

R E S O L U T I O N

WHEREAS, Washington Park Estates, LLC is the owner of a 410.53-acre parcel of land known as Parcels 35, 57, 62, 137, 140, 232, 236, and 237, Tax Map 73 in Grid C-2, said property being in the 5<sup>th</sup> Election District of Prince George's County, Maryland, and being zoned R-E; and

WHEREAS, on July 28, 2005, Washington Park, LLC filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 242 lots and 5 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-05051 for Bevard West was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on January 19, 2006, for its review and action in accordance with Article 28, Section 7-116, Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

WHEREAS, the staff of The Maryland-National Capital Park and Planning Commission recommended APPROVAL of the application with conditions; and

WHEREAS, on January 19, 2006, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED the Type I Tree Conservation Plan (TCPI/16/05), and further APPROVED Preliminary Plan of Subdivision 4-05051, Bevard West, including a Variation from Section 24-130 for Lots 1-242 and Parcels A-E, with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision the plan shall be revised as follows:
  - a. Correct the coversheet to correctly label Parcel E.
  - b. Extend public street L, through Lot 19 Block A, to provide a 50-foot-wide public street connection to Demmy Way, adjust the adjacent lots in Block A (not necessarily losing a lot to accommodate the connection), without the use of flag lots.
  - c. In accordance with DPR-Parks Exhibit A.
  - d. Provide the lot width at the front building line on lots where it creates a greater setback than the front yard setback..
  - e. Remove the "net tract area" in the LSA table.

- f. Overlay the APA diagram on each sheet of the preliminary plan.
  - g. Reflect conformance to Section 24-138.01. Specifically grading, house siting, *Landscape Manual* bufferyards (where required) and building restriction lines for the four flag lots.
  - h. List the parcels that are the subject of this application. With a note indicating the parcel boundary adjustment information provided by the applicant.
  - i. Submit a copy of the stormwater management plan.
  - j. List the stormwater management plan approval number and approval date.
  - k. Provide net lot areas for the flag lots, exclusive of the flag stem.
  - l. Determine the disposition of part of Parcel C, either agreement from DPW&T to accept the land or conveyance to the abutting property owner (demonstrated by an executed deed of conveyance).
2. Prior to the issuance of permits, a Type II Tree Conservation Plan shall be approved.
  3. Prior to the approval of final plats, a limited detailed site plan shall be approved by the Planning Board or its designee in accordance with Section 27-433 of the Zoning Ordinance for the private homes recreational uses and the construction of the master plan trail by the applicant on lands to be conveyed to M-NCPPC, prior to the conveyance to allow for a comprehensive review of the facilities.
  4. Development of this site shall be in conformance with the approved Stormwater Management Concept Plan, #9089-2005-00 and any subsequent revisions.
  5. Prior to the approval of the first final plat, public street D shall be dedicated to public use (DPW&T), as a minimum 60-foot-wide right-of-way through the Silver Farm LLC property to the east to provide a vehicular connection to Piscataway Road (MD 223).
  6. Prior to the issuance of a grading permit for the development, a public safety mitigation fee for inadequate police emergency response times shall be paid in the amount of \$914,760 (\$3,780 x 242 dwelling units). Notwithstanding the number of dwelling units and the total fee payments noted in this condition, the final number of dwelling units shall be as approved by the Planning Board and the total fee payment shall be determined by multiplying the total dwelling unit number by the per unit factor noted above. The per unit factor of \$3,780 is subject to adjustment on an annual basis in accordance with the percentage change in the Consumer Price Index for All Urban Consumers. The actual fee to be paid will depend upon the year the grading permit is issued.

7. Prior to the approval of building permits, the applicant, his heirs, successors and/or assignees shall convey to the homeowners association (HOA) 92± acres of open space land (Parcels B, part of Parcel C, D and E). Land to be conveyed shall be subject to the following:
  - a. Conveyance shall take place prior to the issuance of building permits.
  - b. A copy of unrecorded, special warranty deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division (DRD), Upper Marlboro, along with the final plat.
  - c. All waste matter of any kind shall be removed from the property, prior to conveyance, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section or the entire project.
  - d. The conveyed land shall not suffer the disposition of construction materials, soil filling, discarded plant materials, refuse or similar waste matter.
  - e. Any disturbance of land to be conveyed to a homeowners association shall be in accordance with an approved detailed site plan or shall require the written consent of DRD. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement and stormdrain outfalls. If such proposals are approved, a written agreement and financial guarantee shall be required to warrant restoration, repair or improvements, required by the approval process.
  - f. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to a homeowners association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by DRD prior to the issuance of grading or building permits.
  - g. Temporary or permanent use of land to be conveyed to a homeowners association for stormwater management shall be approved by DRD.
8. At the time of final plat, the applicant, his heirs, successors and/or assignees shall convey to M-NCPPC 38± acres of land in accordance with the Department of Parks and Recreation Exhibit A. Land to be conveyed shall be subject the following:
  - a. At the time of final plat, an original, special warranty deed for the property to be conveyed, (signed by the WSSC Assessment Supervisor) shall be submitted by the applicant to the Subdivision Section of the Development Review Division, The Maryland-National Capital Park and Planning Commission (M-NCPPC), along with the final plat.

- b. M-NCPPC shall be held harmless for the cost of public improvements associated with land to be conveyed, including but not limited to, sewer extensions, adjacent road improvements, drains, sidewalks, curbs and gutters, and front-foot benefit charges prior to and subsequent to final plat.
  - c. The boundaries and acreage of land to be conveyed to M-NCPPC shall be indicated on all development plans and permits, which include such property.
  - d. The land to be conveyed shall not be disturbed or filled in any way without the prior written consent of the Department of Parks and Recreation (DPR). If the land is to be disturbed, DPR shall require that a performance bond be posted to warrant restoration, repair or improvements made necessary or required by the M-NCPPC development approval process. The bond or other suitable financial guarantee (suitability to be judged by the General Counsel's Office, M-NCPPC) shall be submitted to DPR within two weeks prior to applying for grading permits.
  - e. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to or owned by M-NCPPC. If the outfalls require drainage improvements on adjacent land to be conveyed to, or owned by, M-NCPPC, the DPR shall review and approve the location and design of these facilities. DPR may require a performance bond and easement agreement prior to issuance of grading permits.
  - f. All waste matter of any kind shall be removed from the property to be conveyed. All wells shall be filled and underground structures shall be removed. DPR shall inspect the site and verify that land is in acceptable condition for conveyance, prior to dedication.
  - g. All existing structures shall be removed from the property to be conveyed, unless the applicant obtains the written consent of DPR.
  - h. The applicant shall terminate any leasehold interests on property to be conveyed to the M-NCPPC.
  - i. No stormwater management facilities, or tree conservation or utility easements shall be proposed on land owned by or to be conveyed to M-NCPPC without the prior written consent of DPR. DPR shall review and approve the location and/or design of these features. If such proposals are approved by DPR, a performance bond and an easement agreement may be required prior to the issuance of grading permits.
9. Prior to the approval of building permits, the applicant, his heirs, successors and/or assignees shall demonstrate that a homeowners association has been established and that the common areas have been conveyed to the homeowners association.
  10. The applicant, his heirs, successors and/or assignees shall submit three (3) original recreational facilities agreements (RFA) to DRD for construction of recreational facilities on homeowners land, for approval prior to the submission of final plats. Upon approval by DRD, the RFAs shall

be recorded among the County Land Records.

11. The applicant, his heirs, successors and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for the construction of recreational facilities on homeowners land, prior to the issuance of building permits.
12. The applicant, his heirs, successors and/or assignees shall submit to DPR, Park Planning and Development Division, three (3) original RFAs for construction of recreational trail facilities on park property. The RFA shall be approved prior to the approval of final plats. Upon approval by the Park Planning and Development Division, the RFA shall be recorded among the County Land Records and noted on the final plat of subdivision.
13. The applicant, his heirs, successors and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for the construction of recreational facilities on park property two weeks prior to the approval of building permits.
14. Prior to the approval of the final plat a limited detailed site plan shall be approved by the Planning Board or its designee for the construction of private on-site recreational facilities, and public recreational facilities (master plan trail) on lands to be conveyed to M-NCPPC, establishing appropriate bonding amounts, triggers for construction, proper siting and construction drawings in accordance with the *Parks and Recreational Facilities Guidelines*. General concepts for the architectural elevations of the community building shall be established with the review of the limited detailed site plan. Details and final architectural elevations shall be reviewed for conformance to those general concepts prior to the approval of the building permit for the community building.
15. The applicant, his heirs, successors and/or assignees shall provide the following:
  - a. The Adopted and Approved Subregion V Master Plan recommends a stream valley trail along Tinkers Creek. The trail shall be constructed in conformance with an approved limited detailed site plan.
  - b. Provide a paved asphalt shoulder along the subject property's entire road frontage of Gallahan Road in order to safely accommodate bicycle traffic, unless modified by DPW&T.
  - c. Provide standard sidewalks along at least one side of all internal roads, unless modified by DPW&T.
16. Prior to the issuance of grading permits the applicant shall demonstrate that any abandoned well or septic system has been pumped, backfilled and/or sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative of the Health Department.
17. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the expanded stream buffers and isolated sensitive areas and

their buffers, excluding those areas where variation requests have been approved, and be reviewed by the Environmental Planning Section prior to certification. The following note shall be placed on the plat:

“Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.”

18. Prior to the issuance of any permits which impact jurisdictional wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
19. Prior to signature of the Preliminary Plan, the Type I Tree Conservation Plan shall be revised to:
  - a. Add the following note:

“In addition to signage, a permanent fence will be installed at the edge of all woodland conservation areas that are on lots”
  - b. Eliminate the grading into the expanded stream buffer on Lot 54, Block E, or delete the lot and incorporate the area of the lot into abutting lots.
  - c. Show the clearing required for the installation of the water main loop
  - d. Provide written confirmation from the Department of Parks and Recreation, if woodland conservation is proposed on any land to be dedicated to M-NCPPC
  - e. Ensure that all required off-site clearing necessary for utility construction and access is shown on the plans and accounted for in the worksheet
  - f. Recalculate the worksheet as needed
  - g. Have the revised plan signed and dated by the qualified professional who prepared the plan
  - h. To accommodate the 0.12 acres proposed for a payment of fee-in-lieu on site, without jeopardizing an approved lotting pattern or usable rear and side yards.
20. The following note shall be placed on the final plat of subdivision:

“Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/16/05), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation Ordinance.”

21. Prior to signature of the Preliminary Plan, the Preliminary Plan and Type I Tree Conservation Plan shall be revised to show 40-foot scenic easements adjacent and contiguous to the proposed 10-foot public utility easements along the land to be dedicated for Gallahan Road, if it is to be conveyed to the HOA or an abutting property owner, but not M-NCPPC or DPW&T as part of the right-of-way.
22. The 40-foot wide landscape buffers along Gallahan Road shall be shown on the final plat if required, as a scenic easement and the following note shall be placed on the plats, if appropriate:

“Scenic easements described on this plat are areas where the installation of structures and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is permitted.”
23. Prior to the approval of the final plat, a limited detailed site plan shall be approved by the Planning Board or its designee for the implantation of the scenic easement along Gallahan Road if required. A detailed landscaping plan shall be submitted during the review of the Type II Tree Conservation Plan for the 40-foot-wide landscape buffers along Gallahan Road and submitted as part of the limited detailed site plan.
24. Prior to signature approval of the preliminary plan of subdivision the applicant, his heirs, successors and/or assignees shall submit four copies of the final Phase I (Identification) archeological report.
25. Prior to signature approval of the preliminary plan, the applicant shall submit evidence that the property is not encumbered by any prescriptive or descriptive easements that are to the benefit of other properties. If encumbered that applicant shall submit evidence that the rights and privileges associated with those easements will not be interrupted with the development of this property. If appropriate the applicant shall provide evidence of the agreement of those benefited properties to the abandonment or relocation of said easements.
26. Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances, or (b) have been permitted for construction through the operating agency’s access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency:
  - a. MD 223/Old Branch Avenue/Brandywine Road: Reconstruct the intersection to provide two through lanes, an exclusive right-turn lane, and an exclusive left-turn lane on both the eastbound and westbound approaches, and provide an exclusive through lane, an

exclusive right-turn lane, and an exclusive left-turn lane on both the northbound and southbound approaches. Modify traffic signal, signage, and pavement markings as needed.

- b. MD 223/Temple Hill Road: Construct a second through lane along the south/westbound MD 223 approach. Modify signals, signage, and pavement markings as needed.
  - c. MD 223/Steed Road: Reconstruct the intersection to provide a shared through/right-turn lane and a shared through/left-turn lane on the southbound MD 223 approach; a shared through/right-turn lane, an exclusive through lane, and an exclusive left-turn lane on the northbound MD 223 approach; and an exclusive left-turn lane and shared through/right-turn lane on the Steed Road approach. Modify signals, signage, and pavement markings as needed.
  - d. MD 210/Old Fort Road North: Modify the eastbound and westbound Old Fort Road approaches to provide an exclusive through lane, a shared through/left-turn lane, and an exclusive right-turn lane. Modify signals, signage, and pavement markings as needed.
27. Prior to the approval of any building permits within the subject property, the applicant shall submit a revised acceptable traffic signal warrant study to SHA and/or DPW&T for signalization at the intersection of MD 223 and Floral Park Road. The applicant should utilize a new 12-hour count and should analyze signal warrants under total future traffic as well as existing traffic at the direction of the operating agencies. If a signal is deemed warranted at that time, the applicant shall bond the signal with the appropriate agency prior to the release of any building permits within the subject property, and install it at a time when directed by that agency. Installation shall include the modification of the southbound approach to provide exclusive left-turn and right-turn lanes, and the modification of the eastbound approach to provide exclusive through and left-turn lanes. If it is determined at the time of building permit review that certain geometric modifications are not needed for adequacy, the requirement may be waived by the Planning Board during approval of the building permit.
28. Prior to the approval of any building permit within the subject property, the applicant shall submit a revised acceptable traffic signal warrant study to SHA and/or DPW&T for signalization at the intersection of MD 223 and Windbrook Drive. The applicant should utilize a new 12-hour count, and should analyze signal warrants under total future traffic as well as existing traffic at the direction of the operating agencies. If a signal is deemed warranted at that time, the applicant shall bond the signal with the appropriate agency prior to the release of any building permits within the subject property, and install it at a time when directed by that agency. Installation shall include the construction of the southbound site access approach to provide an exclusive right-turn lane and a shared through/left-turn lane, along with the provision of left-turn and right-turn lanes along MD 223 to serve the site access. If the signal is not deemed warranted the applicant shall install traffic calming measures at the intersection of MD 223 and Windbrook Drive subject to the approval of the State Highway Administration and the Department of Public Works and Transportation as appropriate.

29. Prior to the approval of the first final plat, public street D shall be dedicated to public use as a minimum 60-foot right-of-way through the Silver Farm LLC property to the east to provide a vehicular connection to MD 223.
30. At the time of final plat approval, the applicant shall dedicate a right-of-way along Gallahan Road of 40 feet from center line, as shown on the submitted plan.
31. At the time of final plat approval, the applicant shall dedicate a right-of-way along MD 223 of 60 feet from center line, as shown on the submitted plan.
32. The review of the limited detailed site plan for recreational facilities shall be approved by the Planning Board or its designee and shall include the review of the public master plan trail construction by the applicant, his heirs, successors and/or assignees on M-NCPPC land (Parcel C). Review shall include:
  - a. Lots 16, 17, 18 Block B and Lots 24, 25, 26 Block E, shall be redesigned to provide a 20-foot setback from the rear lot lines to the trail, and an appropriate buffer from the edge of the stream for the master planned trail along the Tinkers Creek stream valley.
  - b. The applicant shall construct a 10-foot-wide asphalt hiker/biker trail along the Tinkers Creek stream valley as shown on attached Exhibit A.
  - c. The applicant shall construct 8-foot-wide and 6-foot-wide asphalt trail connectors from the neighborhoods to the Tinkers Creek stream valley trail as shown on attached DPR Exhibit A. An 8-foot-wide trail connector shall be vehicular accessible for the park maintenance and police.
  - d. The location of the trail shall be staked in the field and approved by DPR prior to construction.
  - e. Prior to issuance of the 121<sup>st</sup> building permit, a 10-foot-wide asphalt hiker/biker trail along Tinkers Creek shall be completed. An 8-foot-wide and 6-foot-wide feeder trails shall be constructed in phase with development. No building permits shall be issued for the lots directly adjacent to the trail until the trail is under construction.
  - f. With the submission of the detailed site plan, the applicant shall submit detailed construction drawings for trail construction to DPR for review and approval. The trail shall be designed in accordance with the applicable standards in the *Parks and Recreation Facilities Guidelines*.
  - g. All trails shall be constructed to ensure dry passage. If wet areas must be traversed, suitable structures shall be constructed. Designs for any needed structures shall be reviewed by DPR.
  - h. The handicapped accessibility of all trails shall be reviewed during the review of the

DSP.

- i. With the submission of the limited detailed site plan, the applicant shall submit to DPR, for review, all existing drawings and plans pertaining to the farm pond, this includes, but is not limited to, as-built drawings, sediment and erosion control plans, farm management plans and clean-out history. Based on submitted information and pond inspection, DPR staff will make the determination if this pond shall be retrofitted, drained or fenced.
  - j. Prior to conveyance of the parkland to M-NCPPC, which includes existing farm pond, DPR staff shall inspect the pond condition for the public safety. If DPR staff finds that the pond needs to be retrofitted, drained or fenced, the applicant shall make all required improvements prior to issuance of the first building permit.
33. In accordance with Section 27-548.43 of the Zoning Ordinance and prior to final plat approval the Declaration of Covenants for the property, in conjunction with the formation of a homeowners association, shall include language notifying all future contract purchasers of homes in the community of the existence of two general aviation airports, Washington Executive Airport (2,000 feet to the northeast) and Potomac Airfield (abutting to the north), which are within one mile of the community. The Declaration of Covenants shall include the General Aviation Airport Environmental Disclosure Notice. At the time of purchase contract with homebuyers, the contract purchaser shall sign an acknowledgement of receipt of the Declaration. The liber and folio of the recorded Declaration of Covenants shall be noted on the final plat along with a description of the proximity of the development to the general aviation airport.
  34. All building permits shall be reviewed for conformance to the regulations of Part 10B Airport Compatibility, Division 1 Aviation Policy Areas of the Zoning Ordinance. All plans of development shall delineate, at an appropriate scale for review, the APA policy areas on the site.
  35. The Final Plat shall provide a note that building permits shall demonstrate driveways with turnaround capabilities to each lot that has sole vehicular access to Public Street D, in order to minimize the need for vehicles backing into traffic from these lots.
  36. Prior to approval of the final plat a limited Detailed Site Plan shall be approved by the Planning Board or it's designee for all lots that do not have a minimum 40-foot wide useable rear yard. The limited Detailed Site Plan shall include at a minimum Lots 1, 48, 49, 53, 54, 55, 66 and 83 in Block E, and the reconfigured areas. All lots should provide a 40-foot rear yard which has been established by the Planning Board to be the minimum appropriate and reasonable as a setback from the expanded buffer and woodland conservation.

BE IT FURTHER RESOLVED, that the findings and reasons for the decision of the Prince George's County Planning Board are as follows:

1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.

2. The property is located on the east side of Tinkers Creek, on the west side of Piscataway Road and immediately south of Mary Catherine Estates and Rivergate Estates.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone	R-E	R-E
Use(s)	Residential	Single-family residential
Acreage	410.53	410.53
Lots	0	242
Parcels	8	5
Dwelling Units:		
Detached	2 (to be removed)	242

4. **Environmental**—There are streams, wetlands and 100-year floodplains and associated areas of steep slopes with highly erodible soils and areas of severe slopes on the property. There are no nearby existing sources of traffic-generated noise. The proposed development is not a noise generator. According to information obtained from the Maryland Department of Natural Resources there is a bald eagle nest in the vicinity of this property. Piscataway Road is a designated historic road and Gallahan Road is a designated scenic road. This property is located in the Tinkers Creek watershed in the Potomac River basin.

According to the “Prince George’s County Soil Survey” the principal soils on the site are in the Aura, Beltsville, Bibb, Butlertown, Chillum, Croom, Galestown, Howell, Iuka, Keyport, Marr, Matapeake, Ochlockonee, Sassafras and Sunnyside soils series; however, portions of the site were mined for sand and gravel after the publication of the “Prince George’s County Soil Survey.” Marlboro clay occurs on this property.

Maps prepared by the Maryland Geological Survey indicate other portions of the property that were mined before 1973. These gravel pit areas are of concern. Due to the unknown nature of the soils and the limitations associated with these areas, a soils report addressing the soil structure, soil characteristics and foundation stability is required. In addition, portions of this property have Marlboro clay associated with steep and severe slopes. This creates a condition of potentially unsafe land that must address Section 24-131 of the Subdivision Regulations. These issues directly impact the lot layout and placement of proposed streets.

A soils report dated July 25, 2005, and an addendum dated August 16, 2005, were submitted. The report includes a map showing the locations of 56 boreholes/test pits, includes logs for each site, has laboratory analyses of representative samples and includes slope stability analyses for critical slopes. In addition, the report contains recommendations for the future development of the site based upon the soils described in the report. One area of potential slope failure due to

Marlboro clay was identified and is clearly shown on the TCPI.

Staff have reviewed the report in detail and determined that with the layout proposed, none of the proposed residential lots or active recreation areas will be affected by any of the existing areas of potentially unsafe lands on the property. This information is provided for the applicant's benefit.

A soils report may be required by the Prince George's County Department of Environmental Resources during the permit process review.

This site contains natural features that are required to be protected under Section 24-130 of the Subdivision Regulations. The Subregion V Master Plan indicates that there are substantial areas designated as Natural Reserve on the site. As noted on page 136 of the Subregion V Master Plan:

“The Natural Reserve Area is composed of areas having physical features which exhibit severe constraints to development or which are important to sensitive ecological systems. Natural Reserve Areas must be preserved in their natural state.”

The Subregion V Master Plan elaborates on page 139:

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

For the purposes of this review, the Natural Reserve includes all expanded stream buffers and isolated wetlands and their buffers. All streams shown as perennial or intermittent on the plans will require minimum 50-foot stream buffers that shall be expanded in accordance with Section 24-130(b)(6) of the Subdivision Regulations.

A Natural Resources Inventory (NRI), NRI-034-05, has been approved for this property. The NRI contains a wetlands report, forest stand delineation and delineates the expanded stream buffers and isolated wetland buffers. The expanded stream buffers are correctly shown on the Preliminary Plan and the Type I Tree Conservation Plan.

Impacts to significant environmental features that are required to be protected by Section 24-130 of the Subdivision Regulations are proposed. The design should avoid any impacts to streams, wetlands or their associated buffers unless the impacts are essential for the development as a whole. Staff will generally not support impacts to sensitive environmental features that are not associated with essential development activities. Essential development includes such features as public utility lines (including sewer and stormwater outfalls), road crossings, and so forth, which are mandated for public health and safety; nonessential activities are those, such as grading for lots, stormwater management ponds, parking areas, and so forth, which can be designed to eliminate the impacts. Impacts to sensitive environmental features require variations to the Subdivision Regulations.

Variation requests with exhibits were submitted for nine impacts; however, one impact shown on

the TCPI at the rear of proposed Lot 54, Block E has not been requested and must be eliminated because the proposed grading is only for a single lot and not to serve the project in general. Six of the proposed impacts are for connections to existing sanitary sewer lines that are wholly within expanded stream buffers. Two proposed impacts are for outfalls associated with stormwater management facilities. One impact is for the installation of a water main required by the Washington Suburban Sanitary Commission (WSSC).

Section 24-130 of the Subdivision Regulations restricts impacts to these buffers unless the Planning Board grants a variation to the Subdivision Regulations in accordance with Section 24-113. Even if approved by the Planning Board, the applicant will need to obtain federal and state permits prior to the issuance of any grading permit. Each variation is described individually below. However, for purposes of discussion relating to Section 24-113(a) of the Subdivision Regulations the impacts were discussed collectively.

Section 24-113(a) of the Subdivision Regulations sets forth the required findings for approval of variation requests. Section 24-113(a) reads:

**Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon evidence presented to it in each specific case that:**

The approval of the applicant's request does not have the effect of nullifying the intent and purpose of the Subdivision Regulations. In fact, strict compliance with the requirements of Section 24-130 could result in practical difficulties to the applicant that could result in the applicant not being able to develop this property.

- (1) The granting of the variation will not be detrimental to the public safety, health, or injurious to other property;**

The installation of the stormwater management outfalls are required by the Prince George's County Department of Environmental Resources to provide for public safety, health and welfare. County Code requires that the proposed development be served by sanitary sewer and public

water. All designs of these types of facilities are reviewed by the appropriate agency to ensure compliance with the regulations. These regulations require that the designs are not injurious to other property.

- (2) The Conditions on which the variation is based are unique to the property for which**

**the variation is sought and are not applicable generally to other properties;**

The specific topography of the site requires the use of the stormwater management outfalls shown on the plans to adequately serve the proposed development. The existing sanitary sewer is wholly within the expanded stream buffer. The installation of the water line is required to adequately serve the property.

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

The installation of stormwater management outfalls, connections to the existing sanitary sewer and installation of the water main are required by other regulations. Because the applicant will have to obtain permits from other local, state and federal agencies as required by their regulations, the approval of this variation request would not constitute a violation of other applicable laws.

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

The topography provides no alternative for the location of the stormwater management outfalls that are required to serve the development. The only existing sanitary sewers to serve this property are wholly within the expanded stream buffer. Without the required stormwater management outfalls, sanitary sewer connections or water main, the property could not be properly developed in accordance with the R-E Zone.

The Environmental Planning Section supports the variation request in accordance with the above findings subject to the following revision to the Type I Tree Conservation Plan, as discussed further below:

“Prior to signature of the Preliminary Plan, the Type I Tree Conservation Plan shall be revised to eliminate grading into the expanded stream buffer on Lot 54, Block E and show the clearing required for the installation of the water main loop.”

The property is subject to the requirements of the Prince George’s County Woodland Conservation and Tree Preservation Ordinance because the site is more than 40,000 square feet in size and contains more than 10,000 square feet of existing woodland. A Type I Tree Conservation Plan is required.

A Type I Tree Conservation Plan, TCPI/16/05, was submitted with this application. The plan proposes clearing 41.75 acres of the existing 158.42 acres of upland woodland and the clearing of 0.04 acres of the existing 20.97 acres of woodland within the 100-year floodplain. The woodland conservation threshold for this site is 91.60 acres. Based upon the proposed clearing, the total

woodland conservation requirement is 102.08 acres. The plan proposes to meet this requirement by providing 101.96 acres of on-site woodland conservation and payment of a fee-in-lieu for 0.12 acres. Staff recommends that all of the woodland conservation required for this preliminary plan be provided on-site. The Type I Tree Conservation Plan should be revised to accommodate the 0.12 acres proposed for a payment of fee-in-lieu on-site, without jeopardizing an approved lotting pattern or usable rear and side yards. Staff believes that this revision should not necessarily result in a loss of a lot.

The layout of the proposed woodland conservation is in conformance with the goals of the Woodland Conservation Ordinance and the Green Infrastructure Plan. In addition to preserving sensitive environmental features and the expanded stream buffers, the addition of upland woodland abutting these areas creates large contiguous woodlands and woodland corridors.

There are some technical issues with the TCPI. Woodland conservation is proposed on some lots and may constrain the useable yard areas on some of them. At the Planning Board hearing of January 19, 2006 the Planning Board advised the applicant that the Planning Board expects the applicant to provide a 40-foot usable rear yard and setback from the expanded buffer and woodland conservation on all lots within the subdivision. There was some discussion between the applicant, staff and the Board regarding the 40-foot usable rear yard and if that was in fact "reasonable." The Planning Board clearly stated that they have established that "appropriate and reasonable" is a 40-foot setback from the expanded buffer and woodland conservation to provide a usable rear yard.

At the hearing Lots 1, 48, 49, 53, 54, 55, 66 and 83, Block E were discussed specifically because the proposed grading and house siting was not consistent with this policy. The Planning Board was very concerned with the lack of planning for conformance with this policy and is requiring the review and approval of a limited detailed site plan for the lots mentioned above as well as any lots that are adjusted to accommodate a 40-foot yard area. The adjustment to the lotting pattern and house siting is being required by the Planning Board to accommodate the 40-foot rear yard. As noted previously, grading into the expanded stream buffer on Lot 54, Block E needs to be eliminated and the limit-of-disturbance needs to be revised to show the clearing required for the installation of the water main loop. Some proposed woodland conservation in the southern portion of the site is on land that is proposed to be dedicated to the Department Parks and Recreation. However, the Department of Parks and Recreation has indicated that the land south of the site is not appropriate for public parkland because of the steep slopes and unusable area for park purposes.

Gallahan Road is a designated scenic road. Development will have to conform to Design Guidelines and Standards for Scenic and Historic Roads. A visual inventory was not submitted; however, the appropriate treatment for development along this portion of Gallahan Road has been established during the approval of recent subdivisions. The Preliminary Plan and Type I Tree Conservation Plan must show 40-foot scenic easements adjacent and contiguous to the proposed 10-foot public utility easements (PUE), along the right-of-way for Gallahan Road. At this time

Parcel C is to be conveyed to M-NCPPC, and therefore no scenic easement would be required.

Of note is that of the 3,180 linear feet of frontage Parcel C has on Gallahan Road, 730 feet of that frontage is only 20 feet wide, outside the ultimate right-of-way. There are several options for the disposition of that strip of land. The applicant could create a parcel of this strip of land (20 feet x 730 feet) and convey it to the abutting property owner to the east (Parcel 57), or dedicate the strip of land to the Department of Public Works and Transportation at the time of record plat. The Department of Parks and Recreation has indicated that this strip of land serves no public benefit. If the 730-foot long “parcel” is conveyed to the property owner of Parcel 57 at the time of record plat, the 40-foot scenic easement should be implemented to the extent possible, outside the 10-foot PUE, and allowing for access.

These easements can serve to preserve the scenic nature of these roads. Most of the proposed scenic easements are devoid of trees and significant landscaping will be required. The landscaping will be reviewed concurrently with the Type II Tree Conservation Plan, and implemented on the 20-foot-wide strip to the extent possible. At the time of final plat the extent of the implementation of the scenic easement will be determined based on ownership.

There is a bald eagle nest south of the subject property on Parcel 140. Staff has reviewed the nest location and the plans show woodland conservation for the entire area south of the stream and north of the nest site. The proposed development will have no significant impact on the bald eagle nest in the vicinity of this project.

Because the on-site recreation facilities require a limited detailed site plan, issues relating to woodland conservation and landscaping along Gallahan Road should be addressed as part of that review prior to final plat. Any portion of Parcel C conveyed to M-NCPPC, is not subject to the review of the limited detailed site plan. A Type II Tree Conservation Plan should be reviewed and approved as part of the limited detailed site plan.

### **Water and Sewer Categories**

The water and sewer service categories are W-4 and S-4 according to water and sewer maps obtained from the Department of Environmental Resources dated June 2003, and will therefore be served by public systems.

5. **Community Planning**—The subject property is located within the limits of the 1993 Subregion V Approved Master Plan, Planning Area 81B in the Tippett Community. The master plan land use recommendation for the property is for suburban estate and low density planned neighborhoods. The 1993 Subregion V Sectional Map Amendment rezoned the property from the R-A Zone to the R-E Zone. The proposed development conforms to the R-E Zone utilizing lot size averaging. The proposed preliminary plan is consistent with the recommendations of the master plan based on the findings contained in this staff report.

The 2002 General Plan locates this property in the Developing Tier. One of the visions of the Developing Tier is to maintain a pattern of low- to moderate- density suburban residential communities. The proposed preliminary plan is consistent with low to moderate densities and therefore conforms to the recommendations of the 2002 General Plan.

There are a number of transportation-related recommendations contained in the master plan and discussed further in the transportation Finding of this report.

The northern portion of this site falls within Aviation Policy Area (APA) 6 for Potomac Airfield. Regulations for development in the vicinity of general aviation airports and are detailed in Sections 27-548.32 to 27-548.49 of the Zoning Ordinance. This application needs to demonstrate compliance with the regulations that pertain to APA 6, as discussed further in Finding 15 of this staff report.

6. **Parks and Recreation**—The staff of the Department of Parks and Recreation (DPR) has reviewed the above referenced preliminary plan application for conformance with the requirements and recommendations of the Approved Master Plan and Sectional Map Amendment for Subregion V, Planning Area 81B, the Land Preservation and Recreation Program for Prince George’s County and current zoning and subdivision regulations as they pertain to public parks and recreation.

## FINDINGS

The subject property is approximately 410 acres in size and includes 44 acres of the floodplain along the Tinkers Creek stream valley. The applicant proposes to develop 242 dwelling units, which will result in a population of approximately 750 new residents.

The Subregion V, Planning Area 81B master plan recommends dedication of the Tinkers Creek stream valley and hiker/biker trails construction along the stream. Section 24-134 of the Prince George’s County Subdivision Regulations requires the mandatory dedication of 14 acres of parkland suitable for active and passive recreation. The applicant proposes a combination of public and private recreational facilities to meet the requirements of Section 24-134 of the Subdivision Ordinance.

DPR staff recommends dedication of 38 acres of open space area to the Tinkers Creek stream valley park in accordance with DPR Exhibit A and the construction of the hiker/biker trail in the stream valley. Parcel C is currently proposed to be conveyed to M-NCPPC as part of the Tinkers Creek stream valley public park system and totals 94.04 acres. However, DPR has indicated that the area of Parcel C along the south property line is not appropriate for public parkland because of the steep slopes and unusable area for park purposes and recommends that the area for dedication be reduced as reflected on DPR Exhibit A. The area of Parcel C not included in the stream valley park should be conveyed to the homeowners association (HOA).

In order to locate the master planned trail on dedicated parkland along the western property line, in close proximity to the creek, DPR staff recommends the reconfiguration of Lots 16, 17, 18 Block B and Lots 24, 25, 26 Block E. This will provide an appropriate buffer from the edge of the expanded buffer to the residential lots, (minimum 20 feet) and provide enough developable land for the master planned trail outside of wetlands, steep slopes, utility lines, existing ponds and proposed stormwater management ponds along the Tinkers Creek stream valley as appropriate. The proposed dedication will preserve the stream valley as public open space available to all Prince George's County residents and will provide trail linkages to existing and future recreational facilities in the public park system.

Staff is recommending that the review of the master plan trail construction on park property be included in the review of the limited detailed site plan for private homes recreational uses. At that time the applicant may demonstrate that a loss of Lots 16, 17, 18 Block B and Lots 24, 25, 26 Block E is not necessary to accommodate the master plan trail construction. The trail should be constructed outside of the wetlands, steep and severe slopes, floodplain and have a minimum setback from all lot lines of 20 feet.

In addition, the applicant is proposing the provision of private recreational facilities including a community center and swimming pool. In summary, staff believes that the dedication of 38 acres of parkland as shown on attached Exhibit A, the provision of hiker/biker/equestrian trails on dedicated parkland, and the provision of private recreational facilities on HOA land as discussed above will satisfy master plan recommendations, and the requirements of the subdivision regulations as they pertain to public parks and recreation.

The Department of Parks and Recreation recommends to the Planning Board that approval of the above preliminary plan be subject to conditions.

7. **Trails**—The Adopted and Approved Subregion V Master Plan recommends a stream valley trail along Tinkers Creek. This planned stream valley trail is part of the proposed trail network for southern Prince George's County and will connect to the Piscataway Creek Trail to the south. No other master plan trails impact the subject site. However, Gallahan Road has recently been included as part of the Potomac Heritage Trail On-Road Bicycle Road, as designated by Prince George's County. The National Park Service recently accepted this bicycle route as part of the Potomac Heritage National Scenic Trail corridor. On-road bicyclists from the Oxon Hill Bicycle Trail Club and other bicycle groups currently use Gallahan Road when touring the southern part of

the County. Gallahan Road is proposed as a master plan bikeway in the Preliminary Henson Creek-South Potomac Master Plan. If road frontage improvements are required, a paved asphalt shoulder is recommended along the subject site's frontage of Gallahan Road in order to safely accommodate bicycle traffic.

#### SIDEWALK CONNECTIVITY:

The adjoining Mary Catherine Estates and Rivergate subdivisions include sidewalks along both sides of all internal roads. Staff recommends internal sidewalks along at least one side of all internal roads, unless required otherwise by the Department of Public Works and Transportation (DPW&T).

8. **Transportation**—The applicant prepared a traffic impact study dated July 2005, in accordance with the methodologies in the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*. A minor revision was submitted dated September 2005. Both studies have been referred to the DPW&T and the State Highway Administration (SHA). Both agencies provided comments on the earlier study; SHA slightly revised their comments on the later study while DPW&T did not provide new comments. The findings and recommendations outlined below are based upon a review of all materials received and analyses conducted by the staff, are consistent with the Guidelines.

It must be noted that the traffic impact studies cover the impact of the subject site along with two other sites having the same ownership interest. It is likely that all three sites will be considered on the same Planning Board date. The analyses presented in this memorandum are roughly the same for each site, and each site will receive the same off-site transportation conditions.

#### **Growth Policy—Service Level Standards**

The subject property is located within the Developing Tier, as defined in the General Plan for Prince George's County. As such, the subject property is evaluated according to the following standards:

**Links and signalized intersections:** Level-of-service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better.

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

#### **Staff Analysis of Traffic Impacts**

The traffic impact study prepared and submitted on behalf of the applicant analyzed the following intersections:

MD 223 and Old Branch Avenue/Brandywine Road (signalized)

Brandywine Road and Surratts Road (signalized)

Brandywine Road and Thrift Road (signalized)

Floral Park Road and Windbrook Drive (unsignalized)

MD 223 and Floral Park Road (unsignalized)

MD 223 and Gallahan Road (unsignalized)

MD 223 and Windbrook Drive/site access (unsignalized)

MD 223 and Tippet Road (unsignalized)

MD 223 and Steed Road (signalized)

MD 223 and Temple Hill Road (signalized)

Old Fort Road South and Gallahan Road (unsignalized)

Old Fort Road North and Allentown Road (unsignalized)

MD 210 and Old Fort Road North (signalized)

The traffic counts were completed in January 2005. It is noted that a few concerns have been raised about the timing of the traffic counts, and there were direct concerns by DPW&T. The following points are noted:

- All traffic counts were taken on a Tuesday, Wednesday, or Thursday in accordance with the Guidelines.
- The traffic study of record was submitted in September 2005. The old counts in the study are dated November 2004. In accordance with the Guidelines, all counts were less than one year old at the time of traffic study submittal.
- All counts were taken on days when schools were open.
- Two counts, the counts at MD 223/Old Branch Avenue/Brandywine Road and MD 223/Steed Road, were taken on the day prior to a national holiday. Because Veterans Day in 2004 occurred midweek, and the counts were taken on the Wednesday prior, the counts were allowed. The primary reason for the Guidelines to discourage counts on the day before or after national holidays is to allow counts taken before or after long

weekends to be rejected.

It is noted that most of the counts causing concern are along state highways, and SHA did not express a concern with the timing of the counts.

Existing conditions in the vicinity of the subject property are summarized below:

<b>EXISTING TRAFFIC CONDITIONS</b>				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 223 and Old Branch Avenue/Brandywine Road	1,275	1,796	C	F
Brandywine Road and Surratts Road	1,398	1,248	D	C
Brandywine Road and Thrift Road	1,043	908	B	A
Floral Park Road and Windbrook Drive	10.6*	10.3*	--	--
MD 223 and Floral Park Road	21.4*	20.8*	--	--
MD 223 and Gallahan Road	10.9*	14.7*	--	--
MD 223 and Windbrook Drive/site access	25.3*	37.6*	--	--
MD 223 and Tippet Road	47.8*	19.0*	--	--
MD 223 and Steed Road	1,319	1,145	D	B
MD 223 and Temple Hill Road	892	1,177	A	C
Old Fort Road South and Gallahan Road	11.6*	10.9*	--	--
Old Fort Road North and Allentown Road	12.4*	15.1*	--	--
MD 210 and Old Fort Road North	1,582	1,905	E	F
<p>*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.</p>				

A review of background development was conducted by the applicant, and the area of background development includes over 20 sites encompassing over 2,000 approved residences. The traffic study also includes a growth rate of 2.0 percent per year along the facilities within the study area to account for growth in through traffic.

Background conditions also assume the widening of Surratts Road between Beverly Drive and

Brandywine Road. Given that the project is shown in the current county Capital Improvement Program (CIP) with 100 percent funding within six years, staff has allowed the traffic study to include this improvement as a part of the background condition. While this improvement has an unusually long history of full funding in the CIP without being constructed, there are actions being taken to commit county and developer funding to get this improvement constructed soon. This improvement is particularly important to traffic circulation in the area. Widening the link of Surratts Road eastward from Brandywine Road is anticipated to provide an outlet for traffic using Brandywine Road. Also, the intersection improvements at Brandywine Road/Surratts Road that are a part of this CIP project are important because this intersection currently operates poorly in both peak hours.

It is noted that Woodburn Estates, Preliminary Plan 4-04016, was not included in the background scenario in the traffic study. It is possible that a list of approved development was provided to the applicant prior to approval of Woodburn Estates. Also, an added complexity has arisen as another site, Silver Farm (Preliminary Plan 4-05075, for 22 lots) must be reviewed prior to consideration of the subject site because it will provide primary access to this site from Piscataway Road if approved; therefore, it must be background to the consideration of this site. Staff has added the impact of Woodburn Estates (122 detached lots) and Silver Farm to the results in the traffic study to determine the background traffic presented herein.

Background traffic is summarized below:

<b>BACKGROUND TRAFFIC CONDITIONS</b>				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 223 and Old Branch Avenue/Brandywine Road	1,689	2,322	F	F
Brandywine Road and Surratts Road	1,162	1,025	C	B
Brandywine Road and Thrift Road	1,261	1,087	C	B
Floral Park Road and Windbrook Drive	12.2*	12.0*	--	--
MD 223 and Floral Park Road	49.9*	46.3*	--	--
MD 223 and Gallahan Road	14.1*	23.8*	--	--
MD 223 and Windbrook Drive/site access	92.6*	116.1*	--	--
MD 223 and Tippett Road	516.9*	213.3*	--	--
MD 223 and Steed Road	1,673	1,432	F	D
MD 223 and Temple Hill Road	1,170	1,579	C	E
Old Fort Road South and Gallahan Road	13.1*	12.1*	--	--
Old Fort Road North and Allentown Road	29.6*	107.2*	--	--
MD 210 and Old Fort Road North	1,970	2,165	F	F

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

The site is proposed for development with 242 detached residences. The proposal would generate 182 AM (37 in, 145 out) and 218 PM (143 in, 75 out) peak-hour vehicle trips. As noted earlier, the traffic study was conducted for three separate properties. All three sites, including the subject site, are being reviewed as preliminary plans on the same date. In all likelihood, the subject site will be reviewed as a preliminary plan on the same hearing date as the other two sites. While, indeed, each application must stand on its own, it is also fair and proper that each site receive the same off-site transportation conditions. This will allow each site to share in the construction of the off-site transportation improvements if they are approved. Therefore, rather than recalculating service levels for the subject site alone, the total traffic situation presented will summarize the impact of all three sites together. Once again, it is anticipated at this time that all three preliminary plans of subdivision will be reviewed on the same date, and that all three, if approved, would receive the same set of off-site transportation conditions.

The other two sites are proposed for residential development as well. The Bevard North property is preliminary plan of subdivision 4-05049, and includes 818 elderly housing units in a planned retirement community. The Bevard East property is preliminary plan of subdivision 4-05050, and includes a total of 827 residences in a mix of detached and townhouse residences. Trip generation of the three sites is summarized below:

Site Trip Generation—All Three Sites Included in Traffic Study						
Use	AM Peak Hour			PM Peak Hour		
	In	Out	Total	In	Out	Total
Bevard East—827 residences	123	490	613	476	252	728
Bevard North—818 senior residences	65	106	171	137	88	225
Bevard West—242 residences	37	145	182	143	75	218
<b>Total Trips</b>	<b>225</b>	<b>741</b>	<b>966</b>	<b>756</b>	<b>415</b>	<b>1171</b>

Total traffic (for the three sites, including the subject site) is summarized below:

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 223 and Old Branch Avenue/Brandywine Road	1,816	2,464	F	F
Brandywine Road and Surratts Road	1,185	1,101	C	B
Brandywine Road and Thrift Road	1,336	1,129	D	B
Floral Park Road and Windbrook Drive	14.9*	13.8*	--	--
MD 223 and Floral Park Road	83.3*	60.9*	--	--
MD 223 and Gallahan Road	15.2*	26.3*	--	--
MD 223 and Windbrook Drive/site access	+999*	+999*	--	--
MD 223 and Tippett Road	+999*	721.9*	--	--
MD 223 and Steed Road	2,009	1,820	F	F
MD 223 and Temple Hill Road	1,372	1,922	D	F
Old Fort Road South and Gallahan Road	13.3*	12.2*	--	--
Old Fort Road North and Allentown Road	69.9*	286.0*	--	--
MD 210 and Old Fort Road North	2,156	2,165	F	F

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

Traffic Impacts: The following improvements are determined to be required for the development of the subject property in the traffic study:

- A. MD 223/Old Branch Avenue/Brandywine Road: Reconstruct the intersection to provide two through lanes, an exclusive right-turn lane, and an exclusive left-turn lane on both the eastbound and westbound approaches, and provide an exclusive through lane, an exclusive right-turn lane, and an exclusive left-turn lane on both the northbound and southbound approaches. Modify traffic signal, signage, and pavement markings as needed.
- B. MD 223/Temple Hill Road: Construct a second through lane along the south/westbound MD 223 approach. Modify signals, signage, and pavement markings as needed.

- C. MD 223/Steed Road: Reconstruct the intersection to provide a shared through/right-turn lane and a shared through/left-turn lane on the southbound MD 223 approach; a shared through/right-turn lane, an exclusive through lane, and an exclusive left-turn lane on the northbound MD 223 approach; and an exclusive left-turn lane and shared through/right-turn lane on the Steed Road approach. Modify signals, signage, and pavement markings as needed.
- D. MD 210/Old Fort Road North: Modify the eastbound and westbound Old Fort Road approaches to provide an exclusive through lane, a shared through/left-turn lane, and an exclusive right-turn lane. Modify signals, signage, and pavement markings as needed.
- E. Unsignalized Intersections: The traffic study includes signal warrant studies at four unsignalized intersections in the study area. It is determined in the traffic study that signalization would not be warranted at the MD 223/Windbrook Drive intersection, the MD 223/Tippett Road intersection, and the Old Fort Road North/Allentown Road intersection. It is determined that signalization would be warranted at the MD 223/Floral Park Road intersection.

Traffic Impacts—Staff Review: In general staff believes that the improvements recommended in the traffic study to the signalized intersections are acceptable.

At the MD 210 and Old Fort Road North intersection, the applicant has proposed the use of mitigation in accordance with Section 24-124(a)(6). The Subdivision Ordinance indicates that “consideration of certain mitigating actions is appropriate...” in accordance with the Guidelines for Mitigation Action and the requirements of that portion of Section 24-124. The applicant proposes to employ mitigation by means of criterion (d) in the Guidelines for Mitigation Action, which were approved by the District Council as CR-29-1994. Criterion (d) allows mitigation at intersections along MD 210 outside of the Beltway (among other facilities), and was not superceded by the approval of the 2002 *Prince George’s County General Plan*.

At the MD 210 and Old Fort Road North intersection, the applicant recommends several improvements described above to mitigate the impact of the applicant’s development in accordance with the provisions of Sec. 24-124(a)(6).

The impact of the mitigation actions at this intersection is summarized as follows:

IMPACT OF MITIGATION				
Intersection	LOS and CLV (AM & PM)		CLV Difference (AM & PM)	
MD 210/Old Fort Road North				
Background Conditions	F/1,970	F/2,165		
Total Traffic Conditions	F/2,156	F/2,165	+186	+0
Total Traffic Conditions w/Mitigation	E/1,805	D/1,812	-351	-353

As the CLV at MD 210/Old Fort Road North is greater than 1,813 during both peak hours, the proposed mitigation action must mitigate at least 100 percent of the trips generated by the subject property during each peak hour and bring the CLV to no greater than 1,813, according to the Guidelines. The above table indicates that the proposed mitigation action would mitigate more than 100 percent of site-generated trips during each peak hour, and it bring the CLV below 1,813 in each peak hour as well. Therefore, the proposed mitigation at MD 210 and Old Fort Road North meets the requirements of Section 24-124(a)(6)(B)(i) of the Subdivision Ordinance in considering traffic impacts.

With regard to the unsignalized intersections, staff has several comments:

- Staff accepts that the Old Fort Road/Allentown Road intersection will not meet warrants under future traffic. Because a traffic signal warrant study is, in itself, a more detailed study of the traffic operations at an intersection, it is anticipated that the in-depth analysis will show that the intersection will operate acceptably under future traffic.
- The MD 223/Floral Park Road intersection is shown to meet signal warrants under total traffic. SHA accepts this result, and will also require that separate right-turn and left-turn lanes be installed at the time of installation. Given that the provision of this lane geometry is essential to the safe and effective operation of the signal, staff will recommend this improvement. Also, it is noted in reviewing the future LOS of this intersection that with a one-lane approach on the eastbound leg of the intersection that the intersection will fail in the AM peak hour. Separate eastbound through and left-turn lanes are needed to resolve this inadequacy.
- It is noted that the MD 223/Windbrook Drive intersection is shown to meet at least one

warrant for signalization during the PM peak hour. While the traffic study indicates that the signal would not be required, it is recommended at this time that a follow-up study be done. It is particularly important for this site because this intersection is the primary gateway to this development.

- The MD 223/Tippett Road intersection is shown to not meet warrants under future traffic. Because a traffic signal warrant study is, in itself, a more detailed study of the traffic operations at an intersection, it is accepted that the in-depth analysis shows that the intersection will operate acceptably under future traffic. Nonetheless, it is noted that the Wolfe Farm (Preliminary Plan 4-04099) has a similar condition to study signal warrants. The impact of the Wolfe Farm on turning movements (as opposed to through movements) is much greater than the impact of the subject site on this intersection.
- The two site access points to Bevard North and Bevard East along MD 223 are not covered herein because, in considering only the subject site (Bevard West), the intersection does not exist until the time that those two sites move forward.

Total Traffic Impacts: Total traffic with the improvements described in the two sections above are summarized below:

<b>TOTAL TRAFFIC CONDITIONS WITH IMPROVEMENTS</b> <b>(Intersections with conditioned improvements are highlighted in bold)</b>				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
<b>MD 223 and Old Branch Avenue/Brandywine Road</b>	<b>1,210</b>	<b>1,450</b>	<b>C</b>	<b>D</b>
Brandywine Road and Surratts Road	1,185	1,101	C	B
Brandywine Road and Thrift Road	1,336	1,129	D	B
Floral Park Road and Windbrook Drive	12.2*	12.0*	--	--
<b>MD 223 and Floral Park Road</b>	<b>950</b>	<b>779</b>	<b>A</b>	<b>A</b>
MD 223 and Gallahan Road	14.1*	23.8*	--	--
<b>MD 223 and Windbrook Drive/site access</b>	<b>1,134</b>	<b>921</b>	<b>B</b>	<b>A</b>
MD 223 and Tippet Road	+999*	721.9*	--	--
<b>MD 223 and Steed Road</b>	<b>1,215</b>	<b>1,420</b>	<b>C</b>	<b>D</b>
<b>MD 223 and Temple Hill Road</b>	<b>1,307</b>	<b>1,388</b>	<b>D</b>	<b>D</b>
Old Fort Road South and Gallahan Road	13.1*	12.1*	--	--
Old Fort Road North and Allentown Road	Adequate per traffic signal warrant study			
<b>MD 210 and Old Fort Road North</b>	<b>1,805</b>	<b>1,812</b>	<b>F</b>	<b>F</b>
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.				

It is noted that all intersections meet the current policy level-of-service standard, and the one intersection proposed for mitigation, MD 210 and Old Fort Road North, meets the standards set out in the Guidelines for Mitigation Action (CR-29-1994).

DPW&T expressed several concerns with the study. Several concerns have been discussed earlier, however, remaining concerns are discussed below:

- At the Floral Park Road and Windbrook Drive intersection, DPW&T requests provision of an exclusive right-turn lane along the westbound Floral Park Road approach. It is noted, however, that the intersection is determined to operate acceptably as an unsignalized intersection in its current configuration, and no exclusive right-turn lane was

assumed in the traffic study. Therefore, the Planning Board would not have the authority to impose such a condition.

- At the MD 223 and Temple Hill Road intersection, DPW&T requests provision of a double left-turn lane along the eastbound MD 223 approach, with consequent widening of northbound Temple Hill Road to accept the double left-turn movement. It is agreed that the high AM hourly left-turn volume would utilize the intersection more efficiently if the double left-turn lane was provided. SHA has not requested this modification, however, even though the primary operational impact would be within SHA-maintained roadway. Also, right-of-way is very restricted at this location. Furthermore, the applicant has proffered an improvement that relieves the inadequacy shown; the dual left-turn lane would not, on its own, relieve the inadequacy. Therefore, the Planning Board would not have the authority to impose such a condition.
- At the Old Fort Road South and Gallahan Road intersection, DPW&T requests provision of a southbound left-turn bypass lane along the southbound Old Fort Road South approach. It is noted, however, that the intersection is determined to operate acceptably as an unsignalized intersection in its current configuration, and no bypass lane was assumed in the traffic study. Therefore, the Planning Board would not have the authority to impose such a condition.
- At the Old Fort Road South and site access intersection, DPW&T requests provision of a southbound left-turn bypass lane along the southbound Old Fort Road South approach. That intersection is pertinent to the Bevard North review and will be covered in discussion of that case.
- The labeling of exhibits G1 through G10 of the traffic study has been duly noted.

SHA noted several minor issues with the traffic study but concurred with most of the recommendations. That agency's added recommendation included separate southbound left-turn and right-turn lanes at the MD 223/Floral Park Road intersection, which has already been addressed by earlier discussion in this memorandum. SHA concurred with the proposed mitigation at MD 210 and Old Fort Road North.

### **Plan Comments**

MD 223 is a master plan arterial facility, and Gallahan Road is a planned collector facility. Both facilities will require dedication consistent with the master plan recommendations. Right-of-way dedication will be required at the time of final plat.

Access to this site has remained an issue throughout its review. The current plan is proposed with a primary access through an adjacent property to MD 223, and a secondary access onto Solomon Way within the Rivergate Estates subdivision. There are several issues that require discussion:

- Regarding the primary access, two issues have been discussed during the review of this site—viability and alignment size—and each of these is reviewed below:
  - a. **Viability:** A subdivision is required to have access onto a public street. However, the subject plan is relying on access through an adjacent parcel that is currently under review as Preliminary Plan 4-05075, Silver Farm. It is essential that public street D be dedicated to public use as a minimum 60-foot right-of-way through the Silver Farm prior to any final plat approval within the subject site.
  - b. **Alignment size:** Public street D on the subject plan is shown as a wide right-of-way with an ornamental median tapering to a 60-foot right-of-way as it enters the Silver Farm site. Transportation staff has determined that a 60-foot minimum right-of-way is a sufficient size for this primary access, except that it should flare to 80 feet within Silver Farm as it approaches MD 223. The flare would allow for the addition of a median with dual egress lanes and a single wide entrance lane.
- Regarding secondary access to the east of this site, the plan is showing secondary access onto Solomon Way within the Rivergate Estates subdivision. Transportation staff would also support a secondary access connecting the end of public street L with Demmy Way within the Mary Catherine Estates subdivision. This connection would increase connectivity between neighborhoods. It would enhance the delivery of public services such as mail, street maintenance and plowing, school transportation, and emergency services. It would also provide an additional egress for residents of the Mary Catherine Estates subdivision. It should be noted that it is more likely that a signal will be warranted at MD 223/Windbrook Drive than at MD 223/Mary Catherine Drive. Such a connection would give left-turning residents a safer option to egress the neighborhood if and when a signal at MD 223/Windbrook is installed.
- DPW&T has commented that a primary access point to the west onto Gallahan Road would be desirable. Given that such an access would traverse environmental features, along with the availability of adequate access via other means, the transportation staff has not supported this concept. Indeed, such an access point might be desirable given the distribution of traffic from this site. Nonetheless, it really has not been considered in the layout of the site or in the analysis of traffic impacts. If such an access were to be required, it should only be done so with a requirement to file a new preliminary plan of subdivision and new traffic study.

Based on the preceding findings, adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code.

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

Final School APF Numbers

**Finding**

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 5	Middle School Cluster 3	High School Cluster 3
Dwelling Units	242 sfd	242 sfd	242 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	58.08	14.52	29.04
Actual Enrollment	4145	5489	9164
Completion Enrollment	97	64	127
Cumulative Enrollment	19.20	6.60	13.20
Total Enrollment	4319.28	5574.12	9333.24
State Rated Capacity	3771	6114	7792
Percent Capacity	114.54%	91.17%	119.78%

Source: Prince George's County Planning Department, M-NCPPC, December 2005

County Council bill CB-31-2003 establishes a school facilities surcharge in the amounts of: \$7,000 per dwelling if a building is located between I-495 and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$12,000 per dwelling for all other buildings. Council bill CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts are \$7,412 and 12,706 to be paid at the time of issuance of each building permit.

The school surcharge may be used for the construction of additional or expanded school facilities and renovations to existing school buildings or other systemic changes.

This project meets the public facilities policies for school facilities contained in Section 24-122.02, CB-30-2003 and CB-31-2003 and CR-23-2003.

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

The Prince George's County Planning Department has determined that this preliminary plan is

within the required 7-minute response time for the first due fire station Clinton, Company 25, using the 7 Minute Travel Times and Fire Station Locations Map provided by the Prince George’s County Fire Department.

The Fire Chief has reported that the current staff complement of the Fire Department is 704 (101.73 percent), which is above the staff standard of 657 or 95 percent of authorized strength of 692 as stated in CD-56-2005.

The Fire Chief has reported by letter, dated 11/01/2005 that the department has adequate equipment to meet the standards stated in CB-56-2005.

11. **Police Facilities**—The Prince George’s County Planning Department has determined that this preliminary plan is located in Police District IV. The standard for emergency calls response is 10 minutes and 25 minutes for non-emergency calls. The times are based on a rolling average for the proceeding 12 months.

Preliminary Plan was accepted for processing by the Planning Department on 7/28/05.

Reporting Cycle	Date	Emergency Calls	Non-emergency
Acceptance Date	01/05/05-06/05/05	11.00	22.00
Cycle 1	01/05/05-07/05/05	11.00	23.00
Cycle 2	01/05/05-08/05/05	11.00	23.00
Cycle 3	01/05/05-09/05/05	11.00	23.00

The Police Chief has reported that the current staff complement of the Police Department is 1302 sworn officers and 43 student officers in the Academy for a total of 1345 (95 percent) personnel, which is within the standard of 1,278 officers or 90 percent of the authorized strength of 1,420 as stated in CB-56-2005.

The response time standards of 10 minutes for police emergency calls were not met on the date of acceptance or within the following three monthly cycles. In accordance with Section 24-122.01 of the Subdivision Regulations, Preliminary Plan 4-05051 fails to meet the standards for police emergency response calls. The Planning Board may not approve a preliminary plan until a mitigation plan between the applicant and the county is entered into and filed with the Planning Board in accordance with the County Council adopted *Guidelines for the Mitigation of Adequate Public Facilities for Public Safety Infrastructure*. In accordance with CR-78-2005, the applicant has entered into a mitigation agreement and chosen to pay solely the mitigation fee.

12. **Health Department**—The Health Department has reviewed the preliminary plan and notes that any abandoned well or septic system shall be pumped, backfilled and/or sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative of the Health

Department prior to approval of the final plat. In addition, a raze permit is required prior to the

removal of any of the structures on the site. A raze permit must be obtained through the Department of Environmental Resources.

13. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan, #9089-2005-00 has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. Development must be in accordance with this approved plan.
14. **Lot Size Averaging**—The applicant has proposed to utilize the Lot Size Averaging (LSA) provision provided for in Section 24-121(a)(12) of the Subdivision Regulations for this R-E zoned property.

Section 27-423 of the Prince George’s County Zoning Ordinance establishes the zoning requirements for lot size averaging. Specifically, in the R-E Zone:

- A. The maximum number of lots permitted is equal to the gross acreage (410.53 acres) divided by the largest minimum lot size in the zone (40,000 square feet), or 447 dwelling units permitted.
- B. At least 50 percent of the lots created shall equal or exceed the largest minimum lot size in the zone (40,000 square feet).

For the 410.53 acres located in the R-E Zone, 447 lots would be allowed. The applicant proposes 242 lots, 127 of the proposed lots meet or exceed 40,000 square feet and the remaining lots are between 30,000 and 39,999 square feet. Therefore, the proposed subdivision meets the minimum zoning ordinance standards for lot size averaging.

Further, Section 24-121(a)(12) requires that the Planning Board make the following findings in permitting the use of lot size averaging:

- A. **The subdivision design provides for better access, protects or enhances historic resource or natural features and amenities, or otherwise provides for a better environment than that which could be achieved by the exclusive use of standard lots.**

**Comment:** The design of this subdivision respects the natural features on this property. The large stream system that meanders along the southern and western property boundaries and extends into the center of the property is well protected by this proposal. The stream forms the basis of not only the protected areas, but also of the views from homes and lots. Utilizing lot-sized averaging eliminates the need to cross the wetlands, thus protecting and enhancing these important natural features of the site. The lotting pattern respects this feature and offers minimal impact to it. As noted in the applicant’s variation request, the only

impacts to these features are for necessary infrastructure, such as stormdrain and sewer connections. Impacts for lots and road crossings have been completely avoided because the design and reduction of lot sizes for certain lots allows roads to completely avoid the environmental features on the property. In addition, approximately 90 acres of developable land have been preserved in woodland or are available for park use in the southern portion of the property. This amenity was made possible by creating smaller lots in the middle ring of the property. This is a better environment than that which could be achieved using standard lots.

**B. The subdivision design provides for an adequate transition between the proposed lot sizes and locations of lots and the lots, or lot size standards, of any adjacent residentially zoned parcels.**

**Comment:** Larger lots are proposed along the property's perimeter, with smaller lots in the interior. From adjoining properties, this subdivision will have an estate feel to the landscape. Large lots abut Rivergate Estates to the north and Silver Farm to the southeast, both large-lot subdivisions. Smaller lots are in the interior of the subdivision. Larger lots back to environmentally sensitive areas. These lots will have exceptional views and have a wonderful estate-like, almost secluded feel. In addition, Mary Catherine Estates, a subdivision of quarter and half acre lots abuts the property to the northeast. Smaller lots form the internal inner-ring of the subdivision.

**C. The subdivision design, where applicable, provides for an adequate transition between the proposed natural features of the site and any natural features of adjacent parcels.**

**Comment:** A large wetland and stream area encroaches the southern and western portions of the property and the adjoining properties to the south and west. This area will remain densely wooded and provide an adequate transition and buffer to the adjoining properties and streams and wetlands. Larger lots are proposed along the property's perimeter, with smaller lots in the interior. From adjoining properties, this subdivision will have an estate feel to the landscape. Large lots abut Rivergate Estates to the north and Silver Farm to the southeast, both large-lot subdivisions. Smaller lots are in the interior of the subdivision. Larger lots back to environmentally sensitive areas. These lots will have exceptional views and have a wonderful estate-like, almost secluded feel. In addition, Mary Catherine Estates, a subdivision of quarter and half acre lots abuts the property to the northeast. Smaller lots form the internal inner-ring of the subdivision.

In conclusion, the use of the lot size averaging technique allows maximum preservation of the

stream system while also maximizing the views into it. The plan provides an adequate transition between large lots to the north and southeast, smaller lots to the northeast and the stream system to the south and west. Staff supports the applicant's proposal to utilize the LSA provision for the development of this property.

15. **Flag Lots**—The proposal includes four flag lots, proposed Lots 38, 39, 56 and 75, Block E. Flag lots are permitted pursuant to Section 24-138.01 of the Subdivision Regulations. The preliminary plan of subdivision was submitted without adequate information to determine conformance to the requirements of 24-138.01. Specifically grading, house siting, *Landscape Manual* bufferyards (where required) and building restriction lines. However, the applicant did submit exhibits that demonstrate conformance to the requirements. Prior to signature approval, the preliminary plan should be revised to reflect the applicant's flag lot exhibits. The proposed flag lots satisfy the design standards found in Section 24-138.01(d) as follows:

- a. **A maximum of two tiers are permitted.** The applicant has proposed two tiers.
- b. **The flag stem has a minimum width of 25 feet for the entire length of the stem.** The applicant is proposing 26-foot-wide flag stems.
- c. **The net lot area, exclusive of the stem, must meet the minimum lot size standard.** The minimum net lot area in the respective zone shall be provided exclusive of the flag stem connection to the street. Based on the preliminary plan, adequate lot area will exist for each lot exclusive of the flag stem. The preliminary plan should be revised to reflect the required net lot areas.

Section 24-138.01(d)(6) of the Subdivision Regulations required that the preliminary plan demonstrate compliance to the *Landscape Manual* where a rear yard is oriented towards a driveway that accessed other lots, or towards a front or side yard of another lot. The applicant has provided a proposed landscape plan to demonstrate conformance; however, the preliminary plan should be revised to reflect the required Bufferyards in accordance with the *Landscape Manual*.

Section 24-138.01(f) establishes specific findings for the approval of the use of flag lots. The Planning Board must find the following:

- (A) **The design is clearly superior to what would have been achieved under conventional subdivision techniques;**

**Comment:** The original plan, submitted for review, included no flag lots. In that plan, several culs-de-sac extended further down the slopes toward, but not into, the expanded buffer. At the Subdivision Review Committee meeting, a discussion took place in which the applicant raised the possibility of shortening three culs-de-sac and providing flag lots at their termini. Staff suggested the applicant explore this option. The revised version is clearly superior in that it

further reduces the amount of paving proposed on this site. The conventional subdivision design technique with longer culs-de-sac would result in greater impervious coverage on-site, increased stormwater runoff and would require the maintenance of additional public rights-of-way. Use of four, one tiered flag lots is superior to traditional techniques in this case.

(B) **The transportation system will function safely and efficiently; and**

**Comment:** The Transportation Planning Section and the Department of Public Works and Transportation have evaluated the applicant's proposed layout and find that the location of the driveway for the flag lot does not adversely impact the safety or efficiency of the street layout.

(C) **The use of flag lots will result in the creative design of a development that blends harmoniously with the site and with adjacent development; and**

**Comment:** As stated above the use of the four flag lots to access this somewhat sensitive portion of the site does allow for fewer disturbances to on-site natural features.

(D) **The privacy of adjoining property owners has been assured in accordance with the evaluation criteria established above.**

**Comment:** The four flag lots are located at the end of culs-de-sac, contain significant wooded wetlands and are in excess of 40,000 square feet in size without including the flag stem. The combination of these factors will assure the privacy of both the adjoining property owners and the residents of the dwellings on the flag lots. The applicant has provided four exhibits that demonstrate bufferyards in accordance with the *Landscape Manual* were appropriate. In fact, conventional house siting has been accommodated in most cases without the need for bufferyards.

The flag lots are all located at the end of culs-de-sac and will allow the dwellings to be "tucked" into the environmental features without requiring street extensions. These flag lots will most likely be the most desirable lots in the subdivision. Staff recommends approval of the use of flag lots for Lots 38, 39, 56 and 75, Block E.

16. **Historic**—Phase I (Identification) archeological investigations were completed on the above-referenced property and the draft report (which included Bevard East, West, and North) was received on July 13, 2005, and comments were sent to the archeology consultant, URS, by

Donald Creveling, Archeology Program Manager, M-NCPPC Natural and Historic Resources Division, Department of Parks and Recreation in a letter dated October 17, 2005. Four copies of the final report should be submitted to the Planning Department. Four historic and two prehistoric archeological sites (18PR774, 18PR775, 18PR776, 18PR777, 18PR778, 18PR779) were identified on the entire Bevard property (North, West, and East). All the archeological sites were determined to be disturbed or too minor to be considered significant. No further archeological work is required on the subject property. However, the Maryland Historical Trust may require additional work as part of the Section 106 process, but not part of this preliminary plan process.

17. **Aviation Policy Area(s)**—Pursuant to Part 10B, Division 1 Aviation Policy Areas the subject site is impacted by aviation policy areas (APAs) for one existing aviation airport licensed by the Maryland Aviation Administration. The APA area impacts the northern portion of the property for the Potomac Airfield, APA 6. This airport is designated as a medium size airport.

Section 27-548.33. sets forth the purposes for the aviation policy areas as follows:

- (a) **The purposes of the Aviation Policy Areas are to provide special regulations for the development of land that may be affected by operations at airports in order to:**
- (1) **Encourage compatible land use around airports;**
  - (2) **Mitigate nuisances and hazards associated with airport operations;**
  - (3) **Protect people and structures in critical areas surrounding airports;**
  - (4) **Ensure the protection of airspace around airports, in accordance with Federal Aviation Regulations (FAR) Part 77, Surfaces;**
  - (5) **Allow owners around airports reasonable use of their property; and**
  - (6) **Provide property owners with flexibility in meeting applicable regulations.**

Development within APA 6 is permitted with the same densities as the underlying zones. Section 27-548.43 of the Zoning Ordinance requires notification of airport environment to future homeowners. Specifically, in all APAs after September 1, 2002, the General Aviation Airport Environment Disclosure Notice, in a form approved by the Planning Board, shall be included as an addendum to the contract for sale of any residential property. Every zoning, subdivision, and site plan application that requires approval by the Planning Board, Zoning Hearing Examiner, or District Council for a property located partially or completely within an Aviation Policy Area shall be subject to the following condition:

- (1) Developments with a homeowners' association: Prior to final plat approval, the Declaration of Covenants for the property, in conjunction with the formation of a

homeowners' association, shall include language notifying all future contract purchasers of homes in the community of the existence of a general aviation airport within approximately one mile of the community. The Declaration of Covenants shall include the General Aviation Airport Environment Disclosure Notice. At the time of purchase contract with homebuyers, the contract purchaser shall sign an acknowledgment of receipt of the Declaration. The liber and folio of the recorded Declaration of Covenants shall be noted on the final plat.

Staff is recommending an appropriate condition to ensure notification to future homeowners in accordance with Section 27-548.43 of the Zoning Ordinance.

Development of the portion of this property located within APA 6 is subject to height restrictions. Section 27-548.42(a) states that except as necessary and incidental to airport operations, no building, structure, or natural feature shall be constructed, altered, maintained, or allowed to grow so as to project or otherwise penetrate the airspace surfaces defined by Federal Aviation Regulations Part 77 or the Code of Maryland, COMAR 11.03.05, Obstructions to Air Navigation, and (b) of that Section states that the height of structures within the APA-6 may not be approved for a structure higher than 50 feet unless the applicant demonstrates compliance with FAR Part 77. Review for conformance to the height restriction of this section should occur with the review of building permits.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the adoption of this Resolution.

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Eley, seconded by Commissioner Squire, with Commissioners Eley, Squire and Hewlett voting in favor of the motion, and with Commissioner Vaughns absent at its regular meeting held on Thursday, January 19, 2006, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 16th day of February 2006.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

TMJ:FJG:WC:bjs