

Maryland-National Capital Park and Planning Commission
Prince George's County Planning Department
Development Review Division
301-952-3470

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COMPREHENSIVE SKETCH PLAN

CP-0101

Application	General Data
Project Name FAIRWOOD TURF FARM	Date Accepted 03-27-01
Location Located on the south side of MD 450, on the north side US 50, and on the east and west sides of Church Road.	
Applicant/Address ROUSE-FARIWOOD DEVELOPMENT LTD PARTNERSHIP 10275 LITTLE PATUXENT PARKWAY COLUMBIA, MD 21044	
	Planning Board Action Limit N/A
	ZHE Hearing Date N/A
	Plan Acreage 580 acres
	Zone M-X-C
	Dwelling Units 1,000
	Square Footage N/A
	Planning Area 71A
	Council District 06
	Municipality N/A
	200-Scale Base Map 206 & 207 NE 11 &12

Purpose of Application	Notice Dates
APPROVAL OF A COMPREHENSIVE SKETCH PLAN FOR 1,000 DWELLING UNITS IN THE M-X-C ZONE.	Adjoining Property Owners 03-16-01 (CB-15-1998)
	Previous Parties of Record 12-19-01 (CB-13-1997)

	Sign(s) Posted on Site	12-14-01
	Variance(s): Adjoining Property Owners	N/A

Staff Recommendation		Staff Reviewer	WHITMORE
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		

July 30, 2009

MEMORANDUM

TO: The Prince George's County Planning Board

VIA: Steve Adams, Urban Design Supervisor

FROM: Elizabeth Whitmore, Senior Planner

SUBJECT: Comprehensive Sketch Plan CP-0101
Fairwood, Phase II

The Comprehensive Sketch Plan for Fairwood, Phase II, was accepted for review on March 27, 2001. CP-0101, consisting of eight plan sheets and an accompanying text, was reviewed and evaluated for conformance with the following criteria:

1. Compliance with the approved Preliminary Development Plan and Zoning Ordinance No. A-9894-C.
2. Compliance with the requirements of the Zoning Ordinance in the M-X-C Zone.
3. The requirements of the Prince George's County Woodland Conservation Ordinance.
4. Referrals.

FINDINGS

Based on the analysis of the subject application, the Urban Design Section recommends the following findings:

1. The 1,057.69-acre Fairwood site is located on the south side of MD 450, east MD 193, north of US 50, and east and west of Church Road. The subject Comprehensive Sketch Plan, CP-0101, is referred to as Phase II of Fairwood, and consists of 586.69 acres of the total site. The Comprehensive Sketch Plan is the second step in the four-phase M-X-C Zone process.

Section 27-546.05(c) of the Zoning Ordinance establishes the submission requirements for a Comprehensive Sketch Plan. A Comprehensive Sketch Plan is a preliminary planning document which delineates the general location of the proposed land use areas, existing and proposed public streets, recreational facilities, site amenities, the pedestrian circulation network, and other conceptual design details such as focal points, special gateway treatment areas, and views to be screened, enhanced, controlled or emphasized. A text accompanies the plans and establishes general criteria, standards and guidelines for the development of the site.

Phase II of Fairwood has two land areas which abut the scenic portion of Church Road. These land areas are designated for both single-family (low-density) and townhouses (Other Residential Use).

The site has been an operating turf farm for over 60 years. For several hundred years prior to its use as a turf farm, the site was in agricultural production. The physical nature of the site reflects this activity and is characterized by open rolling fields, punctuated by mature hedgerows and tree-lined country lanes.

On May 9, 1994, the District Council approved the rezoning of the subject property from R-E to M-X-C by Council Order A-9894-C. Portions of Phase I of Fairwood have since continued through various steps of the review process, which include the following:

- Comprehensive Sketch Plan CP-9504 (Approval of a Comprehensive Sketch Plan for 1,000 dwelling units and 350,000 square feet of retail and office space)—District Council Decision February 24, 1997, Phase I, which included 471 acres of Fairwood.
- Preliminary Plan 4-97024 (PGCPB No. 97-194)—July 31, 1997 (234.4 acres)
- Final Development Plan FDP-9701—District Council Decision May 11, 1998 (234.4 acres)
- Detailed Site Plan DSP-99034 (PGCPB No. 99-243)—January 6, 2000 (Signage for the entire Fairwood development)
- Detailed Site Plan DSP-99052 (PGCPB No. 00-37)—April 13, 2000 (Infrastructure for rough grading)
- Preliminary Plan 4-00057 (PGCPB No. 01-07)—January 4, 2001 (223.7 acres)
- Final Development Plan FDP-0001 (PGCPB No. 01-09)—January 4, 2001 (211.4 acres)
- Detailed Site Plan DSP-01031 (PGCPB No. 01-221)—October 25, 2001 (162 single-family lots)
- Detailed Site Plan DSP-01031/01 (PGCPB No. 01-220)—October 25, 2001 (Includes land to be dedicated to the homeowners association which includes landscaping, signage, and a pocket park.)
- DSP-01046 (PGCPB No. 01-258)—December 20, 2001 (Umbrella approval for all architecture)

Phase I of the property is currently being rough graded and the applicant anticipates construction of the model home park in the spring of 2002.

2. The site development data for the entire Fairwood project is as follows:

Zone M-X-C

Total Gross Acreage of Development 1,057.69 acres

Total Approved Density (per A-9894-C) 1,799 DUs

350,000 sq. ft. of
nonresidential use

Total Acreage of Phase I	471 acres
Total Approved Density Phase I	
(Residential) 1,000 DUs	
(Non-Residential Use)	350,000 sq. ft.
Total Acreage of Phase II	586.69 acres
*Density Proposed for Phase II	1,000 DUs

*The applicant appears to be requesting an additional 201 dwelling units over what was approved per District Council Order A-9894-C. However, the submitted text (page 9) states the following:

“This Comprehensive Sketch Plan for Phase II include 580± acres and an estimated 1,000 dwelling units. However, the approved maximum of 1,799 dwelling units for the entire Fairwood project will not be exceeded.”

Staff has no objections to this request and recommends that the Planning Board allow the flexible approach requested by the applicant whereby the maximum density allowed in Phase I and Phase II is 1,000 units, as long as the total number of units allowed in the project as a whole does not exceed 1,799.

Minimum Overall Area for Community Use	370.19 acres
Area approved with Phase I Community Use	163.45 acres
Area proposed for Phase II Community Use	206.74 acres
Total Community Use Area	370.19 acres

3. Phase I proposed to realign Church Road by directing it through the interior of the site and connecting through the southeastern corner of the adjacent subdivision known as Westwood. The subject application proposes to realign Church Road parallel to the existing road. The existing Church Road will become a service road for the residents on the east side of Church Road. It should be noted that Condition 4 of the District Council order for CP-9504 dated February 24, 1997, states the following:

“The feasibility of the realignment of Church Road through the subject property shall be determined prior to Preliminary Plat approval for the eastern portion of Phase I. If the construction of the C-48 connection across the Westwood property and the primary street connecting the site to Church Road identified in rezoning condition 20.(d), are determined not feasible, the applicant shall amend the Comprehensive Sketch Plan to eliminate the Street C link north of the easternmost activity area and revise the text to address these changes. The revision shall be approved by the Planning Board or its designee.”

The applicant has demonstrated that the construction of the C-48 connection across the Westwood property and primary street connecting the site to Church Road are not feasible. Staff finds the proposed alignment of Church Road acceptable and understands that the Department of Public Works and Transportation, as well as the Transportation Planning Section, finds this alignment acceptable. Therefore, CP-9504 should be revised with the Planning Board’s designee having final approval of the alignment of Church Road.

4. **Conformance with Preliminary Development Plan and Zoning Ordinance No.**

A-9894-C—On May 9, 1994, the District Council approved Preliminary Development Plan and Zoning Ordinance No. A-9894-C for the subject site. The approval included 22 conditions of approval. Seventeen of these conditions required specific action be taken or additional information be supplied during the time of review of the Comprehensive Sketch Plan. The following discussion contains a point-by-point response to the District Council conditions.

2. **To encourage lower speeds along the C-48 facility through the community, the applicant shall consider strategies which would serve a “traffic calming” function, such as traffic circles. The location and design of such features shall be determined in cooperation with the DPW&T and the Prince George’s County Planning Department.**

Church Road is designated as C-48. In a memorandum dated November 26, 2001 (Beckert to Gibbs), the following comments were offered:

“This is in response to your September 27, 2001 letter to Haitham Hijazi, Associate Director of the Office of Engineering, regarding the requirement to ‘consider’ traffic calming devices on Church Road relative to the Fairwood Subdivision. The Department of Public Works and Transportation has completed its review and determined that traffic calming along the section of the roadway in question is not needed. This determination is based on the road classification of Church Road and the fact that there will not be homes fronting the new Church Road.”

The Transportation Planning Section in a memorandum dated October 30, 2001 (Masog to Whitmore) offered the following comments pertaining to traffic calming along C-48 (Church Road):

“Condition 2 concerns traffic calming to potentially lower the speed of traffic along C-48 through the community, and indicates that the applicant shall consider strategies which serve a ‘traffic calming’ function, such as traffic circles. This application would involve significant changes to existing Church Road to create the C-48 facility, and the alignment and design of Church Road has been a major focus during review of this plan. To that end, the transportation staff would offer several findings:

“The condition arose from the PDP, which showed Church Road passing amidst nonresidential and higher-density residential uses. With the subject plan and other approved plans, Church Road is primarily surrounded by single-family residential uses. This has led to a lesser need for ‘traffic calming’ functions along this facility.

“Traffic circles (or roundabouts) were considered for placement along Church Road, but DPW&T did not deem them to be a desirable alternative. Roundabouts operate best for traffic calming in a circumstance where a four-way intersection along a two-lane major street has fairly balanced traffic flows. The major intersections currently proposed along Church Road are all three-way intersections. Furthermore, a four-lane section is planned along Church Road, and while a roundabout or two might be a nice feature, they would have little effect on reducing speed along the four-lane facility as was intended by the

condition.

“Most traditional ‘traffic calming’ devices, such as speed humps, chokers, and similar devices are not appropriate on a collector-type roadway where through traffic is expected and where vehicle speeds are expected to be higher than on neighborhood streets.

“Other types of measures can be considered as more detailed plans within Phase II of Fairwood are reviewed. Without precise locations of sidewalks and other pedestrian ways, it is not feasible to develop strategies to control vehicle speeds through the community. However, brick or stamped asphalt crosswalks and raised pavement markings should be considered at two or three key locations along Church Road within Fairwood to augment the pedestrian network.”

Comment: It has been determined by the Department of Public Works and Transportation and the Prince George’s County Planning Department that traffic calming devices to encourage lower speeds on Church Road are not needed. Condition 8 in the Recommendation section of this report addresses the locations and feasibility of crosswalks along Church Road within Fairwood.

3. **At the time of Comprehensive Sketch Plan, the staging of the construction of the C-48 connection between the subject property and MD 450 across the Westwood property as it relates to the development of the subject property shall be more fully examined.**

Comment: The realignment of Church Road (C-48) was examined during review of Comprehensive Sketch Plan CP-9504, Infrastructure Plan DSP-99052 and the subject application, Comprehensive Sketch Plan CP-0101. The Department of Public Works and Transportation and the applicant have come to an agreement on the alignment of Church Road. This alignment is parallel to the existing location of Church Road and will therefore not impact the Westwood property.

5. **Development of areas north of the existing runway at Freeway Airport shall be subject to any applicable State or Federal aviation regulations.**

Comment: Federal Aviation Regulations Part 77, Obstructions to Air Navigation, apply to Freeway Airport. Part 77 states that objects (grown or built) may not exceed the defined imaginary surfaces in the air. Normally a 20:1 slope is defined as the required imaginary surface. For Freeway Airport the cleared approach slope (or imaginary surface) is defined for runway 18 in the Airport Facility Directory as 11:1; this steeper slope is due to the power lines. Proposed Condition 3 below requires the provision of additional information later in the review process to ensure compliance with this condition.

State and federal aviation standards are intended to regulate the operation of aircraft, the design of airports, and protect airspace and aircraft from obstructions during normal flight activity. They are not intended to protect people or structures on the ground from the adverse impacts of normal flight activity or aircraft in distress. Neither the state nor the federal government has jurisdiction over land use around airports in Maryland; that is the responsibility of local jurisdictions.

6. **Total development of this 1,058 acres site shall be limited to 1,799 dwelling units, 100,00 square feet of retail space, and 250,000 square feet of office/service/institutional uses, and such other “community space” determined to be appropriate during subsequent phases of approval.**

Comment: Phase I, approved by District Council Order on February 24, 1997 (CP-9504), approved 1,000 dwelling units. This application is requesting an additional 1,000 dwelling units, an excess of 201 over the total approved by the District Council. However, staff has no objection to this request as long as the total number of dwelling units in the project as a whole does not exceed 1,799.

7. **The Fairview and Cemetery Historic Site (#71A-13) should be noted on all drawings.**

Comment: While the historic site is noted on the original submissions, it has not been included on the revised plans dated November 16, 2001. It also should be noted that while the site is labeled, the official historic designation number has been omitted. All plans should be revised to include not only the labeling of the historic site but the labeling should also include the historic designation 71A-13.

8. **In order to protect the Fairwood and Cemetery Historic Site and its setting from the impacts of this proposal, an appropriate Environmental Setting shall be approved by the Historic Preservation Commission prior to the approval of the Comprehensive Sketch Plan. The applicant should work with the Historic Preservation Section in identifying significant characteristics of the Site and preparing proposed boundaries for the HPC.**

Comment: As prescribed by Zoning Ordinance 24-1994, Section 2, no land in the M-X-C Zone shall be designated as part of the Environmental Setting for Fairview. Therefore, no property owned by Rouse-Fairwood should be in the Environmental Setting for Fairview. The Historic Preservation Commission (HPC) met on June 19, 2001, and determined that the Environmental Setting for Fairview, as defined in Subtitle 29-102 (a)(1), is the 9.90-acre parcel containing the Fairview house and the half-acre parcel containing the cemetery, both owned by Oden Bowie and his family, and shown as R-E on CP mapping. (See Finding 14 for further discussion).

9. **In order to further protect the historic characteristics of the area, the applicant shall include a section on Historic Preservation Issues in the text of the Comprehensive Sketch Plan. This section shall address such issues as: the protection of significant viewsheds to and from the Fairwood and Cemetery Historic Site; buffering and/or screening of development areas adjacent to the Historic Site; guidelines for development adjacent to the Historic Site; access to the Historic Site; guidelines for adaptively reusing significant outbuildings, if appropriate, as well as measures needed for their immediate stabilization; and, any other issues which may arise. This section should also address the protection of viewsheds from the Magruder-Brannon House Historic Site.**

The submitted text for CP-0101, pages 13 and 14, includes a section on Historic Preservation issues which states:

“The Bowie family home, called Fairview, and the adjoining cemetery historic site have been excluded from the M-X-C Zone and are to remain in the Bowie family ownership. However, land areas contained in this Comprehensive Sketch Plan for Phase II are contiguous to the house and cemetery. Therefore, land use planning, including residential lot orientation and street layout, will be designed to be sensitive to these historic structures and uses. Access to Fairview will continue to be provided by a private road extending from Fairview Drive or My Mollie’s Pride into the site.

“A local internal subdivision street (My Mollie’s Pride) is proposed from Fairview Drive to the west. This street will be north of the Fairview historic site and will itself serve as a buffer for Fairview. Residential units along this street will be constructed generally fronting on this street so that no rears of homes will face Fairview. Additionally, other design initiatives for this single-family, low-density residential area north of Fairview will include the actual siting of homes on lots and landscaping which will buffer the site and protect viewsheds.

“Fairview Drive will extend in a north/south direction between Fairview and the Bowie family cemetery, thus creating an additional buffer for the two sites. Plantings will be installed around the cemetery to visually enhance views to or from the cemetery site. There will be no vehicular access to the cemetery. Pedestrian access will be provided by an existing path which will be preserved.”

Comment: The language provided in fulfillment of Condition 9 of A-9894-C is insufficient. The above language only addresses the single-family lots to the north of the historic site when in reality both the historic site and the cemetery have proposed single-family residential not only to the north, but also to the east, south and west. In addition, other residential is proposed to the east and northeast of the cemetery site. The above language should be revised to include all of these areas and how they relate to the historic site. In addition this condition requires the text to include language that addresses the protection of viewsheds from the Magruder-Brannon House Historic Site. This site is located on the north side of MD 450 and therefore is not part of this submission. In addition, staff wants to make it clear that while the Comprehensive Sketch Plan (Sheet 3 of 8) implies by virtue of the graphic pattern employed that the Community Use Area is wooded, in fact the area immediately surrounding Fairview and the cemetery, designated as Community Use Area, is basically open rolling farm land. Residential units along My Mollie’s Pride should be constructed fronting on this street so that no rears or sides will face Fairview.

- 10. Traditional names associated with the property and the Bowie family should be considered for use within this development for such elements as street names, parks, community centers, etc. The Historic Preservation Section should be contacted for a list of names.**

Comment: At the time of approval of DSP-99034 for signage approved on December 16, 1999 (Res. No.99-243), traditional names associated with the property, with the Bowie family and with Prince George’s County have been and will continue to be used within the Fairwood development. These traditional names have been and will continue to be utilized for such elements as street names, parks, community center, etc. Street names will be established at the time of approval of a Preliminary Subdivision Plat(s) for all or part of Phase II.

- 11. Any residential development between the PEPCO right-of-way and Church Road shall be set back at least 1,200 feet from the northern end of the existing runway at Freeway Airport in order to accommodate the Runway Protection Zone. This trapezoid begins 200 feet beyond the end of the runway and has the following dimensions:**

Length:	1,000 feet
Inner Width:	250 feet
Outer Width:	450 feet
Total Area:	8.035 acres

Comment: The submitted Comprehensive Sketch Plan meets the above condition. However, it should be noted that a proposed *Manual of Regulations for Land Use Around General Aviation Airports in Prince George's County* was prepared by the Planning Department and transmitted to the County Council by the Planning Board in June 2001. (See Finding 11 for further discussion.)

- 12. A stormwater management concept plan should be approved by DER prior to the approval of the Comprehensive Sketch Plan.**

Comment: The applicant has submitted the approved stormwater management concept plan and a copy of the approval letter, #7979-2001-01, approved by the Department of Environmental Resources (DER) on May 17, 2001, with an expiration date of May 7, 2004.

- 13. Approval of a 100-year floodplain study by DER Watershed Protection Branch prior to the approval of a Comprehensive Sketch Plan. The study should reflect proposed ultimate channel conditions.**

In a memorandum dated March 7, 2001 (de Guzman to Johnson), the Department of Environmental Resources indicated approval of the 100-year floodplain study, FPS-970016.

- 14. A Forest Stand Delineation must be submitted and approved in conjunction with any Comprehensive Sketch Plan for this property.**

Comment: The Environmental Planning Section has the following comments pertaining to the submitted Forest Stand Delineation:

“The Forest Stand Delineation (FSD) submitted with this application has been reviewed and found to address the requirements for a Forest Stand Delineation in accordance with the Prince George's County Woodland Conservation and Tree Preservation Technical Manual.”

- 15. A Type I Tree Conservation Plan must be submitted and approved in conjunction with the Comprehensive Sketch Plan for this property. This TCP should provide the minimum 20 percent woodland conservation requirement or the 15 percent afforestation threshold if the existing woodland is less than the 15 percent or the use the percentage of the existing woodland as the requirement if it is between 15 percent and 20 percent. In**

addition it will be necessary to address the 2 to 1 woodland replacement for clearing below the WCT and the 1 to 1 woodland replacement for clearing woodlands in the floodplain.

Comment: The Environmental Planning Section has the following comments in regard to the submitted Type I Tree Conservation Plan:

“This property is subject to the requirements of the Prince George’s County Woodland Conservation Ordinance because the gross tract area is over 40,000 square feet, there is more than 10,000 square feet of existing woodland, and there will be more than 5,000 square feet of woodland clearing. A Type I Tree Conservation Plan (TCPI/8/01) has been submitted and reviewed for conformance with the Prince George’s County Woodland Conservation Ordinance. Although this property has a 20 percent Woodland Conservation Threshold, the area of existing woodland totals 90.95 acres or 16.9 percent, which is greater than the 15 percent afforestation threshold. Therefore, 16.9 percent or 90.95 acres is the base requirement for this property. This application proposes 35.85 acres of woodland clearing which is subject to the 2:1 replacement requirement and 0.07 acres of floodplain woodland clearing which is subject to a 1:1 replacement requirement. The total requirement for Fairwood Phase II is 126.87 acres. The 126.87-acre requirement will be satisfied by 40.29 acres of on-site preservation in priority retention areas, and 86.58 acres of on-site afforestation and reforestation in priority areas.

“TCPI/8/01 satisfies the requirements of the Prince George’s County Woodland Conservation Ordinance and is recommended for approval in conjunction with CP-0101 subject to conditions located in the Recommendation section of this report.

- 16. Noise related issues will be addressed at the time of Comprehensive Sketch Plan submittal. The plan should include needed mitigation measures and provide adequate screening and buffering along US 50 and A-44.**

Comment: The Environmental Planning Section provided the following comments in regard to noise mitigation measures pertaining to the subject application:

“A Noise Analysis dated January 14, 2001, was submitted with this application. There will be significant noise intrusion into this property from US 50, some noise intrusion from Church Road, and some limited noise impacts from the airplanes flying into and out of Freeway Airport. The noise associated with US 50 will generally be mitigated by the open space and/or woodland conservation areas located adjacent to US 50. These areas have widths ranging from 200 feet to more than 1,000 feet.

“The noise intrusion areas located along Church Road, although much less extensive, could pose a problem if adequate building setbacks are not maintained. Because Church Road is a scenic and historic road the noise attenuation measures used in this area shall be limited to building setbacks that will be determined during the review of the Preliminary Plan of Subdivision. To accomplish this the Preliminary Plan of Subdivision shall include the 65 dBA noise contours along Church Road and US 50.

“Unlike noise from highways, which is fairly constant, airport noise, such as that associated with Freeway Airport, is periodic in nature and is relatively high for only short periods of time. While this is certainly considered a nuisance issue for residential uses in proximity to airports, the noise levels generated from airport uses with less than 90,000 flight operations, such as Freeway Airport, do not reach a level where existing noise regulations apply.”

Comment: Condition 17 in the Recommendation section of this report addresses this concern.

- 17. The Comprehensive Sketch Plan should show proposed sewer and water alignments so that an analysis of the environmental impacts associated with these alignments may be completed. This analysis will include woodland clearing, wetland impact, floodplain impacts and impacts to conservation easements or woodland conservation areas previously approved.**

The Environmental Planning Section provided the following discussion in regard to the proposed sewer and water alignments for the subject application:

“This property is in Sewer and Water service categories S-4 and W-4. The Infrastructure Plans reflect the approximate locations of the proposed sewer and water alignments. The sewer outfall for the portion of the property east of the Potomac Electric Power Company transmission line generally flows to the east, connecting with an existing sewer outfall near Fleffner Court. Other than a single stream crossing at the same location as the road crossing, this alignment does not impact woodlands or PMA areas.

“The outfall for the western part of the property will require incursions into woodland areas and the PMA. Based on the level of detail available with the Comprehensive Sketch Plan, the sewer and water alignments appear to have generally minimal adverse impacts. The sewer and water alignments, including the outfall connections to existing facilities, will be further scrutinized during the review of the Preliminary Plan of Subdivision and the Detailed Site Plans in order to further minimize the woodland and PMA impacts. During the review of succeeding plans the applicant will be required to show the location of the existing outfalls, the alignments to those off-site connections, the limit of disturbance for the outfalls both on-site and off-site, identify all PMA impacts, identify all woodland impacts, and provide copies of appropriate federal and state permits for stream and wetland impacts.”

Comment: Condition 2.c. in the Recommendation section of this report addresses the above-referenced concern.

- 18. The applicant shall take the following actions regarding parkland:**
- b. Dedicate to the M-NCPPC, 10 acres for public parkland to be located along the southwestern border of the site in accordance with Master Plan recommendations for the Collington West Community Park. The proposed location of this park shown on the submitted PDP dated March 30, 1993, should be relocated about 2,000 feet to the north.**

Comment: The proposed 10 acres to be dedicated for parkland to M-NCPPC along the southwestern border of the site have been relocated 2,000 feet to the north. Therefore, this condition has been fulfilled. The Department of Parks and Recreation has concerns pertaining to the configuration of the park and has recommended modifications. See Finding 8 for further discussion pertaining to the Collington West Community Park.

- 20. The precise alignment for interior roads shall be established at the time of Comprehensive Sketch Plan approval. At that time, the following shall be considered:**
- a. A revised alignment for C-48 that follows a continuous route through the subject property.**
 - b. An alignment for C-49 connecting to C-48.**
 - c. A loop roadway connecting C-48 and C-49.**
 - d. A primary residential roadway connecting C-48 with Church Road near the Collington Branch on the north side of the subject property.**

Comment: The submitted Comprehensive Sketch Plan is in substantial conformance with the above condition. The alignments of these roadways will be further evaluated during the subsequent Preliminary Plan of Subdivision and Final Development Plan.

Compliance with the requirements of the Zoning Ordinance in the M-X-C Zone

5. In approving a Comprehensive Sketch Plan in the M-X-C Zone, the Planning Board must make the following findings pursuant to Section 27-546.05(d) of the Zoning Ordinance. The following evaluation of Phase II of Fairwood addresses these findings.

(A) The proposed Comprehensive Sketch Plan is in substantial conformance with the approved Preliminary Development Plan.

The submitted Phase II Comprehensive Sketch Plan for Fairwood is in substantial conformance with the Preliminary Development Plan in terms of proposed uses and land use areas and quantities. The most obvious difference is in the internal road layout. The Comprehensive Sketch Plan for Phase I (CP-9504) approved by the District Council on February 4, 1997, indicated that Church Road was to be relocated onto the subject site and within Phase I. The Preliminary Sketch Plan also included a loop road which circled around the historic sites and Old Stage Road bisected the southeastern portion of the site. The subject application realigns Church Road so it is parallel to the existing road, the loop road around the historic sites now separates Fairview from the cemetery, and Old Stage Road has been relocated to the northern side of the southeastern portion of the site. Staff fully supports these revisions to the original road layout.

(B) The proposed plan is in conformance with the purposes and other provisions of this Division.

The subject Comprehensive Sketch Plan for Phase II in combination with Phase I creates a comprehensively planned community. While Phase II proposes a majority of

single-family residences with some other residential uses, Phase I includes residential, commercial, recreational and public uses.

Flexible development standards have been incorporated into the regulations of the M-X-C-zoned property, which provide for effective on-site density transfers and clustering of residential, commercial, recreational, and public uses. Fairwood will feature walkable neighborhoods and preservation of open spaces.

A central focal point is provided for in Phase I, the ten-acre school site with recreational amenities. A soccer field complex adjacent to MD 450 and the village town center will provide gathering places for neighborhood activities.

An overall sign and gateway program with associated landscaping has been approved for the entire Fairwood development which will create a consistent design element through-out the site.

The Fairwood Community provides lot sizes ranging in size from 6,000 square feet to 60,000 square feet, which will provide for a wide spectrum of incomes, ages and family structures.

Over 300 acres of open space have been preserved, which is superior to what would be attainable under conventional development techniques. The Collington Branch has been designated as a linear stream valley park and in combination with the preservation of existing farm lanes and hedgerows will create an extensive pedestrian system throughout the Fairwood community.

The wide range of lot sizes and housing types will allow for a flexible response to the housing market.

The CP for Fairwood is in conformance with the purposes and other provisions of the M-X-C Zone.

(C) The proposed plan incorporates design and planning techniques that will make it compatible with existing and proposed development in the vicinity.

The existing and proposed land uses which immediately surround Phase II of Fairwood are mostly residential. The Comprehensive Sketch Plan locates residential and recreational uses adjacent to existing and proposed residential and recreational development and locates nonresidential elements internal to the site. Located on the south side of US 50 approximately 200 feet from the southernmost edge of the subject site is Freeway Airport. Concerns pertaining to the close proximity of the subject property to Freeway Airport to the south are discussed further in Finding 11. Techniques are discussed for incorporation into conditions of approval that will ensure a reasonable degree of compatibility between the airport operations and proposed residential development.

(D) The neighborhood center, if the subject application included this element, is of sufficient size and proposes a mix of uses and a physical design that will create a distinct focal point for the community.

The subject application includes Community Use Areas but does not include

neighborhood activity centers. Two activity centers were approved with Phase I and they included western and eastern activity centers. The western activity center will include a shopping center with grocery store and retail. The stores are oriented around a village green which serves as a focal point. The eastern activity center will include a new 15±-acre school site and adjacent community association pool and recreation area.

- (E) The pedestrian system is convenient and is comprehensively planned to encourage pedestrian activity, especially in proximity to the neighborhood center.**

An extensive pedestrian network is planned for Fairwood and has been previously approved for Phase I. Phase II will provide a continuation of this network and will incorporate the majority of the existing tree-lined, historic country lanes on the site as part of the pedestrian circulation system.

- (F) The overall design, mix of uses, and other improvements reflect a cohesive development of continuing quality and stability, while allowing for effective integration of subsequent phases.**

Based on the conceptual information required to be provided at this stage for Phase II and previous approvals of Phase I, staff can find that Fairwood will provide a high quality, stable community. Subsequent review of both Phase I and II will continue to ensure that this finding is addressed.

- (G) Transportation facilities which are existing, under construction, included in the adopted County Capital Improvement Program or current State Consolidated Transportation Improvement program, or will otherwise be provided, will be adequate to carry the anticipated traffic.**

The Transportation Planning Section has determined, for the reasons stated in Finding 7 below, that transportation facilities will be adequate if the application is approved with Conditions 4, 5, 6, 7, 8 and 9 below.

REFERRAL COMMENTS

6. The Environmental Planning Section has reviewed a Type I Tree Conservation Plan, TCPI/8/01, and provides the following findings.

The analysis of the issues has been derived by a combination of site visits and a review of historical information available. Streams, wetlands, wetland buffers, 100-year floodplain, severe slopes, and steep slopes with highly erodible soils have been found to occur within the limits of this application. Adverse noise impacts associated with Church Road and US 50 have also been identified. The soils found to occur according to the Prince George's County Soil Survey include Adelphia fine sandy loam, Bibb silt loam, Collington fine sandy loam, Monmouth clay loam, Monmouth fine sandy loam, Mixed alluvial land, Shrewsbury fine sandy loam, and Westphalia fine sandy loams. Other than areas adjacent to streams and areas with steep slopes, these soils generally do not have any significant limitations which would affect the development of this property. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program publication titled "Ecologically Significant Areas in Anne Arundel and Prince George's Counties," December 1997, there are no rare, threatened, or

endangered species found to occur in the vicinity of this property. Church Road, which bisects this property, has been identified as a scenic and historic road. The Sewer and Water Service categories for this property are S-4 and W-4. This property is located in the Western Branch subwatershed of the Patuxent River watershed. The property is located in the Developing Tier as reflected in the adopted Biennial Growth Policy Plan.

Environmental Conditions Included in the Approval of the Basic Plan (A-9894-C)

Conditions that relate to environmental concerns for the subject property were addressed in Finding 4 except for the following:

Condition 5 Development of areas north of the existing runway at Freeway Airport shall be subject to any applicable State or Federal aviation regulations.

The Comprehensive Sketch Plan identifies an area immediately north of the airport as an "Airport Protection Zone." After an evaluation of this area and the allowable uses in that area, there are concerns that this development plan may be in conflict with various state and federal aviation regulations. The obstacle-free airspace is described as an area starting 200 feet from the end of the runway with a 1:20 rise, so that at the end of the 1,200-foot-long Aircraft Protection Zone there cannot be any obstacles with a height in excess of 50 feet above the end of the runway. Based on the existing topography, portions of afforestation areas WP-15 and WP-16 could potentially be in conflict with the state and federal aviation regulations.

Condition 12 A stormwater management concept plan should be approved by DER prior to the approval of the Comprehensive Sketch Plan.

In accordance with this condition the Department of Environmental Resources reviewed and approved Stormwater Management Concept Plan #7979-2001-01 on May 17, 2001.

No additional information is required at this time. However, it should be noted that during the review of the Preliminary Plan and Detailed Site Plan, the Environmental Planning Section will be looking at the locations of some of the ponds with respect to proximity to the proposed development and minimization of the proposed Patuxent River Primary Management Area impacts.

Condition 13 Approval of a 100-year floodplain study by DER Watershed Protection Branch prior to the approval of a Comprehensive Sketch Plan. The study should reflect proposed ultimate channel conditions.

In a March 7, 2001 letter to Ben Dyer Associates, Inc., the Department of Environmental Resources approved a 100-year floodplain study for Fairwood Phase 2.

Environmental Issues Not Addressed by the Basic Plan Conditions of Approval

- a. Numerous streams, wetlands, and 100-year floodplains are found to occur on this property. The Environmental Features Plan, Type I Tree Conservation Plan, and Forest Stand Delineation reflect the locations of the streams, wetlands, 100-year floodplains, and the associated buffers which comprise the Patuxent River

Primary Management Area (PMA). Impacts to the PMA must be limited to that necessary for the development of the site.

No additional information is needed at this time. However, it should be noted that during the review of the Preliminary Plan of Subdivision, the plan must show the location of each of the features that make up the PMA, and clearly delineate the PMA boundary. In addition, each proposed impact must be described in detail in a Letter of Justification that states how the impacts were minimized in order to meet the standard of review as stated in Sec. 24-130(b)(5): to preserve the PMA “. . . in a natural state to the fullest extent possible.” A plan shall be provided that delineates each individual impact and the Letter of Justification shall reference each location shown on the plan. In addition, the applicant will be required to provide Wetland Reports, identify all wetland buffers, identify all wetland buffer impacts in accordance with Sec. 24-130(b)(7), and request a variation to Section 24-130(b)(7) of the Subdivision Ordinance for any wetland buffer impacts.

- b. Existing Church Road is classified as a scenic and historic road. This application proposes afforestation areas along both sides of existing Church Road from US 50 several hundred feet northward. North beyond the afforestation the proposal does not include sufficient information to fully evaluate how the viewshed of Church Road will be treated. At the time of Preliminary Plan of Subdivision, a viewshed analysis of for all residential areas of this application that abut Church Road shall be provided.
- c. On the western side of the property there is a parcel that is shown to be dedicated to the Department of Parks and Recreation. About half of this property is shown to be preserved. If this parcel is to be developed for park facilities, this designation would prohibit clearing on almost half the property.

Comment: Conditions 1.d, 2. a through d, and 3. in the Recommendation section of this report address the above environmental concerns.

- 7. The Transportation and Public Facilities Planning Division, Transportation Section, has numerous comments that pertain to the subject application. Finding 4 above addresses traffic calming measures and following are the remainder of the Transportation Section's comments and/or concerns.

No traffic impact study was prepared specifically for this application. As is discussed in greater detail below, the applicant is making use of findings made during the review of Final Development Plan FDP-9701. In the course of reviewing this application, however, the applicant has made available to staff a traffic analysis dated June 7, 2001, which was done for the explicit purpose of reviewing capacity issues along Church Road. The findings and recommendations outlined below are based upon a review of these materials and all relevant material by the Transportation Planning Section, consistent with the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*.

Summary of Traffic Impacts

Issues regarding transportation adequacy along MD 450 for the entire Fairwood site were addressed during the review of previous applications associated with Phase I of Fairwood. While Phase I was reviewed as Comprehensive Sketch Plan CP-9504, the definitive findings were associated with Preliminary Plan of Subdivision 4-97024 and Final Development Plan FDP-9701. The applicant has submitted considerable material in this regard. The 4-97024 and FDP-9701 applications included a condition requiring the applicant to make contributions of roadway improvements and cash payments totaling \$5.5 million, and the condition states that this contribution constitutes the entire financial responsibility of Fairwood toward MD 450, with Fairwood consisting of 1,799 dwelling units and 350,000 square feet of nonresidential uses. This is Condition 10 of the Planning Board's resolution approving 4-97024 and Condition 4 of the District Council's order approving FDP-9701. The bearing of these conditions upon the findings required for the subject application was a matter of appeal to the Circuit Court. In reviewing the testimony provided and the studies conducted, the Circuit Court determined that there was substantial evidence to support a finding of adequacy for the entire project, and the Court let stand all previous decisions. The wording of the above-cited conditions should be carried forward to the current plan and any future subdivision and final development plan referrals.

While the transportation staff did anticipate reviewing a comprehensive study as a part of the subject application, in response to past decisions the applicant elected not to submit a comprehensive traffic study for Phase II. With the review of past decisions and materials, staff concurs with this decision and believes all needed findings can be made without benefit of a comprehensive traffic study.

The preceding discussion concerns adequacy as the concept pertains to MD 450 and MD 450 only. While the transportation staff is not interested in revisiting MD 450, staff's June 20, 2001, memorandum indicated concern about the impact of the current plan upon Church Road. While the applicant did contend that approvals for earlier phases of the Fairwood project did cover transportation adequacy for the entire project, there is a clear indication that prior approvals addressed adequacy for MD 450 only. There was never a mention about Church Road, particularly during the extended discussions which occurred during the hearings for 4-97124 and FDP-9701, and the issue of adequacy along Church Road and at the major intersections along Church Road has never been addressed in the context of the entire Fairwood project.

In response to staff's concern, the applicant did provide a traffic study which was done to address Church Road capacity which was submitted to the county Department of Public Works and Transportation (DPW&T) on June 7, 2001; this study was revised on August 3, 2001, in accordance with DPW&T comments (and is attached as a means of transmitting this material to the case file). This study analyzed the following intersections:

- Church Road/Fairwood Parkway
- Church Road/Fairview Drive

- Church Road/Old Stage Road Extended

Staff determined that the study did indeed meet the intent of the June 20 request.

None of these intersections currently exist or would exist lacking development of the subject property. The study assumed that each of these intersections would be unsignalized. Under total future conditions with the development of the subject property, operating conditions would be as follow:

TOTAL TRAFFIC CONDITIONS				
Intersection	Turning Movement Delay (AM & PM)		Level of Service (not applicable to unsignalized intersections)	
Church Road and Fairwood Parkway	15.0*	17.1*	--	--
Church Road and Fairview Drive	11.7*	11.3*	--	--
Church Road and Old Stage Road Extended	11.1*	11.6*	--	--
*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 <i>Guidelines</i> , an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Delays of +999 are outside the range of the procedures, and should be interpreted as excessive.				

With existing traffic and the small amount of traffic generated by approved developments, all intersections in the study area would operate acceptably as unsignalized intersections with the development of the subject property. This analysis is based upon the general usage of one-lane approaches at all intersections. In all likelihood, as on-site roadways are bonded by DPW&T, several locations will utilize bypass lanes.

The links of Church Road through and to the north of the subject property were also analyzed in this study. The analysis indicated that these links, with the full development of Phases I and II of Fairwood, would operate no worse than 45 percent of capacity during the AM peak hour and no worse than 48 percent of capacity during the PM peak hour (volume to capacity, or V/C ratios of 0.45 and 0.48 respectively). The study noted that the links between Fairwood Parkway and Old Stage Road Extended would operate at approximately 40-50 percent of capacity, while the links to the north and south of Fairwood would operate at no worse than 32 percent of capacity. The Planning Board's *Guidelines* define 80 percent (or a V/C ratio of 0.80) as the upper limit of adequacy along a roadway link.

Compliance With Preliminary Development Plan

There are four transportation-related conditions in Zoning Ordinance 24-1994 approving the zoning on the subject property that will be addressed in varying degrees at various points in review process. Condition 2 is discussed in Finding 4 and 21 is furthered discussed below, and would be more completely addressed during the third and fourth phases of review of the subject property. Two other conditions will be discussed in greater detail:

- As discussed earlier, Condition 3, which concerns the staging of the

connection of Church Road between the subject property and MD 450, is addressed by this application. Traffic analyses provided by the applicant have shown that the connection of Church Road between Phase II and Westwood is not needed for the development of Phase II. Existing Church Road, along with Fairwood Parkway, provide adequate connections between the Fairwood project and surrounding roadways.

- Condition 20 requires that alignments for several Master Plan roadways be established at the time of Comprehensive Sketch Plan. Of primary concern at this time are the alignments for C-48 (Church Road Relocated) and its connections to existing Church Road and the loop roadway connecting C-48 to C-49 (Fairwood Parkway), which is identified as Fairview Drive. Church Road, according to a preliminary design which has been approved by DPW&T, would enter the site from the south at the existing overpass, transition onto a new alignment slightly west of the existing roadway with a green strip between the new and old roads, and continue north toward Westwood just west of Far-a-way Farms. In the interim, Church Road traffic would use a short connector roadway to connect between new and old Church Road to continue toward MD 450. Both Fairwood Parkway and Fairview Drive connect to this roadway at appropriate locations. All of these alignments are acceptable from the conceptual standpoint of this plan. In particular, the treatment of new and old Church Road and the connector roadways between them will require more detailed review at later stages.
- Condition 21 concerns the use of site design to encourage usage of transit and other nonvehicular modes. While the subject application uses good principles of arranging land uses, the potential for accessibility to transit and other modes should be further examined in regard to street layout, lotting patterns, pedestrian and bicycle facility locations, and building locations. This information will be provided with upcoming applications.

Church Road will be constructed within a 90-foot right-of-way with 4 travel lanes and 6-foot shoulders on each side. Street lights and street trees will be required. This is consistent with the Master Plan recommendations for Church Road in the *Bowie, Collington, Mitchellville, and Vicinity Master Plan*, which indicate a “two- to four-lane rural collector within a 90-foot right-of-way” in this area. The discussion of Church Road continues by describing “an ultimate four-lane section (60 feet of paving including paved shoulders) and no curb, gutters, or sidewalks.”

In so considering the planned improvements to Church Road, the transportation staff endorses the recommendations of DPW&T in their memorandum of October 11, 2001, for staging the Church Road facility, particularly items 1a and 1b, and recommends that these be made a condition of approval for the Comprehensive Sketch Plan.

Comments on the Comprehensive Sketch Plan

While the transportation staff largely supports the current plan as submitted, the applicant should be aware that all nonstandard rights-of-way and cross-sections described on the

infrastructure plan should have the approval of DPW&T prior to subdivision approval.

Comment: The above referenced concerns are addressed in the Recommendation section of this report in Conditions 4, 5, 6, and 7.

8. The Park Planning and Development Division of the Department of Parks and Recreation, in a memorandum dated May 24, 2001 (Asan to Whitmore), offers the following comments:

The applicant has been required to dedicate 10± acres of land toward the Master Planned Collington West Community Park. M-NCPPC received a 6.11-acre portion of the community park through the development of the adjoining Marleigh Subdivision to the west. Together the two developments will provide 16± acres toward the provision of a community park. According to the Commission's standards a community park should include the following range of facilities:

Active Areas

- Play equipment areas
- Courts (tennis, basketball, multipurpose)
- Athletic fields

Passive Areas

- Quiet games areas
- Picnic areas
- Sitting areas

Ancillary Areas

- Open shelter with restrooms
- Parking—nonmotorized and motorized

According to the approved Basic Plan, A-9894-C, and the Comprehensive Development Plan, CDP-9407, for the Marleigh Subdivision, the developer will construct two tennis courts, a playground and a sitting area on the 6.11-acre portion of the community park.

The 10-acre portion of the community park from the Fairwood development should provide acreage for athletic fields, picnic areas, an open shelter with restrooms and a parking lot.

Park and Recreation Facilities Guidelines require that at least one suitable vehicular access to the land being dedicated should be provided, the land to be dedicated should be above the 100-year floodplain, have a slope less than 7 percent, and be usable for active recreation.

This community park will be accessible from the Marleigh and Fairwood subdivisions. A pedestrian access will be provided from the Marleigh subdivision. The submitted plans do not provide any access to the community park from the Fairwood subdivision. Vehicular access to the parkland from the Fairwood subdivision is an essential component of the community park.

The area designated for the Collington West Community Park calculates only nine acres instead of ten acres as required in previous approvals. The area

designated for parkland is approximately 370 feet in width and 1,200 feet in length. Two acres of the land are in steep slopes over 20 percent and 3.7 acres of dedicated parkland is designated for tree preservation. Parkland development will be precluded in the area covered by tree conservation and the steep slopes would not be available for active recreation. In conclusion, only a four-acre portion of the dedicated land is suitable for the active recreation.

Conclusion

The proposed parkland does not meet the requirements of the Zoning Ordinance 24-1994 in size and it is not suitable or adequate for active recreation. The land to be dedicated for the community park should not include any steep slopes, stormwater management facilities, or tree conservation or utility easements. The parkland should provide opportunities for active recreation. The proposed parkland should be extended to a minimum ten acres, shall be free of tree preservation areas, be above the 100-year floodplain, have slopes less than 7 percent, and the area should have a width of at least 520 feet, to accommodate athletic fields and required buffers. A designated primary residential street (60-foot right-of-way), must be extended to the parkland to provide two-way vehicular access to the community park.

Comment: Condition 1.e in the Recommendation section of this report addresses this concern.

9. The Transportation Planning Section has reviewed the subject application and has offered the following comments in regard to the proposed trails on the subject site.

In accordance with the Adopted and Approved Bowie-Collington-Mitchellville and Vicinity Master Plan and prior approvals 4-97024, FDP-9701, CP-9504, and SP-99052, the following is recommended:

A ten-foot-wide, asphalt, master plan trail is recommended on the north side of US 50, from Church Road to the western boundary of the subject site, as shown on the sketch plan.

The master plan trail should have feeder connections to each of the three residential areas immediately to the north of the planned trail. Each feeder trail should be a minimum of six feet wide and asphalt, in conformance with Condition 3b of FDP-9701.

A master plan trail/bikeway is also planned along the subject property's portion of Church Road. In keeping with the goal of preserving the rural qualities of Church Road and based on discussions with the applicant and DPW&T, Church Road shall be constructed as an open-section roadway with six-foot wide, asphalt shoulders along each side. These shoulders will serve as the master plan trail facility and accommodate bicycle traffic through the subject property.

The provision of sidewalks along all internal roads and along both sides of Old Stage Road and Fairview Drive is recommended.

Curb cuts for all trails and sidewalks shall be ramped and handicapped

accessible.

10. The Department of Public Works and Transportation provided the following comments pertaining to the subject application.

The subject property is located along Church Road, between US Route 50 (John Hansen Highway) and MD Route 450 (Annapolis Road), both State-maintained highways. Church Road is a County-maintained roadway. Right-of-way dedication and roadway improvements, along the frontage of Church Road, in accordance with the Department of Public Works and Transportation's (DPW&T) Specifications and Standards, are required.

Sidewalks are required along all roadways, existing and proposed, within the property limits in accordance with Section 23-105 and 23-136 of the County Road Ordinance.

All storm drainage systems and storm drainage facilities are to be in accordance with DPW&T's and the Department of Environmental Resources' requirements.

Cul-de-sacs are required to allow, as a minimum, the turning movement for a standard WB-40 vehicle and a standard length fire truck. When considering the turning movement, it is assumed that parking is provided on the outside edge or radius of the cul-de-sac.

Conformance with street tree and street lighting standards is required.

Existing utilities may require relocation and/or adjustments. Coordination with the various utility companies is required.

A soils investigation report, which include subsurface exploration and a geotechnical engineering evaluation for public streets, is required.

In addition, DPW&T offers the following minimum requirements for roadway improvements on Church Road as a component of the Fairwood Subdivision. DPW&T also offers the following minimum requirements for road improvements on Church Road at existing MD 450 as a component of the Fairwood Subdivision under certain conditions that shall be described below:

- 1a) If the Fairwood Parkway is not constructed in its entirety from Church Road to MD 450 at the time traffic from the Fairwood Subdivision begins discharging onto Church Road, then an extension of the existing right-turn lane such that it is no less than two-hundred and fifty (250) feet plus a taper along Church Road at its current intersection with MD 450 is required.
- 1b) If the Fairwood Parkway is not constructed in its entirety from Church Road to MD 450 at the time traffic from the Fairwood Subdivision begins discharging onto Church Road and MD 450 is constructed such that the existing connection at Church Road is closed due to necessary traffic controls, then the existing MD 450 needs to be widened to accept a double left turn from Church Road.

- 2) Right-of-way dedication of approximately 90 feet from the existing eastern property lines of Church Road utilizing four 12-foot wide travel lanes and two 6-foot wide shoulders in an open section configuration, along an approved alignment, is required. This is applicable for the areas where the Fairwood Subdivision has frontage along Church Road. As a component of the frontage improvements, re-alignment of the "hairpin" turn on Church Road north of the Woodlawn Baptist Church to a T-intersection with the segments of Church Road constructed at approximately ninety-degrees to each other is required.
- 3) Street lights along Church Road utilizing cut-off optics luminaries will be required in accordance with Section 23-140 of the County Road Ordinance.
- 4) Street trees along Church Road, will be required.
- 5) Raised pavement markers at 40-foot spacing, along the centerline, are required.
- 6) A street construction permit with DPW&T is required for the above.

Comment: The above-referenced concerns will be addressed at the appropriate times as plans are submitted for that portion of the development. Finding 7 also addresses several of the above referenced concerns.

11. The Community Planning Division has found the subject application in conformance with the 1990 Bowie-Collington-Mitchellville and Vicinity Master Plan. However, the Community Planning Division has numerous concerns relating to the subject application and its close proximity to Freeway Airport and the impacts the flight path will have on Fairwood. The Comprehensive Sketch Plan for Phase II of the Fairwood development project conforms with the land use recommendations of the 1990 *Bowie-Collington-Mitchellville and Vicinity Master Plan*, but does not fully address the master plan recommendation that residential development within the flight path of Freeway Airport be minimized for safety reasons.

The Fairwood development proposal was approved for the Mixed Use Community (M-X-C) Zone in 1994 by A-9894-C. Two conditions of approval address flight activity at Freeway Airport and reference compliance with state and federal standards for aviation. State and federal aviation standards are intended to regulate the operation of aircraft, the design of airports, and protect airspace and aircraft from obstructions during normal flight activity. They are not intended to protect people or structures on the ground from the adverse impacts of normal flight activity or aircraft in distress. Neither the state nor the federal government have jurisdiction over land use around airports in Maryland; that is the responsibility of local jurisdictions. There are no approved standards or guidelines in Prince George's County that address the safety or compatibility of land use around airports.

An aviation consultant report entitled the *Airport Land Use Compatibility and Air Safety Study for the M-NCPPC*, November 10, 2000, was prepared at the request of the Planning

Department. It contains an overview of the regulatory environment affecting airports and land use planning, local and national issues, a risk analysis and an evaluation of existing and proposed land uses around each airport. The residential subdivision development proposed by the Fairwood project is specifically referenced as a future incompatible land use. The applicant has indicated that as many as 170 single-family lots are planned in the areas identified by the consultant report as residentially non-compatible with Freeway Airport operations. Based on information referenced in the consultant report, reducing density in the identified Accident Potential Zone (APZ) areas so as to limit exposure of future residents, and maximizing open or undeveloped areas for pilots in distress, is one way of increasing overall safety and compatibility with airport operations.

The M-X-C Zone is a very flexible development tool that allows a great deal of freedom for the developer to adjust the building products to the marketplace within general land type categories. Technically, the Phase II Comprehensive Sketch Plan has the flexibility to be designed for compatibility with aircraft operations from Freeway Airport. Practically, shifting units around the site can substantially affect the intended character of proposed development.

A proposed *Manual of Regulations for Land Use Around General Aviation Airports in Prince George's County* was prepared by the Planning Department and transmitted to the County Council by the Planning Board in June 2001. The proposed regulations recommend restrictions based on previous studies that would establish a high level of safety and a reasonable level of compatibility for future land uses around the four general aviation airports in the county. It is anticipated that the Council will review this proposal in the late summer or fall of 2001, but meetings or work sessions have yet to be scheduled.

In the Final Development Plan the applicant should be required to demonstrate a high level of safety and compatibility for any residential (or other) development proposed underneath the aircraft approach and departure areas north of Freeway Airport and east of the PEPCO power lines.

The Bowie Arnold House is located on the eastern part of the property, east of Church Road. This house is representative of a working plantation/farm of the nineteenth century; it was documented in 1989 and appears to qualify for historic site status. The owner is encouraged to apply for historic site designation and qualification for state and county preservation tax credits.

Master Plan: The 1991 *Bowie-Collington-Mitchellville and Vicinity Master Plan and SMA*.

Land Use: The master plan recommends "large lot alternative low-density" development for this property. Alternative low-density development techniques integrate high quality mixed-use development in a community, while retaining a low-density ambiance. The plan map shows a floating symbol for an elementary school on the property.

Freeway Airport is located on the property to the south across US 50 and there are a number of references to planning issues regarding the airport and surrounding development:

- pp. 35-36 *“Freeway Airport . . . serves general aviation demand for portions of Prince George’s and Anne Arundel Counties and Washington, D.C. As of 1982, this privately owned general aviation “Basic Utility” airport had 104 based aircraft, with projections to increase to 126 aircraft by the year 2000. A Basic Utility Airport generally services single-engine and small twin-engine airplanes with wingspans less than 49 feet in length. With an existing runway length of 2,150 feet, the facility falls below standards for a Basic Utility Airport.”*
- “The 1970 Master Plan does not recognize the airport use nor does the 1975 Sectional Map Amendment which places the property and surrounding areas in permanent low density residential zones. Access to the airport from US 50 (I-595) has never been planned. Large lot rural subdivisions have been approved along the airport’s south property line and have been approved along the east side of Church Road. The airport operates as a Certified Nonconforming Use in the R-A (Rural-Agricultural) Zone. Any enlargements, extensions or alterations beyond the boundaries of the site plan approved with its certification will require approval of a special exception.”*
- “The Maryland General Aviation System Plan, 1986-2000, recommends that Freeway Airport be retained as a Basic Utility Airport and that the runway be extended to 3,000 feet and widened from its present 30 feet to 60 feet. The Aviation Plan notes that if the airport is protected from encroachment by residential land uses, through appropriate land use controls, it could be developed as the County’s primary general aviation facility (assuming potential access to US 50/I-595).”*
- “State law requires that Obstruction Zoning regulations be applied to the zoning maps which not only include the airport property, but adjacent properties which are affected by the obstruction zoning overlay regulations. The intent of these regulations is to preserve the integrity of the airports airspace and to assure safety in the landing and takeoff paths by controlling development within prescribed elevations contours from projecting vertically into or above the contours. This has the effect of potentially limiting the height of structures on adjacent properties, including restricting the height of vegetation.”*
- p.88 *“The portion of the community north of US 50 (I-595) between the PEPCO power lines and Church Road must take into consideration its relationship to the flight paths for Freeway Airport which encompass this area. This relatively limited area should be utilized for non-intensive land uses such as recreation and open space or land intensive special exception uses (i.e., cemetery, golf course) which would be compatible with the character of the areas and the airport operations. Residential development within the flight path of the airport should be minimized for safety reasons.”*
- p.91 *“Within Community VII, Freeway Airport is recognized as an existing nonconforming use. As explained in the Circulation and Transportation Chapter, this Master Plan does not endorse the enlargement an/or*

extension of the use beyond its current boundaries. Residential development within the flight paths of the airport should be minimized for safety reasons."

PLANNING ISSUES

The Comprehensive Sketch Plan implements the master plan's vision for a quality mixed-use community as approved under the M-X-C Zone in A-9894-C. However, the compatibility of some of the proposed land uses with aircraft operations at Freeway airport has become an issue. The sections which follow describe how this issue was dealt with during review of rezoning application A-9894-C, how airport compatibility concerns arose following approval of the M-X-C Zone in 1994, what has been learned about land use regulation and standards with respect to general aviation airports, proposals that have been made to regulate airport compatibility in Prince George's County, and suggestions for how the issue should be addressed at this point in time.

Freeway Airport

As indicated in the master plan, Freeway Airport is a small, general aviation airport facility that is located directly across US 50 from the Fairwood Turf Farm property. This airport began operations in the 1950s prior to enactment of zoning regulations for this part of the county (1959); the airport operates as a certified nonconforming use in the R-A Zone.

Airport facilities have not been expanded due to their nonconforming use status, but flight operations have increased dramatically over the years, from 20,000 to 30,000 flight operations per year in the early 1990s to over 60,000 in 2000. (A flight operation is either a take-off or a landing, thus there are currently about 30,000 aircraft flying over the land area at each end of the runway.) There are no state, federal, or county controls over the number of operations conducted at this airport. There are active flight training businesses, which appear to account for a significant proportion of current operations. Based aircraft at Freeway Airport have fluctuated between 87 to 107 aircraft during this time period.

The north end of the airport runway ends just to the south of US 50, with the primary surface (200 feet beyond the runway end) extending over the US 50 right-of-way. (US 50 was built after the airport began operations.) An area identified as the Runway Protection Zone (RPZ), which extends another 1,000 feet from the end of the runway primary surface, is defined by federal airport planning guidelines and is located on the southernmost part of the Fairwood property between Church Road and the PEPCO power lines.

The area between Church Road and the PEPCO lines is also subject to federal airspace obstruction regulations (FAR Part 77). For an airport like Freeway, an approach slope of 20:1 is defined as beginning at the primary surface and extending upward and outward to a distance of 5,000 feet. According to these federal regulations, objects constructed or allowed to grow may not exceed the defined imaginary surfaces. Thus, objects in the RPZ area must be at ground level where the approach surface begins (e.g., at the primary surface), and not exceed 50 feet at the far end of the RPZ. Ideally, the RPZ should be owned by the airport and should be clear but in the case of many small older airports, like Freeway, it is not.

Due to the PEPCO power transmission lines built along the west side of the airport, the airport flight traffic pattern is nonstandard and restricted to the east side of the airport. Thus, twice as much air traffic is concentrated over the east side of the airport than would be the case without the PEPCO lines. In addition, the extended runway center line/flight path is angled to the northeast, roughly parallel to the PEPCO lines, in order for pilots to avoid conflicts with the power lines at low altitudes during take-off or landing. (The PEPCO lines were also built after the airport began operation.)

Fairwood — M-X-C Zone Approval, A-9894-C

The Fairwood development proposal was approved for the M-X-C Zone in 1994 by A-9894-C. The technical staff report discussed the 1991 Master Plan recommendation for low-intensity land use underneath the flight path and the FAR Part 77 protecting airspace:

pp. 26-27 *“It is suggested that the area under the flight path is not appropriate for residential uses. Staff agrees, but only to a point. Because the dimensions for the approach surface are so encompassing (a trapezoid measuring 5,000 feet in length with inner and outer widths of 250 and 1,250 feet respectively), to restrict any development under it could be considered a taking and would probably cause the applicant and the airport operator unnecessary problems.*

In two previous cases where airport compatibility was an issue (A-9667 at Washington Executive Airport and SE-3954 at Potomac Airfield), staff concluded that the more reasonable area to restrict was that falling under the Runway Protection Zone, or RPZ (formerly the runway clear zone)...”

The technical staff report recommended approval of A-9894 with the following conditions:

- “6. *Land uses within the flight path of Freeway airport should be minimized in accordance with the recommendations of the Master Plan. Development of areas within the flight path, if pursued, should incorporate any applicable State regulations regarding Obstruction Zoning.”*
- “12. *Any residential development between the PEPCO right-of-way and Church Road shall be set back at least 1,200 feet from the northern end of the exiting runway at Freeway Airport.”*

Subsequently, the District Council approved the M-X-C Zone in A-9894-C with the following conditions pertaining to Freeway airport flight activity:

- “5. *Development of areas north of the existing runway at Freeway Airport shall be subject to any applicable State or federal aviation regulations.”*
- “11. *Any residential development between the PEPCO right-of-way and Church Road shall be set back at least 1,200 feet from the northern end of the existing runway at Freeway Airport in order to accommodate the Runway Protection Zone. This trapezoid begins 200 feet beyond the end of the runway and has the following*

dimensions:

<i>"Length:</i>	<i>1,000 feet</i>
<i>"Inner Width:</i>	<i>250 feet</i>
<i>"Outer Width:</i>	<i>450 feet</i>
<i>"Total Area:</i>	<i>8.035 acres"</i>

In both cases, airport planning standards intended to protect pilots/aircraft in normal flight operations from construction or other activity on the ground were referenced as if they were intended to protect people or structures on the ground from the effect of aircraft operations or unplanned events. The lack of other standards or guidelines regarding land use around airports perpetuates the misconception regarding these regulations.

Airport Land Use Compatibility and Air Safety Study for the M-NCPPC, November, 2000

Since 1997, the Planning Department has been engaged in a work program effort to examine risk and land use compatibility issues around the county's four general aviation (GA) airports: Potomac Airfield in Friendly, Washington Executive Airpark in Clinton, **Freeway Airport in Mitchellville**, and College Park Airport in College Park. The project is an outgrowth of several aircraft accidents in the neighborhoods around Potomac Airfield during the mid-1990s (after approval of the Fairwood M-X-C Zone) and resulting residents' concerns. A separate report on issues at Potomac Airfield was prepared by staff in June of 1999. Following a review by the Planning Board, the report was transmitted to the County Council for information.

To help the staff further understand the issues and risks involved at Potomac Airfield and the other airports in the county, the Planning Department hired a team of aviation consultants to examine safety and land use compatibility issues around each airport, to research what is being done in other jurisdictions, and to recommend state-of-the-art approaches to address issues in Prince George's County.

The aviation consultant, William V. Cheek and Associates of Prescott, Arizona, conducted research and field study during the summer of 2000 and prepared a detailed report which was submitted to the Planning Department on November 10, 2000. Entitled the *Airport Land Use Compatibility and Air Safety Study for the M-NCPPC*, it contains an overview of the regulatory environment affecting airports and land use planning, local and national issues, a risk analysis and an evaluation of existing and proposed land uses around each airport. The report also identifies incompatible existing or proposed land uses and contains recommendations for preparing regulations, or taking other actions that will enhance the safety or compatibility of land uses in the immediate vicinity of these airports.

The consultant report contains an inventory of aircraft accidents reported to the National Transportation Safety Board for each of the airports in the county since 1974, and a risk analysis projecting probabilities for future accidents and their locations. This analysis reveals areas of higher and lower risk in proximity to airport runways. In general, risk increases in direct proportion to the number of operations. The report also indicates that higher levels of risk are associated with locations closer to the ends of the runway where aircraft operations are concentrated at lower altitudes, and lower levels of risk at locations

farther away where aircraft are at higher altitudes and more dispersed. On the basis of the accident inventory and public testimony at a public information forum held on this report, it was learned that six aircraft accidents on the Phase II section of the Fairwood property have been reported to the National Transportation Safety Board (NTSB) since 1965, all within approximately one-half mile of the end of the runway. (See attached letter dated March 2, 2001, from Martha Ainsworth to Elizabeth Hewlett, Chairman.)

The consultant identifies a recommended model of six standard safety zones and a land use compatibility matrix for the county to consider applying around each GA airport in order to enhance the future safety and compatibility of surrounding land uses. The described safety zones (pp. 35-39), identified by the consultant as accident potential zones (APZs), were based on a survey of state-of-the-art airport compatibility planning policies and standards across the country. The consultant further identifies land uses considered to be compatible or noncompatible with airport operations depending on the locations within the identified accident potential zones (p.46). **The residential subdivision development proposed by the Fairwood project is specifically referenced as a future incompatible land use.** The consultant report is attached to this memorandum as a resource and a reference for review of the Fairwood Comprehensive Sketch Plan and subsequent review stages.

The pattern of recommended APZs for Freeway Airport is illustrated on page 44C of the consultant report. Due to the proximity of the airport runway to the southern part of the Fairwood property, parts of all six of the APZs fall on the property. Three of the APZs are of significant concern with respect to the residential land uses proposed in the submitted Phase II Comprehensive Sketch Plan:

APZ-2, the Inner Safety Zone (16 acres proposed Single-Family Low and Medium Density)

APZ-3, the Inner Turning Zone (35 acres proposed Single-Family Low and Medium Density)

APZ-4, the Outer Safety Area (26 acres proposed Single-Family Medium Density)

In each of these APZ categories, residential land uses are identified by the consultant as:

“Clearly Unacceptable: Specified use should not be allowed. Potential safety or overflight nuisance impacts are likely in this area.” (p.46)

Pursuant to discussions with the applicant, it is estimated that **approximately 170 one-quarter to one-half acre, single-family, detached residential lots are estimated for development in the parts of the blocks subject to the consultant’s findings.** (Another 59 lots are planned for a block farther north which is part of Phase I, Section 3, and includes some of the APZ-4 safety area.)

The Regulatory Environment

Federal and State Regulations

As we have learned in recent years, there are no clearly established standards or

regulations (either federal, state, or local) that specifically address safety or compatibility of land uses around general aviation airports in Prince George's County. As stated in the consultant report (p.14), "*The federal government is charged with air safety regulation and the development and operation of the nation's air traffic control system. In that connection, it regulates airports, airways, pilots, mechanics and air controllers. It participates in the regulation of aircraft manufacturers, fixed base operators, aircraft repair facilities, and related matters. The FAA does not undertake to enact or enforce local land use controls, and leaves these issues to local governments.*" With respect to federal airspace regulations, they are designed primarily to protect pilots from land use or construction activity on the ground during normal flight operations. These federal regulations do not address safety or compatibility of people or structures on the ground from flight operations that are not normal, i.e., off airport accidents or incidents.

In Maryland, the regulation of land use is delegated to the local jurisdictions, and the Maryland Aviation Administration (MAA) does not have jurisdiction beyond the airport boundary. State regulations in COMAR are primarily concerned with the licensing and operation of airports, or reinforcing the airspace obstruction standards. The MAA provides advice and information to local jurisdictions on a request basis, and will comment on development proposals in the vicinity of airports. The MAA has provided comment on the subject application, indicating that aircraft will be flying as low as 60 feet above residential structures proposed in the area north of the airport. Based on experience, neighborhood complaints will soon follow. (See attached letter from Bruce Mundie dated April 2, 2001.)

When the Fairwood rezoning application was reviewed in the early 1990s, state and federal regulations that regulate aircraft or airport operations or protect pilots from activities on the ground were referenced. Zoning Conditions 5 and 11 specifically require compliance with state and federal regulations or guidelines. Thus, the Fairwood proposal is required to protect airport operations from interference by any construction activity on its property, but this does not protect the future homeowners from the impacts of the airport operations or aircraft in distress. The absence of any regulations or standards specifically pertaining to safety and compatibility of land use around an airport does not appear to have been well understood. There are still no such regulations in effect in Prince George's County.

Proposed County Airport Compatibility Regulations

In response to concerns of the County Council about land use in airport environments, staff and an aviation consultant have conducted extensive studies, published two reports, and recommended a set of land use standards. A proposed *Manual of Regulations for Land Use Around General Aviation Airports in Prince George's County* was transmitted to the County Council by the Planning Board in June 2001. The proposed regulations recommend restrictions based on previous studies that would establish a high level of safety and a reasonable level of compatibility for future land uses around the four GA airports in the county. These recommendations generally **propose lower density or intensity land uses within the one-half mile close to the ends of the runway and up to one mile under the flight path where aircraft are close to the ground.** As the distance increases, fewer concerns are documented and the proposed regulations are less stringent.

The proposed regulations also recommend procedures that would mitigate the impact of

proposed residential development restrictions for property owners near airports. In these areas, more flexible lot size standards are recommended in order to shift allowed development away from the flight path during subdivision and development, e.g., an Airport Policy Area Mitigation Residential Subdivision technique. These proposed regulations are pending Council consideration as possible legislation at the present time. It is anticipated that the Council will review this proposal in the late summer or fall of 2001, but meetings or work sessions have yet to be scheduled.

Existing Zoning Ordinance Requirements

According to the Zoning Ordinance, “**Section 27-546.05(d)(2) Prior to approving a Comprehensive Sketch Plan, the Planning Board shall find that: (C) The proposed plan incorporates design and planning techniques that will make it compatible with existing and proposed development in the vicinity;**”

While there are no current standards regarding the safety or compatibility of land uses around county airports, there is a legitimate concern and standards have been proposed for safety reasons. However, until the Council enacts legislation (either the transmitted proposal or an alternative), review of development proposals in the vicinity of airports will pose a dilemma to all involved.

The aviation consultant’s report provides some broad guidelines, and the proposed legislation provides recommendations that promote a high degree of safety and a reasonable level of compatibility for the land uses within one mile of the county’s four GA airports. However, these are only recommendations that do not presently have the force of law. Regardless, the aforementioned studies document that locating significant numbers of housing units under the flight path for an airport near the end of the runway is a problem for both the future residents and pilots at the airfield.

The Fairwood Comprehensive Sketch Plan, Phase II

Phase II of the Fairwood project (the southern 580 acres—the subject application) is restricted almost exclusively to single-family detached residential development. One area is identified for Other Residential Use by the Preliminary Development Plan, thus allowing apartments, townhouses or single-family development. A substantial amount of acreage (209 acres) is devoted to Community Use areas. Phase II also includes the proposed right-of-way for the Intercounty Connector (A-44). Up to 1,000 dwelling units have been requested for Phase II.

In Phase I of the project (the northern 477 acres), most of the M-X-C review procedures have been completed and it is largely committed to an approved development pattern; the applicant is not interested in repeating those procedures to revise development approvals. Up to 1,000 dwelling units were approved, although somewhat fewer will probably be built. Overall, the entire project will be limited by the 1,799-unit maximum.

M-X-C Zone Residential Land Uses and Density

The M-X-C Zone is a very flexible development tool that allows a great deal of freedom for the developer to adjust the building products to the marketplace within general land type categories. Commercial, employment, residential and community facilities are allowed in the M-X-C Zone. However, the Phase II Comprehensive Sketch Plan subject

to this review includes only residential and community use land area.

The M-X-C Zoning Ordinance (Sect. 27-546.04) limits the maximum density of residential development in the entire zone to 2.0 dwelling units per gross acre (1,058 Ac. x 2.0 = 2,116 units). In the case of the Fairwood proposal, maximum residential development is further restricted by zoning approval condition number six to 1.7 dwelling units per gross acre (1,058 Ac. x 1.7 = 1,799 units).

Table 1 shows the zoning ordinance limits for the types and quantities of residential development allowed in the M-X-C Zone (Sec. 27-546.04(b)) and the maximum densities allowed at Fairwood for each of these land use categories. With respect to the entire Fairwood project, the sum of the maximum densities allowed for each of these land use categories (3,634 units) far exceeds that allowed by statute or approval (1,799 units). Phase II contributes up to 1,482 units, but there are no specific restrictions on where these units might be built, so long as the number for each Use Category in the project is not exceeded.

Table 1.
M-X-C Zone Residential Use Category Density Limits

Residential Use Category	Max units per gross acre	Fairwood		Fairwood Phase II	
		acres	units	acres	units
Single Family - Low Density	2.0	268	536	166	332
Single Family - Medium Density	4.0	212	848	175	700
Other Residential Use Areas	15.0	<u>150</u>	<u>2,250</u>	<u>30</u>	<u>450</u>
		630	3,634	371	1,482

Under the approval conditions of the M-X-C Zone at Fairwood, only 1,799 residential units may be developed. Therefore, heavy emphasis in one residential land use category results in restrictions in other categories. For example, if all the allowed single-family units are built (1,384 units), there is a reduction in the number of Other Residential Use units that can be built (only 415 units). Similarly, if there is a larger emphasis on Other Residential Use units (perhaps 1,000 apartments or townhouses), there is a reduction in the maximum number of single-family units that can be built (799 units).

The above figures give an impression of considerable flexibility to adjust development products and patterns to achieve a certain character, to conditions of the market, to the environment, or other considerations (such as airport compatibility) during the subsequent review stages in the M-X-C Zone. However, adjustments can have significant consequences on the intended product type, the project appearance and target markets. Under the four-step review process of the M-X-C Zone, decisions on specific types, quantities and distribution of residential units do not need to be made until after the Comprehensive Sketch Plan has been approved, i.e., in the Final Development Plan Review and preliminary subdivision. At the present stage, i.e., the Comprehensive Sketch Plan, the exact mix and distribution of dwelling unit types and lot sizes is not specifically required.

Applicant Meeting

On June 14, 2001, staff from the Community Planning Division and the Development

Review Division, Urban Design Section, met with the applicant to understand the potential impact of proposed airport area land use regulations on the development concept for Phase II of the Fairwood proposal, to explore the potential to shift development around using the inherent flexibility of the M-X-C Zone (as if the proposed regulations were approved), and to identify the resulting land use consequences and trade-offs.

On the whole, Fairwood has been designed and approved as a contemporary, planned, suburban community similar to the villages of Columbia, MD. It will provide an attractive and comfortable living environment for future residents (except, of course, for airport impacts), and complement suburban development patterns in this part of the county. There is an emphasis on single-family detached residential lots, particularly in Phase II.

As a preview of development proposals to be submitted in the Final Development Plan for Phase II, the applicant illustrated a pattern of single-family neighborhoods, each containing a mixture of different size/width lots and dwelling units, designed to take advantage of the topography and features of the landscape. With respect to the area approved for Other Residential land use, the applicant does not feel that a large apartment complex is appropriate at this location, and virtually all of the allowed townhouse development for the project is slated for construction in Phase I. (Townhouse development was restricted by ordinance to 25 percent of the total units subsequent to approval of the Fairwood —X-C Zone.) Thus, this Other Residential area will probably be developed as single-family, detached residential lots as well. Phase II also contains a large amount (209 acres) of Community Use Areas, and the right-of-way for proposed highway A-44 and its interchange at US 50.

The applicant indicated that approximately 170 single-family detached lots are planned in Phase II for the development blocks east of the PEPCO lines in areas containing Accident Potential Zones (APZ) identified in the consultant's report, i.e., APZ-2, APZ-3 and APZ-4. (This is nearly double the number of units that exist in a comparable area southwest of Potomac Airfield in Fort Washington, which have engendered county concerns.) Table 2 lists the impacted residential areas, identified as development blocks 37 through 41, and the approximate land area in each of the three APZs. (Note: Another 18 acres is contained in the northern part of APZ-4, in an area identified as Phase I, Part 3, e.g., Block 36 containing 29.7 acres where another 59 single-family lots are proposed. A Comprehensive Sketch Plan has yet to be submitted for this area.)

Table 2
Impacted Residential Areas in Fairwood II

Block Number	Land Area	Accident Potential Zones			
		APZ-2	APZ-3	APZ-4	APZ Total
Block 37	17.7	3	3	8	14
Block 38	29.6	13	18		31
Blocks 39/40/41	54.3		14		14
Phase II Subtotal	101.6	16	35	8	59

Based on information referenced in the consultant report, **reducing density in the identified APZ areas so as to limit exposure of future residents, and maximize open or undeveloped areas for pilots in distress, is one way of increasing overall safety and compatibility with airport operations.** For residential land uses, the proposed airport area regulations have recommended very large lots under the aircraft approach/departure route within areas up to one mile from the end of the runway and shifting or clustering the location of structures away from the centerline of the flight path. Since there are no lot size or distribution requirements in any of the residential categories in the M-X-C Zone, the existing regulations already allow a substantial degree of latitude to mix lot sizes and locations across the site to achieve such an objective. **Another way to provide compatibility would be to substitute other compatible, non-residential land uses in place of residential,** such as trading sites with Community Use areas. There are several options available for the applicant to achieve these goals:

Some or all of the single-family residential units planned under the aircraft approach/ departure route could be redistributed to other parts of the site designated for single-family or multifamily residential land use. It is recognized that redistributing a large number of units could substantially alter the design and character of the envisioned single-family residential neighborhoods. In this context, design issues need to be balanced with airport safety and compatibility issues.

The A-44 right-of-way is designated as a Single-Family Medium Density Use Area. If this proposed road is removed from the master plan of transportation, this land area would be appropriate for relocation of some of the proposed residential units impacted by airport operations.

Delete units planned under airport approach/departures zones from the building program, i.e., build fewer lots (or delay construction of lots planned for these areas until the airport ceases operations).

Request reclassification of the areas impacted by airport operations for compatible nonresidential land uses, either under the M-X-C Zone, or in other zones.

In conjunction with Council review of the proposed *Manual of Regulations for Land Use Around General Aviation Airports*, consideration should be given to legislating:

Streamlined techniques in the M-X-C Zone to trade single-family residential areas subject to safety/compatibility impacts from airport operations with non-impacted areas, such as parts of the Community Use areas along US 50.

Revising the percentage (25 percent) of townhouse units allowed in the M-X-C Zone for properties impacted by airport operations to allow the Other Residential Use area in Phase II to be developed accordingly.

Identify/initiate steps to strictly limit or cease operations at Freeway airport, either through public or private initiatives.

Recommendations

Technically, the Phase II Comprehensive Sketch Plan has the flexibility to be designed

for compatibility with aircraft operations from Freeway Airport. At this stage in the overall project design and review, however, there may be practical limitations that will make it difficult to maintain both the development yield and the variable lot size, single-family, detached, residential development pattern currently envisioned for Phase II. Given that no clear standards exist and neither the county nor the applicant had the benefit of the information cited above when the M-X-C Zone and the Preliminary Development Plan was approved in 1994, we feel **it is important for the county to work with the applicant to expeditiously identify and implement appropriate adjustments to the intended development pattern.** As proposed for all other properties surrounding airports, the goal should be to achieve a high level of safety and airport compatibility with little or no loss of existing development potential and a minimum of extra process.

In absence of new enacted legislation, it is recognized that there is no clear definition of safety or compatibility standards for land use around airports in Prince George's County. In order to demonstrate adequate attention has been paid to safety and compatibility of the proposed residential development with surrounding land uses (e.g., Freeway Airport), the applicant should be required to demonstrate the following in the Final Development Plan:

A development pattern that provides for a high level of safety and compatibility for any residential development underneath the aircraft approach and departure areas north of Freeway Airport and east of the PEPCO power lines.

Absent new legislation on this matter by the Council, the applicant must demonstrate to the Planning Board that the safety and compatibility of any proposed residential land use with airport operations has been specifically addressed and assured. Compatibility should be demonstrated on the basis of information contained in the Cheek aviation consultant's report, the resources cited therein, or other appropriate resources the applicant might find that specifically address the safety and compatibility of land use subject to overflights at general aviation airports.

Notice of the airport environment should be provided to any future residents of areas impacted by airport operations. The details of this requirement should be specified at the time of subdivision.

Technically, the Phase II Comprehensive Sketch Plan has the flexibility to be designed for compatibility with aircraft operations from Freeway Airport. At this stage in the overall project design and review, however, there may be practical limitations that will make it difficult to maintain both the development yield and the variable lot size, single-family, detached, residential development pattern currently envisioned for Phase II. Given that no clear standards exist and neither the county nor the applicant had the benefit of the information cited above when the M-X-C Zone and the Preliminary Development Plan was approved in 1994, we feel **it is important for the county to work with the applicant to expeditiously identify and implement appropriate adjustments to the intended development pattern.** As proposed for all other properties surrounding airports, the goal should be to achieve a high level of safety and airport compatibility with little or no loss of existing development potential and a minimum of extra process.

In the absence of new enacted legislation, it is recognized that there is no clear definition of safety or compatibility standards for land use around airports in Prince George's

County. In order to demonstrate adequate attention has been paid to safety and compatibility of the proposed residential development with surrounding land uses (e.g. Freeway Airport), the applicant should be required to demonstrate a harmonious development that will be able to co-exist with the existing Freeway Airport.

Comment: As indicated earlier, removal of A-44 from the Master Plan would allow the developer to locate lots within this portion of the site, thus recouping part of the possible lot loss that might result from adjustments made to enhance compatibility with the airport. The staff does not support a general, project-wide reduction in lot sizes in order to recoup possible lot losses. While the rezoning of A-9894-C allowed for 1,799 dwelling units, the rezoning does not guarantee the applicant a specific lot yield. Thus if the applicant is unable to attain 1,799 units, it does not necessarily create a taking situation. Conditions 2.e, 10.a and b, located in the Recommendation section of this report, address the above concerns.

12. The Subdivision Section raised numerous issues pertaining to the subject application, several of which have been previously addressed. Following are the concerns that have not already been addressed within the body of this report:

- a. The Comprehensive Sketch Plan (CSP) text, page 3, indicates that the exact alignment of Church Road was established at the time of approval of the preliminary plat for the easternmost portion of Phase I. At the time of approval of the preliminary plat the exact alignment was not established. A further timing mechanism should be established and the text revised accordingly.

Comment: The easternmost portion of Phase I has not been approved at the time of the writing of this staff report. However, the applicant has come to an agreement with the Department of Public Works and Transportation and the Transportation Planning Section as to the final alignment of Church Road. Therefore, CP-9504 for Phase I should be revised to graphically represent this final alignment.

- b. Section 24-128(b)(7) of the Subdivision Regulations does not allow private roads in the M-X-C Zone to serve single-family detached dwellings. Therefore, public rights-of-way will be required to serve these types of dwellings. The CSP text page 8, indicates that all the "[o]ther residential streets" are proposed with a 50-foot right-of-way. Section 24-123(a)(4) allows the width of secondary subdivision streets to be not less than 50 feet; however, primary subdivision streets should not be less than 60 feet wide.

Comment: Condition 1.f in the Recommendation section of this report addresses this concern.

- c. Section 24-121 of the Subdivision Regulations requires residential lots adjacent to a freeway to be developed with a 300-foot lot depth, which will apply to lots along US 50. In addition lots developed along A-44 will require a 150-foot lot depth. For planning purposes the applicant may show the location of these restrictions.

Comment: The plans should be revised to include both the 300-foot lot depth for the lots along US 50 and 150-foot lot depth for lots developed along A-44.

- d. It appears that the landscape section contained in the CP text provides no reference to the Prince George's County *Landscape Manual*, which the site is subject to along its perimeter.

Comment: The landscape section contained within the accompanying text document for CP-0101 should be revised to state that the application is subject to the *Landscape Manual* except as modified by Section 27-546.04(e) of the Zoning Ordinance.

- e. Section 27-546.05(c)(2)(C) requires that the CP show the location of all proposed public streets and roads. The sheet containing this information was not provided with this referral.

Comment: By its very nature a Comprehensive Sketch Plan is very conceptual. The submitted plans do show the two major roads within Phase II and staff finds that acceptable. The exact location of the remaining public streets and roads should be identified at the time of approval of the Final Development and Preliminary Plan.

- f. Section 27-546.05(c)(2)(H)(iv) requires that the CP text establish the street plan if not already approved. The subject application should be revised to reflect that previous approval.

Comment: The street concept is set forth in the CP text on pages 7 and 8. This street plan is the same as was approved with CP-9504 and the standards set forth in that approval should carry forward to Phase II.

- g. In several locations the CP text references "Permanent access to lots may be provided by means of perpetual common reciprocal access easements as shown on the final subdivision plat or recorded easement documents." This statement is not in conformance with the Subdivision Regulations and should be removed from the text. There appear to be several other inconsistencies relating to parking and the Zoning Ordinance within the text of the CP.

Comment: The above statement should be removed from the text of the CP. The applicant should revise the text and/or provide an explanation as to the inconsistencies in the text relating to parking and the Zoning Ordinance.

- h. In the CP text, page 9, in the Permitted Uses Section, the applicant provides reference to the division of land into fee-simple ownership, establishes standards in which it can be done, and provides for access via easements. Without additional information regarding the intent of this section, this language should be removed from the text.

Comment: The language in the text on page 9 in the Permitted Uses Section that references the division of land into fee-simple ownership is insufficient. This language should be removed from the CP text.

13. The Prince George's County Board of Education in a memorandum dated April 3, 2001 (Lee to Whitmore), offered the following comment:

"The proposed Fairwood Subdivision, Phase II, will neither impact any existing public school facility nor affect the operation of Prince George's County Schools

from a physical standpoint.”

14. The Community Planning Division, Planning and Preservation Section, has reviewed the subject application and provides the following analysis.
 - a. As prescribed by Zoning Ordinance 24-1994, Section 2, Condition 8, concerning the Environmental Setting of Fairview, the Historic Preservation Commission determined that no land in the M-X-C Zone shall be designated as part of the Environmental Setting of Fairview. Therefore, no property owned by Rouse-Fairwood shall be in the Environmental Setting for Fairview. The Environmental Setting for Fairview, as defined in Subtitle 29-102(a)(1), is the 9.90-acre parcel containing the Fairview house and the half-acre parcel containing the cemetery, both owned by Oden Bowie and his family, and shown zoned as R-E on CSP mapping. Mr. Bowie may request a reduced Environmental Setting if he chooses.
 - b. The HPC approved HAWP #12-01 for the demolition of the frame and brick barn, subject to the following conditions:
 - (1) HABS quality documentation of the barn should be provided to the Historic Preservation office.
 - (2) The stone foundation and the footprint of the barn should be retained for interpretative purposes. A portion of the masonry foundation should be retained, preferably the long wall and one short wall at approximately two feet high. The remaining wall and piers from the stable portion could be represented by brick pavers.
 - (3) A sign or marker, with appropriate text and photographs interpreting the barn and the lane, should be placed at the location of the barn describing their relation to the Fairview Historic Site.
 - (4) A plan for the interpretative site should be presented to the Historic Preservation Commission at a later date.
 - (5) Materials from the barn should be offered to the Department of Parks and Recreation for their use, or to the Newel Post.

Background

Fairview was built around 1800 by Baruch Duckett, who had served as a lieutenant in the Revolutionary War. His descendants have always lived there, including Oden Bowie, a veteran of the Mexican-American War, who also served in the State Legislature and was one of the Maryland's most noted governors. The stuccoed-brick Federal house is located on a 9.90-acre parcel along with several outbuildings. The cemetery is located on a separate half-acre parcel east of the house. These two properties remain in Bowie family ownership. Also associated with Fairview but owned by Rouse-Fairwood is a large frame and brick barn, constructed in the mid-1800s to stable horses. Previous applications for development of this property have excluded Fairview and the cemetery from the developable parcels, as does this one. Previous correspondence for this development recommended that the Environmental Setting be determined at the time of Comprehensive Sketch Plan.

This phase of development of the Fairwood Property involves approximately 580 acres owned by Rouse-Fairwood Limited Partnership. The area is zoned M-X-C (Mixed-Use Community) and the proposal includes 209 acres for Community Use Area, 166 acres for single-family, low-density residential, 175 acres for single-family, medium-density, and 30 acres for other residential uses. All land within Phase II is residential or community use (open space) and there is no nonresidential development associated with this phase of development. This phase of development surrounds Historic Site 71A-13, Fairview and cemetery, which is retained in the R-E Zone.

Rouse-Fairwood requested a determination of the Environmental Setting for Fairview and cemetery. They proposed a discontinuous setting of the 9.90-acre parcel including Fairview and the half-acre parcel including the cemetery. These parcels are owned by the Bowie family.

Rouse-Fairwood also requested permission to demolish the mid-19th century barn. Rouse states that due to the extremely deteriorated condition of the frame barn, it is not possible to move the structure to a parcel owned by the Bowie family. It is also Rouse-Fairwood's position that it is not desirable to rehabilitate the structure due to the condition of both the masonry and the timber and a lack of an appropriate use. They have stated on several occasions that they are willing to document the barn with HABS quality documentation. Rouse-Fairwood waived the 45-day review period for the HAWP so that it could be heard at the same time as the development case.

Findings

- a. Fairview sits on a 9.90-acre parcel that is roughly rectangular in shape. The cemetery sits on a half-acre parcel 450 feet east of the main house. It is enclosed by a 50-foot x 50-foot fence. These two parcels have been retained by the Bowie family. The remainder of the property previously associated with Fairview is part of the Rouse-Fairwood holdings. A frame and brick barn is located 131 feet southeast of the house and is separated from the house by a dirt lane and by dense trees.
- b. Fairview and the cemetery are separated by a 60-foot right-of-way called Fairview Drive. Access to Fairview will be provided via private road from Fairview Drive or My Mollie's Pride. There will be no vehicular access to the cemetery. There will be pedestrian access via the existing footpath.
- c. The proposed land uses around Fairview and the cemetery are for single-family low density. Rouse-Fairwood proposes landscaping along roadways and at the cemetery to enhance views and to provide buffering. The Conceptual Elements plan sheet draws attention to preserving existing vegetation or providing landscaping to protect Fairview's Environmental Setting and preserving sections of the existing farm lane and using the street and open space to buffer Fairview.
- d. The applicant submitted a report dated March 26, 2001, by G. Craig Noon, P. E. of Wallace, Montgomery & Associates regarding the frame and brick barn owned by Rouse-Fairwood. The report finds that the barn is severely deteriorated. A staff site visit in February 2001 supports this assessment. The brick foundation is crumbling, cracked, and out of plumb. The frame portions of

the barn are also in poor condition. The sill beam on the east facade is rotted, the timber floor has collapsed in several places and is in danger of collapse in other places, and the exterior timber wall sheathing is rotted and missing. Photos showing the condition of the barn are attached.

Conclusions

- a. The farm landscape around Fairview will be totally changed by this development. However, narrow buffers called “community use areas” have been located around the Environmental Setting, including the house and the cemetery, which will provide some space around the Historic Site. Because the developable parcels around the Historic Site are in the single-family, low-density residential areas, it is possible that with good siting and appropriate rooflines and materials that the relationship between new and old can be mitigated. Site plan review of those lots surrounding the Fairview parcel and any lots adjacent to the community space surrounding the cemetery will be needed to ensure that siting, massing, rooflines, and materials are compatible with the Historic Site.
- b. The original Environmental Setting for this Historic Site at the time of its designation included approximately 263 acres. This Environmental Setting included Fairview, the milkhouse, the cemetery, and the frame and brick barn. The Historic Preservation Commission voted to remove the land in the M-X-C Zone from the Environmental Setting. Therefore, no land owned by Rouse-Fairwood is included in the Environmental Setting.
- c. Landscaping or fencing may be needed to protect the Environmental Setting from the community use areas. If determined to be necessary, the applicant should provide appropriate historically compatible landscaping or fencing to be reviewed by the HPC or staff through the HAWP process.
- d. The HAWP for demolition of the frame and brick barn, located on the Rouse-Fairwood property, was approved by the HPC. The barn, while an unusually large example and one of four buildings designated as part of the Historic Site, is in a severe state of disrepair. It is not possible to move the barn due to its condition; however, it probably could be reconstructed. Since the applicant has no use for it in the midst of single-family residential, its former existence, significance, and use need to be documented and interpreted prior to demolition of the barn as follows:
 - (1) HABS quality documentation of the barn should be provided to the Historic Preservation office.
 - (2) The stone foundation and the footprint of the barn should be retained for interpretative purposes. Staff suggests that a portion of the masonry foundation be retained, preferably the long wall and one short wall at approximately two feet high. The remaining wall and piers from the stable portion could be represented by brick pavers.
 - (3) A sign or marker, with appropriate text and photographs interpreting the barn and the lane should be placed at the location of the barn describing their relation to the Fairview Historic Site.
 - (4) A plan for the interpretative site should be presented to the Historic Preservation Commission at a later date.

- (5) Materials from the barn should be offered to the Department of Parks and Recreation for their use, or to the Newel Post.
- e. The roadbed for the farm lane at the curve near the barn should be retained including the steep slopes and the vegetation.
- f. No structures should be constructed within the community use areas adjacent to Fairview, the cemetery, or the barn interpretive site. This includes playgrounds, tot lots, ball fields, and any other kind of construction. A bike or pedestrian path may be acceptable. Plans for said path would need to be submitted to the Historic Preservation Commission.

Comment: Conditions 2.f, 11 through 16 in the Recommendation section of this report address the above concerns.

15. The City of Bowie in a letter dated November 29, 2001 (Mayor Robinson to Chairman Hewlett), recommended disapproval of CP-0101 for the following reasons:

“The proposed development shown on the Comprehensive Sketch Plan does not comply with the Proposed Manual of Regulations for Land Use Around General Aviation Airports in Prince George’s County. The Planning Board accepted these regulations in June, 2001. The City believes that, regardless of the status of any pending legislation, the developer should not be permitted to locate new development within the proposed APA-1 and APA-2 take-off/landing zones associated with Freeway Airport, which is located directly south of the Fairwood property. In addition, only single-family dwellings should be permitted in the proposed APA-3 and APA-4 areas, at a density not to exceed one dwelling unit per five acres.

“Afforestation areas have not been planned so as to prevent the eventual encroachment of vegetation into the protected airspace at the end of the Freeway Airport runway. To address potential safety hazards, all areas within the proposed APAs between Church Road and the PEPCO power lines need to be left free of afforestation. The large open area east of Church Road shown as a Community Use area should be afforested in lieu of the area north of the airport. The plan should clearly show the location of the airstrip for orientation purposes.

“Areas of concentrated woodland in Phase 2 have not been preserved. Retention of existing woodland is especially important in the Fairwood project, given the relative openness of the property and the need to reserve wildlife corridors. Phase 2 also contains the bulk of the entire project’s woodland conservation requirements. If the amount of woodland clearing in Phase 2 is reduced, the amount of reforestation will also be reduced.

“The proposed plan is not sensitive to wildlife habitat. Natural areas should be retained to benefit wildlife habitat, even in the short-term. Site grading must be phased to coincide with development activity and must not occur until six months before planned building activity occurs. In the event a development pod area is graded, and if building activity does not occur within six months of the grading, the entire pod or area should be reseeded by the developer.

“The Comprehensive Sketch Plan does not address the intent of Condition #16 of A-9894-C regarding noise mitigation measures. The Plan should be revised to include a combination of berming and afforestation areas wherever possible within the documented 65dBA line. A final design for these areas should be included on the Detailed Site Plan.

“The proposed plan does not completely address Condition #2 of A-9894-C, as well as one of the key required findings for Comprehensive Sketch Plan approval. Because of its central location within the low density corridor west of the City and the collector function of the road, the City concludes that Church Road will carry a large amount of through traffic, in addition to neighborhood traffic. It is critical that the road be designed to carry higher volumes of traffic while still maintaining pedestrian safety. Although traffic calming techniques were used extensively in the planning of nearby Marleigh subdivision, County staff concluded that conventional traffic calming measures cannot be implemented on a four-lane collector road without sacrificing traffic carrying efficiency. To address locations where pedestrians are likely to cross Church Road, brick or stamped asphalt crosswalks, raised pavement markings and/or other strategies should be considered at two or three key locations along Church Road within the Fairwood property. These treatments are needed to augment the pedestrian network and to control vehicle speeds at locations where pedestrians are likely to cross Church Road.

“Public facilities, including fire and rescue facilities, are currently inadequate. The City Council is extremely concerned with overcrowding at the schools serving the Fairwood project, including Woodmore Elementary, Tasker Middle and Bowie High. Students from this development will only make current overcrowded conditions even worse.

“The City Council appreciates your consideration of this recommendation and urges your DISAPPROVAL of Comprehensive Sketch Plan CP-0101.”

RECOMMENDATIONS

Based upon the preceding evaluation and findings, the Urban Design Section recommends that the Planning Board adopt the findings of this report and APPROVE CP-0101 and TCPI/8/01, with the following conditions:

1. Prior to certificate approval of the Comprehensive Sketch Plan and prior to submission and/or acceptance of any further submissions for Phase II, the following revisions shall be made to the Comprehensive Sketch Plan and/or information provided:
 - a. The CP text for CP-0101 shall be revised to reflect the Land Use Allocation numbers indicated on the Phase I/Phase II Comprehensive Sketch Plan with Church Road Revisions, dated November 16, 2001. This sheet shall also be incorporated into the CP text document as page 9 of 9.
 - b. All plans shall be revised to include both the labeling of the historic site and the historic site official designation number 71A-13.
 - c. The CP text (pages 13 and 14) shall be revised as follows:

“Residential units along [this street] My Mollie’s Pride will be constructed [generally] fronting on this street so that no rears or sides will face Fairview.”

In addition the text shall be revised to include not only the residential property to the north but shall also include the residential properties located to the east, south, and west for the Bowie home site and the residential properties to the east and northeast of the cemetery site. This text shall also be revised to include language as to how these residential home sites will relate to these two historic sites.

- d. The applicant shall obtain a letter from the Department of Parks and Recreation (DPR) stating that the Woodland Conservation Areas located on lands to be dedicated to M-NCPPC are acceptable as Woodland Conservation Areas. In the event DPR does not accept Woodland Conservation Areas, the TCPI shall be revised accordingly.
 - e. The Comprehensive Sketch Plan shall be revised to provide ten acres of public parkland. The shape of the parkland shall be revised as shown on DPR Exhibit “A” dated May 25, 2001. The parkland shall not be used for stormwater management facilities, tree conservation areas or utility easements. The dedicated parkland shall have slopes less than 7 percent, and be usable for active recreation. The revised plan showing the dedicated parkland shall be approved by the Park Planning and Development Division staff. Access, acceptable to DPR, shall be provided to a primary residential street from the parkland shown on Exhibit “A.”
 - f. The CP text shall be consistent with the previously approved street program.
 - g. The plans shall be revised to indicate graphically and/or by notes both the 300-foot lot depth for the lots along US 50 and the 150-foot lot depth for lots along A-44.
 - h. The landscape section contained within the accompanying text document shall be revised to state that the application is subject to the *Landscape Manual* except as modified by Section 27-546.04(e) of the Zoning Ordinance.
 - i. The following statement on page 7 and 8, which is not in conformance with the Subdivision Regulations, shall be removed from the CP text:

“Permanent access to lots may be provided by means of perpetual common reciprocal access easements as shown on the final subdivision plat or recorded easement documents.”
 - j. The language in the CP text on page 9, in the Permitted Uses Section, that references the division of land into fee-simple ownership, shall be removed.
2. Prior to approval of the Preliminary Plan of Subdivision and the Final Development Plan the following shall be provided:

- a. A detailed analysis of how the Woodland Conservation Areas located in the vicinity of the northern flight path conform to the most stringent applicable aviation regulations governing the airport and neighboring properties shall be submitted.
 - b. The Preliminary Plan of Subdivision shall reflect the location of the unmitigated 65 dBA noise contours for US 50 and Church Road. Noise mitigation measures shall be provided for all impacted residential structures to reduce noise impacts to 65 dBA or less in outdoor activity areas.
 - c. The Preliminary Plan of Subdivision shall show all proposed sewer and water alignments including the connections to existing outfall structures. The alignments shall be designed to minimize fragmentation of woodlands and to minimize impacts to the existing Patuxent River Primary Management Areas.
 - d. As part of the Preliminary Plan of Subdivision application, a viewshed analysis for all residential areas of this application that abut Church Road shall be provided.
 - e. Notice of the airport environment shall be provided to any prospective future residents of areas impacted by airport operations. The details of this requirement shall be specified at the time of Preliminary Plan of Subdivision for any areas so impacted.
 - f. To ensure compatibility with the historic site, Fairview, those lots directly contiguous to the Fairview parcel or to the Community Use areas surrounding the Fairview parcel and those lots which may affect sight lines from Fairview shall be identified.
3. During the review of subsequent development plans, the TCPI and/or TCPIs shall be further refined to address the increased level of detail available during those reviews. For those areas so affected, the TCPIs shall comply with the most stringent airport regulations in effect at the time of the approvals.
 4. The applicant shall participate in providing improvements to MD 450 by contributing to the State Highway Administration a combination of roadway improvements and cash payments, constituting a total value, as determined by Prince George's County, of \$5.5 million. Satisfactory contribution of this amount shall be accomplished by the applicant agreeing with the State Highway Administration to reconstruct, as a sole source contractor, that portion of MD 450 from MD 193 to Bell Station Road. The construction of this improvement shall be accomplished pursuant to and in conformance with plans and specifications provided by the State Highway Administration (SHA Contract No. PG 900B21). It shall be the State Highway Administration's responsibility to ensure all rights-of-way needed for this improvement are provided. The value of these improvements, as determined based upon State Highway Administration estimates, shall be deducted from the value of the applicant's overall contribution responsibility. The balance of the applicant's overall contribution shall be paid to the Department of Public Works and Transportation for Prince George's County on a pro rata share at the time of the issuance of individual building permits for residential units in Phase II of the project and for nonresidential improvements in Phase I. The proportionate amount of the payment for each residential unit and for each square foot of nonresidential

improvements shall be determined by agreement between the applicant and the State Highway Administration.

This total contribution by the applicant shall constitute its entire responsibility to contribute toward road improvements to MD 450. Payment of this sum exceeds the amount required to find adequacy of transportation facilities for Phase I, Part Two, and constitutes a finding of adequate transportation facilities for the entire Fairwood project (1,799 DUs and 350,000 square feet of nonresidential uses). The applicant's commitments are contingent upon the Planning Board's finding consistent with this condition and the execution of a formal agreement with the State Highway Administration finalizing the details prior to the approval of the Final Plat of Subdivision.

5. Should Fairwood Parkway not be constructed in its entirety from Church Road to MD 450 at the time that Phase II of Fairwood begins to discharge traffic onto Church Road, the applicant shall extend the existing right-turn lane along existing Church Road at existing MD 450. The extended lane shall be constructed to DPW&T requirements to a length of no less than 250 feet with taper.
6. Should Fairwood Parkway not be constructed in its entirety from Church Road to existing MD 450 at the time that Phase II of Fairwood begins to discharge traffic onto Church Road, and if MD 450 has been relocated onto a new alignment by the State Highway Administration, the applicant shall widen existing MD 450 (which would be functioning as a service road at that time) to accept a double left-turn from northbound Church Road. This widening shall be constructed to the standards of the responsible operating agency.
7. At the time of final plat approval, the applicant shall dedicate a 90-foot right-of-way along Church Road as shown on the submitted plan. Improvements within the dedicated right-of-way shall be determined by DPW&T, and will include a minimum of four travel lanes with paved shoulders on each side.
8. At the time of the applicable Detailed Site Plans, brick or stamped asphalt crosswalks, raised pavement markings, and/or other strategies which are appropriate to the function of the roadway shall be considered at two or three key locations along Church Road within the Fairwood property upon approval of the Department of Public Works and Transportation.
9. Prior to any further submissions for Phase I or Phase II of Fairwood the Comprehensive Sketch Plan, CP-9504, shall be revised to graphically indicate the final alignment of Church Road, in accordance with the revised plans dated November 16, 2002, with the Planning Board's designee having final approval authority.
10. At the time of submittal of the Final Development Plan for the affected areas of Phase II, the applicant shall provide the following:
 - a. A development pattern that provides for a high level of safety and compatibility for any residential development underneath the aircraft approach and departure areas north of Freeway Airport and east of the PEPCO power lines.
 - b. Absent new legislation on this matter by the County Council, the applicant shall demonstrate to the Planning Board that the safety and compatibility of any proposed residential land use with airport operations has been specifically

addressed and assured. Compatibility shall be demonstrated on the basis of information contained in the Cheek aviation consultant's report, the resources cited therein, or other appropriate resources the applicant might find that specifically address the safety and compatibility of land use subject to overflights at general aviation airports.

11. All conditions relevant to Historic Area Work Permit (HAWP) #12-01 imposed by the Historic Preservation Commission shall be carried out prior to the approval of the relevant Detailed Site Plan which includes the frame and brick barn located in Phase II of the Fairwood development.
12. Prior to approval of all relevant Detailed Site Plan(s), the applicant shall demonstrate that sight lines and viewsheds from the cemetery to the house and from the house to the cemetery will be maintained despite the presence of the Fairview Drive. Street trees and other landscaping materials shall be planted so as not to block this view.
13. At the time of the appropriate Detailed Site Plan, should it be determined that landscaping or fencing is required to protect the Environmental Setting, the applicant shall provide historically-compatible landscaping or fencing to be approved by HPC or staff through the HAWP process.
14. Prior to the approval of all relevant Detailed Site Plan(s), site plans and architectural drawings for those lots identified at Preliminary Plan shall be referred to the Historic Preservation Commission staff to ensure compatibility with Fairview and its setting (in regard to siting, massing, rooflines, materials) for buildings on those lots.
15. In the context of the approval of the relevant Detailed Site Plan(s), as part of the community use as shown on the conceptual element plan, the roadbed for the farm lane at the curve near the barn shall be retained, including the steep slopes and the vegetation.
16. No structures shall be constructed within the Community Use Areas adjacent to Fairview, the cemetery, or the barn interpretive site. This includes playgrounds, tot lots, ballfields, and any other kind of construction. A bike or pedestrian path may be acceptable. Plans for said path shall be referred to the Historic Preservation Commission.
17. At the time of all appropriate Detailed Site Plans, noise mitigation measures shall be provided for all impacted residential structures to reduce noise impacts to 65 dBA or less in outdoor activity areas.