

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board is charged with the approval of Detailed Site Plans pursuant to Part 3, Division 9 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on March 2, 2006, regarding Detailed Site Plan DSP-05083 for Fairwood, Phase II, Part Two, the Planning Board finds:

1. **Request:** The subject application is an infrastructure detailed site plan for 372 single-family detached lots in the M-X-C Zone.
2. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	M-X-C	M-X-C
Use(s)	Single-family residential	Single-family residential
Acreage	245.93	245.93
Lots	372	372
Parcels	11	11

3. **Location:** The subject detailed site plan covers most of the developable land within Phase II, Part 2, of the Fairwood Project, which is located north of John Hanson Highway (US 50), east of Church Road and the PEPCO easement, in Planning Area 71A and Council District 6.
4. **Surroundings and Use:** The subject property is bounded to the south by the right-of-way of John Hanson Highway (US 50). Across John Hanson Highway are the existing Freeway Airport and single-family detached houses in the R-E Zone. To the north and the east of the subject property are existing single-family detached houses in the R-E and R-R Zones. The site is bounded to the west by the right-of-way of Church Road. Across Church Road to the west, east of the PEPCO easement, is the remaining part of Phase II of the Fairwood Project.
5. **Previous Approvals:** The subject site is within Phase II, Part 2, of a larger development with a total acreage of 1057.69, known as Fairwood, which was rezoned from R-E to M-X-C through Zoning Map Amendment A-9894-C, for 1,799 dwelling units, 100,000 square feet of retail service, 250,000 square feet of office/service/institutional uses, and some other “community space”, approved by the District Council on May 9, 1994. M-X-C Zone requires multi-step reviews and approvals. On January 17, 2002, a Comprehensive Sketch Plan CP-0101 including the subject site was approved by the Planning Board (Resolution PGCPB No. 02-17(C)) for Phase II of the Fairwood development, consisting of 586.69 acres of land and approximately 1,000 units. On April 29, 2004, a Final Development Plan FDP-0301 was approved by the Planning Board (Resolution PGCPB No. 04-95) for Part 2 of Phase II and Part 4 of Phase I, encompassing

approximately 348.27 acres of the land areas approved under both Comprehensive Sketch Plans, CP-9504 and CP-0101 for 460 single-family detached lots. On May 20, 2004, a Preliminary Plan of Subdivision 4-03128, including a Type I Tree Conservation Plan TCPI/08/01-01, was approved by the Planning Board (Resolution PGCPB No. 04-90) for Phase I, Part 4, and Phase II, Part 2, for 348.27-acre parcel of land, with a total of 460 lots and 19 parcels.

In addition to the above approvals, two previous approvals that cover the entire Fairwood site are DSP- 99034, which is a comprehensive signage program for the entire Fairwood project and was also approved by the Planning Board (Resolution PGCPB No. 99-243) on January 6, 2000, and DSP-01046 (an umbrella architecture scheme), which was approved by the Planning Board on December 20, 2001 (Resolution PGCPB No. 01-258). The site also has a stormwater management concept approval, #37109-2003-00.

6. **Design Features:** The subject infrastructure detailed site plan shows a general layout that is consistent with the approved Preliminary Plan of Subdivision 4-03128. The site plan has a major curvilinear street connected to the existing Church Road. The main curvilinear internal street provides access to many cul-de-sacs. The proposed 372 single-family lots are located along both sides of the internal streets and cul-de-sacs. Several stormwater management ponds have been proposed in the most easterly part of the property. A community park, which has been dedicated to the Department of Parks and Recreation, is located in the southwestern corner of the site. The site plan does not properly label the parkland. Extensive grading in the form of a large earth berm has been shown along the site boundary fronting John Hanson Highway (US 50).

The Fairwood Project has an approved overall recreational facility plan, including an extensive trails network that provides access to each recreational area. The subject site plan has a community park at the end of four cul-de-sac roads in the middle of the subject site. No detailed recreational facility information has been provided with this infrastructure detailed site plan. Detailed facility siting and adequacy issues will be reviewed with future detailed site plans when the specific information is available.

This infrastructure detailed site plan does not include any signage, but is governed by the comprehensive signage program approved in DSP-99034.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Map Amendment A-9894-C and the accompanying Preliminary Development Plan** were approved by the District Council on May 9, 1994, subject to 22 conditions. The conditions pertinent to the review of this detailed site plan warrant discussion as follows:
 5. **Development of areas north of the existing runway at Freeway Airport shall be subject to any applicable state or federal aviation regulations.**

Comment: The subject site is located north of the existing runway at Freeway Airport. At time of approval of the Preliminary Plan of Subdivision 4-03128 and Final Development Plan FDP-0301 including the subject property, the Maryland Aviation Administration reviewed the applications and found that all requirements set forth under the Code of Maryland Aviation Regulations (COMAR), Chapter 5, Section 11.03.05, appear to have been met. In addition, the subject site plan has been reviewed for compliance with Part 10 B, Airport Compatibility of the Zoning Ordinance. Less than two dozen lots are located in APA 3M, and most of the lots are located in APA 6. The subject site plan is in general compliance with the provisions of Part 10 B, Airport Compatibility.

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

Comment: This DSP includes only the residential uses and the other uses located in Phase I, east of the PEPCO easement. A review by the Transportation Planning Section (Masog to Zhang, January 3, 2006) indicated that with the approval of this DSP, the total approved residential dwelling units will be 1,665, which is well below the 1,799-dwelling-unit limit.

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

Comment: This condition has been fulfilled at time of Preliminary Plan of Subdivision (4-03128) approval. The subject detailed site plan shows the approved names.

- 18. The applicant shall take the following actions regarding parkland:**

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

Comment: At the time of Preliminary Plan of Subdivision 4-02023, a specific Parcel D of 10 acres was plotted along the west boundary line of Phase II of the Fairwood project, between Portia Promise Court and Quanders Promise Court in Block BB. As result of the adoption of CB-51-2002, an ordinance concerning general aviation airports and aviation policy areas, currently known as Part 10 B, Airport Compatibility, of the Zoning Ordinance (2003 edition), most of the Fairwood project east of the PEPCO easement is

within the aviation policy areas (APAs) and is subject to the provisions of Part 10 B because of the presence of Freeway Airport south of John Hanson Highway (US 50). The applicant has made many revisions to the previously approved plans in order to meet the APA purposes and requirements. One of the revisions shown in Infrastructure Detailed Site Plan DSP-03068 is to plot out Parcel D. The applicant and the Department of Parks and Recreation (DPR) have agreed to relocate the park to the east of the PEPCO easement close to the airport, labeled as "Community Use Area D" on the FDP-0301. According to the review comments of DPR at time of DSP-03068 approval, the new location of the parkland would be more accessible to the community and would be twice the size of the originally designated one. The 20-acre parkland approved with Preliminary Plan of Subdivision 4-03128 and FDP-0301 is located in the northeast corner of the intersection of Church Road and John Hanson Highway (US 50) of the subject site. But the site plan does not indicate the size of the park. A condition of approval has been proposed in the recommendation section of this report.

8. **Comprehensive Sketch Map CP-0101:** Comprehensive Sketch Map CP-0101, which is composed of 586.69 acres of land and approximately 1,000 units, was approved by the Planning Board on June 3, 2002, subject to 15 conditions, of which the following conditions are pertinent to the review of this detailed site plan:

3. **Should Fairwood Parkway not be constructed in its entirety from Church Road to MD 450 at the time that Phase II of Fairwood begins to discharge traffic onto Church Road, the applicant shall extend the existing right-turn lane along existing Church Road at existing MD 450. The extended lane shall be constructed to DPW&T requirements to a length of no less than 250 feet with taper.**
4. **Should Fairwood parkway not be constructed in its entirety from Church Road to MD 450 at the time that Phase II of Fairwood begins to discharge traffic onto Church Road, and if MD 450 has been relocated onto a new alignment by the State Highway Administration, the applicant shall widen existing MD 450 (which would be functioning as a service road at that time) to accept a double left-turn from northbound Church Road. This widening shall be constructed to the standards of the responsible operating agency.**

Comment: At time of writing the staff report, Fairwood Parkway and Church Road are still under construction, but are nearing completion. A condition of approval has been proposed by the staff to require the applicant to open both Fairwood Parkway and Church Road to traffic prior to issuance of first use and occupancy permit for houses covered in this DSP.

6. **At the time of the applicable detailed site plans, brick or stamped asphalt crosswalks, raised pavement markings, and/or other strategies which are appropriate to the function of the roadway shall be considered at two or three key**

locations along Church Road within the Fairwood property subject to approval of the Department of Public Works and Transportation and acceptance of maintenance responsibility by the Department of Public Works and Transportation.

Comment: This condition was partially fulfilled at time of previous approval (DSP-03070/01). This condition will be further reviewed at time of applicable DSP when detailed information is available.

- 9. All conditions relevant to Historic Area Work Permit (HAWP) #12-01 imposed by the Historic Preservation Commission shall be carried out prior to the approval of the relevant detailed site plan, which includes the frame and brick barn located in Phase II of the Fairwood development.**

Comment: This condition was fulfilled at the time of Infrastructure Detailed Site Plan DSP-03068 review. For reference only, the Historic Preservation Commission approved Historic Area Work Permit HAWP #12-01 in July 2001, including the following conditions that are relevant to DSP-03068:

- (2)(a) HABS quality documentation of the barn should be provided to the Historic Preservation office.
- (2)(b) The stone foundation and the footprint of the barn should be retained for interpretive purposes. A portion of the masonry foundation [should] be retained, preferably the long wall and one short wall at approximately two feet high. The remaining wall and piers from the stable portion could be represented by brick pavers.
- (2)(e) Materials from the barn should be offered to the Parks Department for their use, or the Newel Post.

- 10. Prior to approval of all relevant detailed site plan(s), the applicant shall demonstrate that sight lines and viewsheds from the cemetery to the house and from the house to the cemetery will be maintained despite the presence of the Fairview Drive. Street trees and other landscaping materials shall be planted so as not to block this view.**

Comment: The applicant submitted sight line drawings from the cemetery to the house during the review of Preliminary Plan 4-02023. These drawings demonstrate conformance with this condition. The previously approved Detailed Site Plan DSP-03068/01 further fulfilled this condition.

- 11. At the time of the appropriate detailed site plan, should it be determined that landscaping or fencing is required to protect the Environmental Setting, the**

applicant shall provide historically-compatible landscaping or fencing to be approved by HPC or staff through the HAWP process.

- 12. Prior to the approval of all relevant detailed site plan(s), site plans and architectural drawings for those lots identified at Preliminary Plan shall be referred to the Historic Preservation Commission staff for their comments regarding compatibility with Fairview and its setting (in regard to siting, massing, rooflines, materials) for buildings on those lots.**

Comment: The above two conditions were fulfilled by the approvals of Detailed Site Plan DSP-03068 and DSP-03068/01.

- 13. In the context of the approval of the relevant detailed site plan(s), as part of the community use as shown on the conceptual element plan, the roadbed for the farm lane at the curve near the barn shall be retained, including the steep slopes and the vegetation.**

Comment: This condition has been fulfilled at the time of DSP-03068/01 review.

- 15. At the time of all appropriate detailed site plans, noise mitigation measures shall be provided for all impacted residential areas to reduce noise impacts to 65 dBA or less in outdoor activity areas.**

Comment: The subject DSP shows the 65 dBA noise contour line is located outside of most proposed lots, except for Lot 317. But the site plan does not indicate if the 65 dBA line is a mitigated or unmitigated noise contour line. A condition of approval has been proposed in the recommendation section of this report.

- 9. Preliminary Plan of Subdivision 4-03128:** The Planning Board approved Preliminary Plan of Subdivision 4-03128 on May 20, 2004, subject to 19 conditions. The permit related conditions will be enforced at issuance of each respective permit. The conditions applicable to the review of this DSP are discussed as follows:

- 2. Prior to the approval of the detailed site plan, a Type II Tree Conservation Plan shall be approved.**

Comment: A Type II Tree Conservation Plan TCPII/186/03-02 has been submitted with this DSP and will be heard by the Planning Board along with the detailed site plan.

3. At the time of review of the DSP the plan shall address the following:

- a. Dwelling units with usable yard areas, consistent with the required setbacks, shall be located outside the mitigated 65 dBA line along Church Road or be deleted and the land area incorporated into abutting lots or open space unless the applicant can demonstrate at the time of DSP appropriate mitigation measures, with the submittal of a Phase II noise study.**
- b. Lots 324, 325, 326, 334, 335, 336, 337 and 338 are impacted by the mitigated 65 dBA line from US 50, as delineated on the preliminary plan. These lots should be deleted and the land area incorporated into the abutting open space unless at the time of review of the DSP the applicant demonstrates appropriate mitigation measures, with the submittal of a Phase II noise study, to provide usable yard areas consistent with the required setbacks.**

Comment: See Finding 8 above for a discussion.

- c. The landscape strip and planting areas within the scenic easement along the east side of existing Church Road shall be treated to enhance the historic character of the road through the use of vernacular plant materials, landscape planting patterns or other appropriate means.**

Comment: Since this is an infrastructure site plan, not enough information has been provided for review of compliance with the above condition. This condition will be reviewed when the subject infrastructure detailed site plan is revised.

- d. To show a minimum of two trail connections to the community park (Parcel B, Block B) from the residential pods, or one as agreed to by DPR.**

Comment: This condition will be carried forward as a condition of approval prior to certification of this DSP.

- e. To determine if Parcel A, Block G, is required for the fulfillment of community use areas and if it is to be retained by the HOA.**

Comment: Parcel A, Block G is outside of the subject DSP.

10. Development of this site shall be in conformance with the approved stormwater management concept plan #37109-2003-00.

Comment: The Department of Environmental Resources (DER) in a memorandum (Rea to Zhang) dated January 25, 2006, indicated that the subject detailed site plan is consistent with approved Stormwater Management Concept Plan #37109-2003.

- 16. The applicant shall ensure conformance to Section 27-548.43 of the Zoning Ordinance, Notification of Airport Environment, and all applicable notice requirements for development.**

Comment: See Finding 11 below for a discussion.

- 17. The applicant shall revise the construction drawings for Church Road to include the provision of a commercial entrance (32 feet wide) to the community park parcel. The applicant shall obtain a DPW&T construction permit for this park entrance from Church Road. The park entrance shall be constructed concurrent with the construction of the Church Road improvements by the applicant.**

- 18. Prior to approval of the revised construction drawings by DPW&T for the park entrance, the Church Road improvements along the park parcel shall be reviewed and approved by DPR.**

Comment: These two conditions will be carried forward as a condition of approval prior to certification of this infrastructure detailed site plan.

- 19. Prior to submittal of the DSP, the applicant shall determine the extent of the land that should be the subject of a Phase I archeological investigation with the concurrence of DRD. The applicant shall complete and submit a Phase I investigation with the application for DSP (including research into the property history and archeological literature) for those lands determined to be subject. At the time of review of the DSP, the applicant shall submit Phase II and Phase III investigations as determined by DRD staff as needed. The plan shall provide for the avoidance and preservation of the resources in place or shall provide for mitigating the adverse effect upon these resources. All investigations must be conducted by a qualified archeologist and must follow *The Standards and Guidelines for Archeological Investigations in Maryland* (Schaffer and Cole: 1994) and must be presented in a report following the same guidelines. Grading permits may be issued for areas not subject to a Phase I archeological investigation, subject to the required order of approvals.**

Comment: An archeological review by the Historic Preservation and Public Facilities Planning Section (Bienenfeld to Zhang, January 23, 2006) indicates that Phase I archeological survey was conducted in a portion of this property and a draft report, Phase I Archeological Investigation of the Bowie-Arnold Property in the Fairview Phase II Part Two Development, Bowie, Prince George's County, Maryland, was submitted on August 22, 2005. The findings of the archeological survey identified the existence of a previously undocumented antebellum human habitation. The applicant has re-designed the layout of the development around the foundation to allow for preservation in place. According to the applicant, the remains will not be disturbed and will be included within

the proposed open space that will eventually be dedicated to the Home Owner's Association. The staff reviewer has proposed one condition to require Phase II and even Phase III Archeological Study, if the sites would be disturbed. The condition has been incorporated into the recommendation section of this report.

10. **Final Development Plan, FDP-0301:** Final Development Plan FDP-0301 was approved by the Planning Board on May 20, 2004, subject to six conditions. The following conditions are pertinent to the review of this DSP.

4. At the time of detailed site plan (DSP), the following shall be accomplished or the following information shall be supplied:

a. A tracking table on each DSP to show the cumulative numbers of both the total residential units and townhouse units to ensure conformance to the allowable buildout for the Fairwood development.

Comment: This condition will be carried forward as a condition of approval.

b. The exact amount, location, and timing of installation of the proposed on-site recreational facilities shall be established.

c. The landscape buffering and screening of the lots along the realigned Church Road shall be thoroughly reviewed and evaluated to ensure that proper landscape measures have been put in place.

d. The feasibility of the application of fully shielded outdoor lighting technology for both the public street and individual houses with regard to airport safety concerns shall be fully evaluated with the Department of Public Works and Transportation. The specific lighting technology shall be submitted with the DSP application.

e. The applicant shall provide information concerning concepts and techniques to be used at Fairwood that will encourage the use of mass transit and reduce reliance upon single-occupancy vehicle trips.

f. Show the location, type and width of all planned trails linking to the community park. A minimum of two connections, or one as agreed to by DPR, to the park from the subdivision shall be provided.

g. Provide a special chapter on how the requirements of CB-51-2002 (such as density, heights, open area, lighting, and notification of homeowners) have been addressed in the FDP and how the safety and compatibility of any proposed residential development with airport operations has been specifically addressed in each APA.

Comment: As discussed previously, the subject detailed site plan is an infrastructure detailed site plan on grading, road alignment, and preservation of woodland. Not enough information regarding the recreational facilities, lighting, etc., as required by the above conditions, has been provided. The staff has proposed a condition to require the above conditions be reviewed for compliance at time of the revision to this infrastructure detailed site plan.

5. **If Fairwood Parkway is not constructed in its entirety from Church Road to MD 450 at the time that Phase II of Fairwood begins to discharge traffic onto Church Road, the applicant shall extend the existing right-turn lane along Church Road at MD 450. The extended lane shall be constructed to DPW&T requirements to a length of no less than 250 feet with taper.**
6. **If Fairwood Parkway is not constructed in its entirety from Church Road to existing MD 450 at the time that Phase II of Fairwood begins to discharge traffic onto Church Road, and if MD 450 has been relocated onto a new alignment by the State Highway Administration, the applicant shall widen existing MD 450 (which would be functioning as a service road at that time) to accept a double left-turn from northbound Church Road. This widening shall be constructed to the standards of the responsible operating agency.**

Comment: See Finding 8 above for a discussion.

11. **Zoning Ordinance:** The DSP application has been reviewed for compliance with the requirements in the M-X-C Zone, the Site Design Guidelines and Part 10 B, Airport Compatibility of the Zoning Ordinance:
 - a. The subject application is in accordance with the requirements of Section 27-547 of the Zoning Ordinance, which governs development in the M-X-C Zone. The single-family detached dwellings are a permitted use in the M-X-C Zone.
 - b. The proposed development as Phase II, Part Two, of the larger Fairwood project also conforms with Section 27-546.04, Other Regulations. The detailed site plan also conforms with Section 27-546.07(c) for the Planning Board to approve a detailed site plan in addition to the findings required by the Zoning Ordinance, Part 3, Division 9, as follows:
 - (1) **The proposed development is in conformance with the purposes and other provisions of the M-X-C Zone;**
 - (2) **The arrangement and design of buildings and other improvements and the mix of uses reflect a cohesive development capable of sustaining an independent environment of continuing quality and stability;**

- (3) The pedestrian system is convenient and is comprehensively designed to encourage pedestrian activity within the development;**

- (4) In areas of the development which are to be used for pedestrian activities or as gathering places for people, adequate attention has been paid to human scale, the quality of urban design, and other amenities, such as the types and textures of materials, landscaping and screening, street furniture, and lighting, both natural and artificial.**

- (5) The detailed site plan is in general conformance with the approved final development plan. Where not defined in an approved development plan, the design standards of the zone most compatible with the M-X-C Zone shall be applicable.**

Comment: The subject application is an infrastructure DSP for 372 single-family lots in Phase II, Part 2. The proposed development is in conformance with the purposes and other provisions of the M-X-C Zone. The proposed development is also in general conformance with the approved final development plan as discussed in Finding 10.

The trail system included in the plan is a portion of a comprehensively designed pedestrian system for the entire Fairwood project, which is convenient and encourages pedestrian activity within the development. The trail system also makes use of the existing gravel lanes to the extent possible. Since this application is for an infrastructure DSP limited to grading, SWM facilities and road improvement, no specific urban design issues are involved in this DSP. However, certain issues as required by previous approvals such as the Final Development Plan have not been fully addressed due to lack of information. A condition has been proposed to require the applicant to address the issues identified in a revision to the subject infrastructure site plan prior to issuance of any grading permit.

- c. The subject application is also subject to provisions in Part 10B, Airport Compatibility, because Aviation Policy Areas APA-3M and APA-6, as defined in Section 27-548.35, Aviation Policy Area dimensions, encumber the subject property.

- d. The subject application is in general conformance with Sections 27-548.40 (Aviation Policy Area mitigation residential subdivision), 548.41 (Open area guidelines), 548.42 (Height requirements), and 548.43 (Notification of airport environment). However, for Section 27-548.41, the site plan does not indicate that a minimum twenty percent of the

open area has been preserved for the area in APA-3M. A condition of approval has been proposed to require the applicant to add a site plan note on the percentage of the open space for APA-3M prior to certification. For Section 27-548.43, the regulations require two standard conditions regarding proper notification of the airport environment. The condition applicable to this application, which has a homeowners association, is as follows:

Prior to final plat approval, the Deceleration of Covenant 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 time of purchase contract with home buyers, 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.

The above condition has been incorporated into the recommendation section of this report.

12. **Woodland Conservation Ordinance:** This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the gross tract area is in excess of 40,000 square feet; there are more than 10,000 square feet of existing woodland on site; and there is a previously approved Type I Tree Conservation Plan TCPI/08/01-01.
 - a. The Detailed Forest Stand Delineation (FSD) was submitted and approved during the review of the Comprehensive Sketch Plan CP-0101 and the Preliminary Plan of Subdivision 4-03128 for this site. No further information with respect to the FSD is required with this DSP application.
 - b. The Type II Tree Conservation Plan, TCPII/186/03-02 submitted with this application has been reviewed and was found to address the requirements of the Prince George's County Woodland Conservation Ordinance, subject to several conditions.
13. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The major referral comments are summarized as follows:

- a. In a memorandum dated January 11, 2006, the Community Planning Division noted that the application is consistent with the 1991 *Approved Master Plan and Adopted Sectional Map Amendment (SMA) for Bowie-Collington-Mitchellville and Vicinity, Planning Areas 71A, 71B, 74A and 74B*, and the approved Zoning Map Amendment (A-9894-C), which rezoned the property to the Mixed Use Community (M-X-C) Zone. The approved Zoning Map Amendment and previously approved development plans have resolved all master plan issues.
- b. In a memorandum dated January 3, 2006, the Transportation Planning Section provided a detailed summary on the review of the previous conditions of approval. The staff noted that the construction of the portion of MD 450 from MD 193 to Bell Station Road, valued at \$5.5 million in 1997 dollars, which was determined in previous approvals to constitute Fairwood Project's entire responsibility, has been fully executed, and the road improvements are approaching completion. The staff concluded that the development approved or pending, including the subject detailed site plan, is 1,665 units, which is well within the overall cap of 1,799 units that was imposed on the Fairwood development by the Basic Plan A-9894-C. The proposed on-site circulation is also acceptable.

In a separate memorandum from the Transportation Planning Section dated February 10, 2006, on detailed site plan review for master plan trail compliance, the Trails Planner noted that the subject application is not in conformance with prior approved Preliminary Plan of Subdivision 4-03128 for not showing the required trail connections. The staff recommends approval of this DSP subject to two conditions regarding sidewalks and trails that have been incorporated into the recommendation section of this report.

- c. In a memorandum dated February 13, 2006, the Environmental Planning Section indicated that the plans as submitted have been found to address the environmental constraints for the site. The staff recommended approval of this application subject to three conditions that have been incorporated into the recommendation section of this report.
- d. In a memorandum dated January 30, 2006, the Subdivision Section staff listed all conditions attached to the approval of Preliminary Plan of Subdivision 4-03128 (see above Finding 9 for a detailed discussion on the applicable conditions). In addition, the Subdivision Section staff also noted that several graphic deficiencies needed to be addressed.

Comment: The Urban Design staff has recommended several conditions of approval to specifically address the graphic deficiencies identified by the Subdivision Section.
- e. The subject application was also referred to the Department of Environmental Resources. In a memorandum dated January 25, 2006, the staff noted that the site plan for Fairwood, Phase II, Part Two, is consistent with approved stormwater management concept plan

#37109-2003.

- f. In a memorandum dated December 20, 2005, the Permit Section provided three comments on the subject detailed site plan. A condition of approval based on the comments has been proposed and included in the recommendation section of this report.
 - g. In a memorandum dated February 2, 2006, the Department of Public Works and Transportation (DPW&T) provided standard conditions on issues such as right-of-way dedication, frontage improvement, sidewalks, street trees and lighting, storm drainage systems, and facilities in order to be in accordance with both the requirements of DPW&T and the Department of Environmental Resources (DER). The staff also discussed the realignment and cross section of Church Road. Those conditions will be enforced at time of issuance of access permit.
 - h. In a memorandum dated January 23, 2006, the Historic Preservation and Public Facilities Planning Section provided a detailed discussion on the Phase I Archeological Investigation undertaken for this site and measures for protecting the archeological sites. The staff concluded that no additional archeological investigation is required as long as the archeological site is not disturbed. However, the staff also noted that Section 106 review by state and federal agencies may require additional archeological investigation. The Historic Preservation staff recommended four conditions of approval that have been incorporated into the recommendation section of this report.
 - i. In a memorandum dated January 4, 2006, the State Highway Administration (SHA) indicated that SHA has no objection to the approval of Detailed Site Plan DSP-05083.
 - j. In a memorandum dated January 13, 2006, the Washington Suburban Sanitary Commission (WSSC) stated that water and sewer extension will be required for the proposed development. The staff also noted that the layout shown in the subject detailed site plan does not match the previous approval of WSSC.

Comment: In order to address the layout inconsistency identified by the WSSC staff, the Urban Design staff has proposed a condition of approval that requires the applicant to update the approval record with WSSC prior to certificate approval of this detailed site plan.
 - k. At time the staff report was written, the City of Bowie had not officially responded to the referral request.
14. This limited detailed site plan for infrastructure satisfies the site design guidelines as contained in Section 27-274, prevents off-site property damage, and prevents environmental degradation to safeguard the public's health, safety, welfare and economic well-being for grading, reforestation, woodland conservation, drainage, erosion and pollution discharge.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Type II Tree Conservation Plan (TCPII/186/03-02) and further APPROVED Detailed Site Plan DSP-05083 for the above-described land, subject to the following conditions:

1. Prior to certificate approval of this detailed site plan, the applicant shall:
 - a. Provide the development regulations on the site plan.
 - b. Label the 10-foot-wide public utility easement along all public rights-of-way and the open space parcel to be conveyed to the Maryland-National Capital Park and Planning Commission. The location of the approved entrance shall be labeled on the site plan.
 - c. Provide the size of all the open space parcels on the site plan.
 - d. Provide a tracking table for the total approved number of dwelling units in the Fairwood Project.
 - e. Either provide evidence to the Urban Design Section that the layout inconsistency between the subject site plan and the WSSC approval record has been addressed, or revise the site plan to be consistent with the previous approval by the WSSC.
 - f. Provide additional information regarding the 65 dBA line shown on the site plan.
 - g. Revise the construction drawings for Church Road to include the provision of a commercial entrance (32 feet wide) to the community park parcel, and show the entrance on the detailed site plan.
 - h. Revise the site plan and provide all trails and bikeways as follows:
 - (1) Master plan bikeway along Church Road;
 - (2) Neighborhood trail connection from existing Church Road to Parcel D;
 - (3) Neighborhood trail connection from Parcel D to the end of Alfalfa Field Court;
 - (4) Neighborhood trail connection to the Maryland-National Capital Park and Planning Commission parkland off Church Road;
 - (5) Provide 6-foot-wide trail connectors from Warner's Discovery Way between Lots 24 and 25, Block I, and from Camelot Field Court between Lots 58 and 59, Block I to the community park. Trails shall be designed and constructed in accordance with *Park and Recreation Facilities Guidelines*.

- (6) Neighborhood trail connection from Hammermill Field to Maple Reach Court and/or Old Stage Road;
- (7) Sidewalks along one side of all internal roads.

All trails shall either be on homeowners association or M-NCPPC lands.

- i. Add a site plan note to indicate the open space percentage that has been provided in APA-3M.
- j. Submit a Phase II noise study for Lot 317, Block II, to address the mitigation of noise to below 65 dBA in the entire rear yard area of the lot. The location and details necessary to implement the recommendations of the noise study shall be included.
- k. Revise TCPII as follows:
 - (1) Add a legend on all plan sheets, and include all graphic elements shown on the plan.
 - (2) Add a new line to the cumulative woodland conservation worksheet for the gross tract area for each phase in accordance with the standard phased woodland conservation worksheet format.
 - (3) Use a different graphic to delineate all areas of woodland area being retained for afforestation but not part of the requirement, and add the graphic element to the legend.
 - (4) Remove the extra approval block for TCPII/186/03 from the cover sheet, because this plan will be signed as a revision to the existing approval.
 - (5) All Reforestation and afforestation areas shall be delineated on-site through the use of two-rail split-rail fences, a double row of trees of 1 to 1½ inch caliper at the time of planting placed 10 to 12 feet on center, or other afforestation protection measure that is aesthetically compatible with the development placed along the exposed edge. The locations and details for afforestation protection measures shall be specified on the Type II TCP.
 - (6) The edge of afforestation areas that are not located adjacent to lots, but are adjacent to areas which will be mowed and maintained, shall be delineated through signage, larger size plant materials, or other means found acceptable to the Environmental Planning Section. All details and notes necessary to implement the protection of afforestation edges shall be provided.
 - (7) After all revisions are made, the TCPII shall be signed and dated by the qualified

professional who prepared it.

- l. Evaluate the feasibility of applying fully shielded outdoor lighting technology for both the public streets and individual houses, with regard to airport safety concerns. The lighting on the public streets shall be fully evaluated with the Department of Public Works and Transportation. The specific lighting technology shall be submitted with the DSP.
 - m. Provide information concerning concepts and techniques to be used at Fairwood to encourage the use of mass transit and reduce reliance upon single-occupancy vehicle trips.
 - n. Provide information on how the requirements of CB-51-2002 (such as density, heights, open area, lighting, and notification of homeowners) have been addressed and how the safety and compatibility of any proposed residential development with airport operations has been specifically addressed in each aviation policy area.
 - o. Revise the plan so that no more than 17 dwellings are located within that portion of APA –3M east of Church Road.
2. Prior to approval of the revised construction drawings for the park entrance by the Department of Public Works and Transportation, the Church Road improvements along the park parcel shall be reviewed and approved by the Department of Parks and Recreation. The park entrance shall be constructed concurrent with the construction by the applicant of the Church Road improvements.
3. Prior to issuance of the first building permit, the applicant shall file a revision to this infrastructure detailed site plan to be reviewed by the Planning Board to address the following issues:
 - a. The exact number, location, and installation timing of the proposed on-site recreational facilities shall be established.
 - b. The landscape buffering and screening of the lots along the realigned Church Road shall be thoroughly reviewed and evaluated to ensure that proper landscape measures have been put in place.
4. Prior to final plat for any part of the property covered in this infrastructure detailed site plan, the applicant shall:
 - a. Submit four copies of the final report of the Phase I Archeological Study to the Historic Preservation and Public Facilities Planning Section for review and approval.
 - b. Seek an archeological site number for the structural remains that comprise the

archeological site, and complete a Maryland Inventory of Historic Properties Archeological Site Survey Form for the archeological site.

- c. Indicate on the plat the area to be dedicated to the Homeowner's Association, and place the archeological site under an easement that protects the archeological site.
 - d. Record a Declaration of Covenant among the Land Record of the Prince George's County that 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 time of purchase contract with home buyers, 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. If the Declaration of Covenants has been recorded, the applicant shall provide evidence of the recording reference in the Land Record of the Prince George's County.
 - e. Place all approved afforestation areas in conservation easements that shall be described by bearings and distances. The conservation easement shall contain all afforestation areas and shall be reviewed by the Environmental Planning Section prior to approval of the final plat. The following note shall be placed on the plat:

"Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed."
5. Prior to issuance of grading permit, if the applicant should disturb the archeological site, the applicant shall complete a Phase II Archeological Study for review and approval by the Planning Board or its designee.
 6. Prior to issuance of the first use and occupancy permit (for houses covered in this DSP), the construction of Fairwood Parkway and Church Road shall be completed and the parkway and road shall be opened to traffic.
 7. All trails shall be constructed to assure dry passage. If wet areas must be traversed, suitable structures shall be constructed. Designs for any needed structures shall be reviewed and approved by the Urban Design Section staff.
 8. No Stormwater Management pond maintenance access shall be proposed on land owned by the Maryland-National Capital Park and Planning Commission without the prior written consent of the Department of Parks and Recreation (DPR). The DPR shall review and approve the location and/or design of these features. If such proposal is approved by the DPR, a performance bond, maintenance and easement agreements shall be required prior to the issuance of grading permits.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

* * * * *

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 Clark, with Commissioners Eley, Clark, Squire, Vaughns and Parker voting in favor of the motion, at its regular meeting held on Thursday, March 2, 2006, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 23rd day of March 2006.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator