 out) peak-hour vehicle trips as determined using the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*. With the site added to the local roadway network, the following results are obtained:

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM & Sat.)		Level of Service (AM & PM & Sat.)	
MD 5 and Brandywine Road	2,025	2,177	F	F
MD 5 and MD 373	1,570	1,742	E	F
Brandywine Road and Floral Park Road	366*	666*	--	--
Floral Park Road and northeast site access	11.8*	10.6*	--	--
Floral Park Road and northwest site access	12.0*	9.9*	--	--
MD 373 and Becker Road	11.1*	11.7*	--	--
MD 373 and southeast site access	14.2*	16.1*	--	--
MD 373 and southwest site access	11.3*	12.2*	--	--
<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>				

Given these analyses, the MD 5/Brandywine Road, MD 5/MD 373, and the Brandywine Road/Floral Park Road intersections all would operate unacceptably in both peak hours.

MD 5 and Brandywine Road

In response to the inadequacy at this intersection, the applicant has proffered mitigation. This intersection is eligible for mitigation under the fourth criterion in the *Guidelines for Mitigation Action* (approved as CR-29-1994). The traffic study recommends the following improvements:

- A. On the northbound MD 5 approach, provide a second left-turn lane.
- B. On the eastbound Brandywine Road approach, provide three lanes, with an exclusive left-turn lane, an exclusive through lane, and an exclusive right-turn lane.
- C. The diagram showing the mitigation improvements indicates the addition of a third northbound and southbound through lane along MD 5. This is a funded improvement, and cannot be double-counted as a mitigation improvement for this site.

DPW&T and SHA reviewed this proposal. DPW&T did not oppose the mitigation given that SHA has jurisdiction for permitting modifications at this location. SHA concurred with the recommendations. The impact of the mitigation actions at this intersection is summarized as follows:

IMPACT OF MITIGATION				
Intersection	LOS and CLV (AM & PM)		CLV Difference (AM & PM)	
MD 5 and Brandywine Road				
Background Conditions	F/1974	F/2131		
Total Traffic Conditions	F/2025	F/2177	+51	+46
Total Traffic Conditions w/Mitigation	F/1674	F/1766	-351	-411

The options for improving this intersection to LOS D, the policy level of service at this location, are very limited. Additional through lanes along MD 5 through the intersection would not be effective; MD 5 narrowing exists with four lanes—two lanes each direction—north of this area, and a reduction from four to two lanes would result in severe congestion. The western and eastern legs of the intersection have right-of-way issues. The only identifiable improvement that would result in LOS D operations at this location would be the construction of the planned MD 5 and Brandywine Road interchange. This interchange was included in an environmental study of the MD 5 corridor by SHA, and design of the interchange is virtually complete, but there has been no funding to date for construction of the needed ramps, overpass, and connector roadways.

As the CLV at the critical intersection is above 1,813 during both peak hours, the proposed mitigation actions must mitigate at least 100 percent of the trips generated by the subject property, and the actions must reduce the CLV to no worse than 1,813 during either peak hour, according to the guidelines. The above table indicates that the proposed mitigation action would mitigate at least 100 percent of site-generated trips during each peak hour. This table also indicates that the resulting CLV under total traffic with the mitigation improvements is 1,813 or

less in each peak hour. The table indicates that the proposed mitigation action would mitigate nearly 700 percent of the trips generated by the subject property in the AM peak hour, and an even higher percentage during the PM peak hour. Therefore, the applicant's proposed mitigation at MD 5 and Brandywine Road meets the requirements of Section 24-124(a)(6)(B)(i) of the Subdivision Ordinance in considering traffic impacts.

As noted earlier, SHA does concur with the mitigation that is proposed, and DPW&T offered no comment on the mitigation action. Given past actions by the Planning Board regarding mitigation proposals in this area, this appears to be a circumstance in which the Planning Board would seriously consider the use of mitigation, and the recommendation will include the applicant's proffer of the mitigation actions as a condition of approval for this application.

MD 5 and MD 373

In response to the inadequacy at this intersection, the applicant has proffered mitigation. This intersection is eligible for mitigation under the fourth criterion in the *Guidelines for Mitigation Action* (approved as CR-29-1994). The traffic study recommends the following improvements:

- A. On the westbound MD 373 approach, re-stripe to provide a shared through/left-turn lane and a shared through/right-turn lane.
- B. On the eastbound MD 373 approach, provide four lanes, with two exclusive left-turn lanes, an exclusive through lane, and an exclusive right-turn lane.
- C. The diagram showing the mitigation improvements indicates the addition of a third northbound and southbound through lane along MD 5. This is a funded improvement, and cannot be double-counted as a mitigation improvement for this site.

It appears that the improvements listed as A and B above have been permitted by SHA as a part of the Lakeview at Brandywine approval. Permits are currently being issued for that site, which was reviewed as 4-04072. The guidelines specifically indicate that improvements bonded and permitted by another developer are to be considered part of the background situation. This is probably a legitimate oversight by this traffic study, as the improvements reached the point of being bonded during the second half of 2007. Nonetheless, they cannot be double-counted and used as mitigation for this proposal since they are considered to be "in place" as a part of the background situation and are therefore not eligible for the use of mitigation.

Brandywine Road and Floral Park Road

In response to the inadequacy at this intersection, the applicant has not provided any recommendation in the traffic study even though this intersection is shown to operate unacceptably as an unsignalized intersection. 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 if it is deemed warranted by the appropriate operating agency. The warrant study is, in itself, a more detailed study of the adequacy of the existing unsignalized intersection.

Plan Comments

The site is adjacent to Floral Park Road, which is shown as a master plan collector facility on the Subregion V Master Plan. The plan shows adequate dedication of 40 feet from centerline along Floral Park Road.

The site is adjacent to MD 373 (Accokeek Road), which is shown as two separate master plan facilities on the Subregion V Master Plan. The portion of MD 373 along the easternmost 300 linear feet of this site is shown as C-527, which is intended to be a roadway that will connect this area to the planned MD 5/Brandywine Road interchange. Dedication for C-527 along this site's frontage is acceptable as shown.

The remainder of the MD 373 frontage is proposed to be replaced by A-55, which is intended to be a major roadway connecting Accokeek with the Brandywine town center/community center, as reflected on the Subregion V Master Plan and the *Prince George's County Approved General Plan*. Along the frontage of this plan, the right-of-way is mostly on a new alignment as a means of straightening the tight curves that exist and avoiding adjacent environmental features. An attached figure shows the alignments of these master plan roadways. Although the subdivision plan shows the location of the A-55 right-of-way, it places lots within the eastern half of the right-of-way and proposes no action regarding the western half.

Given the degree of development proposed for the site and the presence of several sharp curves and alignment changes along MD 373 along the site's frontage, the development of the subject property would result in safety issues along MD 373. The realignment of the roadway in this area was intended to correct these safety issues. It is for that reason that reservation was not deemed by staff to be an acceptable approach to this site. Once the subject property develops, significant changes to the MD 373 alignment become an existing need. Therefore, it is determined that the plan needs to more fully address safety along MD 373 in order to meet the requirements of 24-124(a)(1), which requires that "there will be adequate access roads to serve traffic which will be generated by the proposed subdivision." The dedication of the A-55 facility is the most obvious means to address the safety issues, but the current plan ignores the master plan and ignores the issues that the plan recommendation was intended to correct.

Site access is another issue posed by the plan. There are two issues:

- A. Site access is proposed via two separate access points onto Floral Park Road, a major access point onto MD 373, and two secondary access points onto MD 373. All access points are acceptable in concept; all three access points onto MD 373 must have conceptual SHA approval prior to the hearing. It is not clear at this time that the revised plan, which includes a third access point to serve several lots that are proposed within the A-55 right-of-way, has conceptual SHA approval at this time.
- B. At the time that the sketch plan was reviewed, it was strongly suggested that access to the 30 residences in the southwestern portion of the site explore access to MD 373 while retaining an access point via existing Church Drive into the Pleasant Springs community. It was stated at that time that "an extension of Church Drive is clearly functional and would improve access within the overall community." Yet the current plan has eliminated that connection. Although the applicant has stated that the access point onto Church Drive must cross an existing gas line, there has been no information provided to date to suggest that such a crossing is infeasible. Unless it can be shown that there is an issue with the feasibility of the access, the connection onto Church Drive should be shown on the plan.

Although this is not a transportation issue, it is of great concern that a dam is shown on the plan to be retained. This dam was built to carry a haul road associated with a prior surface mining activity. The entire issue of retention of the dam, with an analysis of its structural integrity, must be explored more thoroughly.

Based on the preceding findings, the Transportation Planning Section concludes that adequate access roadway and adequate transportation facilities would not exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code if the application were to be approved. Specific issues at this time include:

1. The mitigation plan for MD 5 and MD 373 is not acceptable to staff. The improvements proposed at this location have already been bonded by another developer.
 2. Adequacy at the Brandywine Road/Floral Park Road intersection has not been addressed.
 3. Lacking some plan for improving safety along the site's MD 373 frontage, the plan must not be approved. The tight curves and sudden alignment changes that exist must be resolved, and while the master plan alignment for A-55 provides a solution, the plan ignores the right-of-way and proposes no other solution.
 4. The plan should be modified to show access between this site and the adjacent Pleasant Springs community. It is beneficial to link communities where possible.
10. **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	333	333	333
Pupil Yield Factor	.24	.06	.12
Subdivision Enrollment	79.92	19.98	39.96
Actual Enrollment	3,898	5,968	9,696
Completion Enrollment	148.8	90	181
Cumulative Enrollment	37.2	9.3	18.6
Total Enrollment	4,163.92	6,087.28	9,935.56
State Rated Capacity	3,771	6114	10,392
Percent Capacity	110.41	99.56	95.60

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

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 \$7,870 and \$13,493 to be paid at the time of issuance of each building permit. The school surcharge may be used for the construction of additional or expanded school facilities and renovations to existing school buildings or other systemic changes.

The Historic Preservation and Public Facilities Planning Section staff finds that this project meets the adequate public facilities policies for school facilities contained in Section 24-122.02, CB-30-2003 and CB-31-2003 and CR-23-2003.

11. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(B)-(E) of the Subdivision Ordinance and concluded the following:

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, Company 40, Brandywine, using the Seven-Minute Travel Times and Fire Station Locations Map provided by the Prince George's County Fire Department.

Pursuant to CR-69-2006, Prince George's County Council and the County Executive suspended the provisions of Section 24-122.01(e)(1)(A) and (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.

12. **Police Facilities**—The preliminary plan 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 proceeding 12 months. The preliminary plan was accepted for processing by the Planning Department on November 21, 2007. Staff concluded at that time that the response standards of 10 minutes for priority calls and 25 minutes for nonpriority calls were met on December 3, 2007.

Reporting Cycle	Previous 12-Month Cycle	Priority Calls	Nonpriority Calls
Acceptance Date 04/09/2007	10/06-10/07	10 minutes	13 minutes
Cycle 1	11/06 – 11/07		
Cycle 2	12/06 -12/07		
Cycle 3	1/07 - 1/08		

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.

13. **Health Department**— On January 14, 2007, the Health Department requested a copy of the Phase I environmental site assessment that was being conducted on the site including a detailed summary of the previous sand and gravel operation. The Health Department received that report and was satisfied with its findings. The Health Department has no objection to the preliminary plan and no further comments.

14. **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, 38052-2007-00, has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. However, that concept plan does not reflect the current layout proposed by the applicant. Prior to signature approval the SWM concept plan should be revised to reflect the applicant's current proposal and to address the existing dam structure on Parcel B to be conveyed to the HOA. Development must be in accordance with that approved plan.
15. **Historic**—A Phase I archeological survey was completed on the 278.09-acre Estates of Pleasant Valley property in September 2007. Three twentieth-century archeological sites were identified—18PR915, 18PR916, and 18PR917. All of these sites were disturbed by their subsequent demolition and no intact archeological deposits or features were noted in the Phase I survey. Therefore, no further work was recommended on the Estates of Pleasant Valley property. Staff concurs with the report's conclusion that no further work is necessary on sites 18PR915, 18PR916, and 18PR917. Four copies of the final report, "A Phase I Intensive Archaeological Survey of the Estates of Pleasant Valley Residential Subdivision, Floral Park and Accokeek Roads, Brandywine, Prince George's County, Maryland, Preliminary Plan 4-07076," have been received by the Historic Preservation Section and were accepted on November 26, 2007. All archeological conditions for the county have been met for the Estates of Pleasant Valley property.

However, Section 106 review may require an 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. The site has no effect on historic resources.

RECOMMENDATION

STAFF RECOMMENDS **DISAPPROVAL** OF PRELIMINARY PLAN 4-07076 AND TYPE I TREE CONSERVATION PLAN TCPI/44/07, based on the findings contained in this staff report that this preliminary plan does not conform to the purposes for a conservation subdivision (24-152(b)), the adopted and approved Subregion V Master Plan for Adequate Transportation Facilities (pursuant to Section 24-124(a)(1), does not meet the standards for the use of transportation mitigation pursuant to Section 24-124(a)(2)(B)(i) or Section 24-134 of the Subdivision Regulations for the mandatory dedication of parkland.