



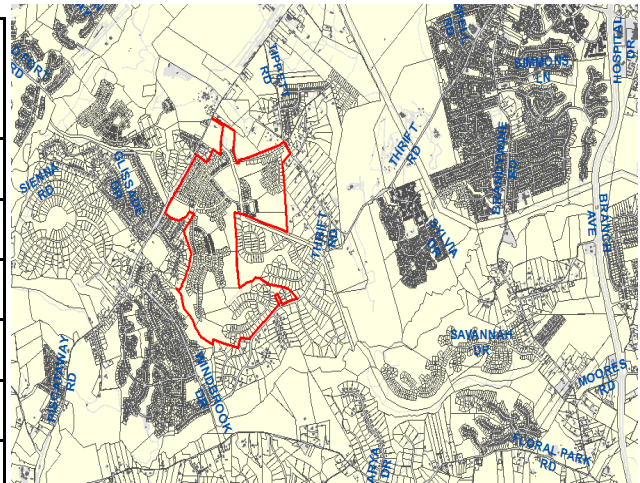
The Maryland-National Capital Park and Planning Commission
 Prince George's County Planning Department
 Development Review Division
 301-952-3530

Specific Design Plan Bevard East

SDP-0516-02

REQUEST	STAFF RECOMMENDATION
Revisions to Phase 4 development related to changes to stormwater management facilities.	APPROVAL with Conditions

Location: On the east side of Piscataway Road, approximately four miles southwest of its intersection with MD 5 (Branch Avenue).	
Gross Acreage:	195.97
Zone:	R-L
Dwelling Units:	393
Gross Floor Area:	n/a
Planning Area:	81B
Council District:	09
Election District:	05
Municipality:	None
200-Scale Base Map:	215SE04
Applicant/Address: Lennar Bevard, LLC 7035 Albert Einstein Drive Columbia, MD 21046 Attn: Joseph Fortino	
Staff Reviewer: Thomas Burke Phone Number: 301-952-4534 Email: Thomas.Burke@ppd.mncppc.org	



Planning Board Date:	09/26/19
Planning Board Action Limit:	10/04/19
Staff Report Date:	09/10/19
Date Accepted:	06/25/19
Informational Mailing:	02/25/19
Acceptance Mailing:	06/19/19
Sign Posting Deadline:	08/27/19

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THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Specific Design Plan SDP-0516-02
Type II Tree Conservation Plan TCPII-074-06-02
Bevard East

The Urban Design staff has reviewed the specific design plan for the subject property and presents the following evaluation and findings leading to a recommendation of APPROVAL with conditions, as described in the Recommendation section of this report.

EVALUATION

This specific design plan was reviewed and evaluated for conformance with the following criteria:

- a. The requirements of Zoning Map Amendment (Basic Plan) A-9967-C;
- b. The requirements of the Prince George's County Zoning Ordinance in the Residential Low Development (R-L) Zone; Part 10B, Airport Compatibility; and Section 27-480, General Development Regulations in the Comprehensive Design Zone;
- c. The requirements of Comprehensive Design Plan CDP-0504;
- d. The requirements of Preliminary Plan of Subdivision 4-05050;
- e. The requirements of Specific Design Plan SDP-0516 and its amendment;
- f. The requirements of the 2010 *Prince George's County Landscape Manual*;
- g. The requirements of the 1993 Prince George's County Woodland Conservation and Tree Preservation Ordinance;
- h. The requirements of the Prince George's County Tree Canopy Coverage Ordinance; and
- i. Referral comments.

FINDINGS

Based upon the evaluation and analysis of the subject specific design plan, the Urban Design Section recommends the following findings:

1. **Request:** The subject application is for approval of an amendment to a specific design plan (SDP) for a revision to Phase 4 of the residential development, including 293 single-family detached and 100 single-family attached dwelling units, to allow changes to stormwater management (SWM) facilities, resulting in the adjustment of 10 lots and 1 parcel.

2. **Development Data Summary:**

	EXISTING	PROPOSED
Zone	R-L	R-L
Use	Vacant	Residential
Dwelling units:		
Single-family detached	0	293
Single-family attached	0	100
Total Dwelling Units	0	393
Total Gross Acreage	195.97	195.97

3. **Location:** The Bevard East development is located on the east side of MD 223 (Piscataway Road) approximately four miles southwest of its intersection with MD 5 (Branch Avenue) and bounded on the east by Thrift Drive. The site is in Planning Area 81B and Council District 9.

4. **Surrounding Uses:** Bevard East is bounded to the north by vacant and existing developed properties in the Residential-Estate (R-E) Zone; to the east by Thrift Drive and developed properties in the Residential-Agricultural Zone; to the south by developed properties in the R-E and Rural Residential (R-R) Zones; and to the west by MD 223 and existing properties in the R-E and R-R Zones beyond.

5. **Previous Approvals:** The subject property was rezoned from the R-E Zone to the Residential Low Development (R-L) Zone through the approval of Zoning Map Amendment (Basic Plan) A-9967-C by the Prince George’s County District Council, Zoning Ordinance No. 7-2006, on March 28, 2006.

The Prince George’s County Planning Board approved Comprehensive Design Plan CDP-0504 and Type I Tree Conservation Plan TCPI-053-04 (PGCPB Resolution No. 05-269) on December 22, 2005, with 30 conditions of approval. The District Council adopted the findings of the Planning Board and approved CDP-0504 on June 6, 2006, with all 30 conditions.

On January 19, 2006, the Planning Board approved Preliminary Plan of Subdivision (PPS) 4-05050 and a revised TCPI-053-04-01 (PGCPB Resolution No. 06-16) for 827 lots and 33 parcels, with 36 conditions.

SDP-0516 and TCPII-074-06, for Phase 4, were approved by the Planning Board on July 27, 2006 (PGCPB Resolution No. 06-191) for 293 single-family detached and 100 single-family attached dwelling units, with 23 conditions. The District Council subsequently reviewed this case and on October 31, 2006 affirmed the Planning Board decision. This SDP was amended at the director level on October 5, 2007 to accommodate the expansion and realignment of master plan right-of-way A-65 (Silken View Road).

SDP-0605 was accepted on May 4, 2006 for umbrella architecture of single-family detached models by K Hovnanian Homes, Caruso Homes, and Ryan Homes. A decision was never rendered due to litigation between US Home Corporation and Settlers Crossing, LLC. This application is currently dormant.

SDP-1801 was approved by the Planning Board on May 2, 2019 (PGCPB Resolution No. 19-59) for Bevard East umbrella architecture. The District Council subsequently reviewed this case on July 22, 2019; however, at the time of the writing of this report, a decision has not been issued.

6. **Design Features:** Phase 4 of the Bevard East residential development is accessed from Piscataway Road. The main access point and main spine road connects to Piscataway Road and terminates at the future clubhouse. The Phase 4 road network provides access to Phases 2 and 5, to the east and south respectively. Single-family detached dwellings front Piscataway Road and the main spine road. The proposed approximately 14-acre park flanks one side of the spine road. A gatehouse and traffic circle are located at the first intersection traversed after entering the subdivision from Piscataway Road.

This project was originally approved in 2006, prior to the adoption of the 2010 SWM program. The property was not vested under the old regulations, so this amendment serves to replace the previously approved SWM ponds with submerged gravel wetlands to bring the site into compliance with the current stormwater best management practices (BMPs). The design of these new BMPs resulted in necessary refinements to the grading, which require minor adjustments to internal roads and ten of the platted lots. The affected lots remain within the lot size and dimension requirements established with the CDP.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Map Amendment (Basic Plan) A-9967-C:** This application rezoned approximately 562.85 acres of land in the R-E Zone to the R-L Zone and was approved by the District Council on March 28, 2006, in accordance with Zoning Ordinance No. 7-2006. Relative conditions of approval were addressed with the previous SDP and are not proposed to be revised with this amendment.
8. **Prince George's County Zoning Ordinance:** The subject SDP is in general compliance with the applicable requirements of the Zoning Ordinance, as follows:
 - a. This SDP is in general conformance with the requirements of the R-L Zone as the single-family detached and attached homes are permitted uses.
 - b. According to Part 10 B, Section 27-548.42 of the Zoning Ordinance, in Aviation Policy Area (APA) 6, no building permit may be approved for a structure higher than 50 feet, unless the applicant demonstrates compliance with Federal Aviation Regulation, Part 77. This requirement has been addressed with the umbrella architecture SDP-1801.
 - c. Section 27-480, General development regulations, of the Zoning Ordinance, includes various additional standards relative to townhouse lots and architecture.

Conformance with all applicable development regulations was found through the previous SDP for site development and the subject amendment does not change that finding.

- d. Section 27-528(a) of the Zoning Ordinance contains the following required findings for the Planning Board to grant approval of an SDP:

- (1) The plan conforms to the approved Comprehensive Design Plan, the applicable standards of the Landscape Manual, and except as provided in Section 27-528(a)(1.1), for Specific Design Plans for which an application is filed after December 30, 1996, with the exception of the V-L and V-M Zones, the applicable design guidelines for townhouses set forth in Section 27-274(a)(1)(B) and (a)(11), and the applicable regulations for townhouses set forth in Section 27-433(d) and, as it applies to property in the L-A-C Zone, if any portion lies within one-half (1/2) mile of an existing or Washington Metropolitan Area Transit Authority Metrorail station, the regulations set forth in Section 27-480(d) and (e);**

The SDP is in conformance with the approved CDP and each of the conditions of approval, the 2010 *Prince George's County Landscape Manual* (Landscape Manual), and the applicable design guidelines for townhouses.

- (1.1) For a Regional Urban Community, the plan conforms to the requirements stated in the definition of the use and satisfies all requirements for the use in Section 27-508 of the Zoning Ordinance;**

The SDP does not contain property designated as a regional urban community.

- (2) The development will be adequately served within a reasonable period of time with existing or programmed public facilities either shown in the appropriate Capital Improvement Program, provided as part of the private development or, where authorized pursuant to Section 24-124(a)(8) of the County Subdivision Regulations, participation by the developer in a road club;**

The subject property of Bevard East is governed by an approved and valid PPS that meets the adequacy test for the required public facilities serving this development. Further discussion of this is provided in the referral section below.

- (3) Adequate provision has been made for draining surface water so that there are no adverse effects on either the subject property or adjacent properties;**

The application included an approved SWM concept plan and the subject SDP is in conformance with it. Therefore, adequate provision has been made for draining surface water and ensuring that there are no adverse effects on the subject property or adjacent properties.

(4) The plan is in conformance with an approved Type 2 Tree Conservation Plan; and

Type II Tree Conservation Plan, TCPII-074-06-02, was reviewed with this application and conditional approval is recommended.

(5) The plan demonstrates that the regulated environmental features are preserved and/or restored to the fullest extent possible in accordance with the requirement of Subtitle 24-130(b)(5).

The SDP is exempt from this requirement as it has a valid PPS that was approved prior to September 1, 2010.

9. Comprehensive Design Plan CDP-0504: CDP-0504 was approved by the Planning Board on January 12, 2006. The CDP was appealed by a party of record to the District Council and, on June 6, 2006, the District Council affirmed the Planning Board's approval. The following conditions of approval are relevant to this SDP:

10. Prior to acceptance of the applicable specific design plans, the following shall be shown on the plans:

a. The APA designation area shall be shown.

This phase is within APA zones 3 and 6. The APA designation and restrictions are referenced in the general notes, however the area is not shown on the plan. A condition has been included in the Recommendation section of this report.

b. The community building shall be shown as a minimum of 5,000 square feet, in addition to the space proposed to be occupied by the pool facilities.

The plan shows conformance with this condition.

c. The swimming pool shall be approximately 25 meters long and 40 feet wide with a 30-foot by 30-foot training area.

The plan shows conformance with this condition.

11. On the appropriate specific design plan, the applicant shall provide the following:

e. A wide asphalt shoulder along the subject site's entire road frontage of MD 223 in order to safely accommodate bicycle traffic, unless modified by SHA.

The plans do not reflect this requirement, so a condition has been included in the Recommendation section of this report.

- f. **Standard sidewalks along both sides of all internal roads, unless modified by DPW&T.**

The plan shows conformance with this condition.

- 17. **Prior to acceptance of each specific design plan, the applicant shall submit an overall open space plan with calculations for areas of tree preservation, wetlands, and floodplain, to ensure preservation of areas approved as open space per CDP-0504.**

TCPII-074-06-02 was provided with this application and demonstrates conformance to the preservation of open space per CDP-0504.

- 19. **The recreational facilities shall be bonded and constructed in accordance with the following schedule:**

PHASING OF AMENITIES		
FACILITY	BOND	FINISH CONSTRUCTION
Public Park	Prior to the issuance of any building permits	Complete by 50th building permit overall
Recreation center Outdoor recreation facilities	Prior to the issuance of the 200th building permit overall	Complete by 400th building permit overall
Recreation Center Building and pool	Prior to the issuance of the 200th building permit overall	Complete before the 400th building permit overall
Pocket Parks (including Playgrounds) within each phase	Prior to the issuance of any building permits for that phase	Complete before 50% of the building permits are issued in that phase
Trail system Within each phase	Prior to the issuance of any building permits for that phase	Complete before 50% of the building permits are issued in that phase
<p>It is occasionally necessary to adjust the precise timing of the construction of recreational facilities as more details concerning grading and construction details become available. Phasing of the recreational facilities may be adjusted by written permission of the Planning Board or its designee under certain circumstances, such as the need to modify construction sequence due to exact location of sediment ponds or utilities, or other engineering necessity. The number of permits allowed to be released prior to construction of any given facility shall not be increased by more than 25%, and an adequate number of permits shall be withheld to assure completion of all of the facilities prior to completion of all the dwelling units.</p>		

A private recreational facilities agreement (RFA) was recorded in the county land records in Liber 27606 at folio 522. Per this RFA, Phase 4 is to include the provision

of 1 open play area, 1 community building, 1 community pool, 1 soccer field, 1 tot lot and 1 pre-teen lot (combined), 2 double tennis courts, and private trails. These recreational facilities are shown on homeowners association Parcel HH, on sheets 10, 11, and 16 of the SDP. The arrangement and location of stormwater and recreational facilities on Parcel HH differs from the previously approved SDP-0516 to accommodate the modifications to stormwater facilities.

21. The following standards shall apply to the development:

Bevard East Standards Proposed

Lot Size	SFA	SFD		
	1,800 sf	6,000-10,000 sf	10,000-19,999 sf	20,000+ sf
Minimum width at front street R-O-W***	N/A	50 feet*	60 feet*	70 feet*
Minimum frontage on cul-de-sacs	N/A	30 feet*	30 feet*	35 feet*
Maximum lot coverage	400 sf yard area**	60%	50%	40%
Minimum front setback from R-O-W	15 feet	20 feet	25 feet****	25 feet
Minimum side setback	None	5 feet	17/8 feet	17/8 feet
Minimum rear setback	None	20 feet	25 feet	25 feet
Minimum corner setback to side street R-O-W	10 feet	15 feet	15 feet	15 feet
Maximum residential building height	40 feet	35 feet	35 feet	35 feet
Approximate percentage of total lots	20 percent	60 percent	10 percent	10 percent

Variations to the standards may be permitted on a case-by-case basis by the Planning Board at the time of specific design plan if circumstances warrant.
 *Except minimum lot frontage for flag lot configurations shall be 25 feet.
 **Except that the yard area may be reduced to 300 sf for decks.
 ***Except that the minimum lot width at the front street line shall be no less than 80 feet for the lots adjacent to Piscataway Road, the main entrance drive from Piscataway Road to the first intersection, and along the secondary entrance from Tippett Road to the second intersection.
 ****Except that on the lots across from the park, the front yard setback shall be no less than 30 feet.

The applicant proposes the adjustment of 10 lots and one parcel (Parcel EE) with this SDP and has provided a table on sheet 1 of the SDP to demonstrate that the lots, indicated as proposed Lots 1-4 of Block C and Lots 1-6 of Block D, will meet the

standards of this condition. These requirements will be enforced at the time of building permits.

22. **Every specific design plan shall include on the cover sheet a clearly legible overall plan of the project on which are shown in their correct relation to one another all phase or section numbers, all approved or submitted specific design plan numbers, all approved or submitted tree conservation plan numbers, and the number and percentage.**

The SDP coversheet contains a clearly legible overall plan of the project. The coversheet does not have the corresponding TCPII numbers because tree conservation plan numbers are assigned only after applications have been submitted to the Environmental Planning Section. A condition to include the TCPII numbers for each companion SDP has been included in the Recommendation section of this report.

10. **Preliminary Plan of Subdivision 4-05050:** PPS 4-05050 was approved by the Planning Board on January 19, 2006. PGCPB Resolution No. 06-16(C) was then adopted by the Planning Board on February 16, 2006, formalizing the approval. The following conditions apply to this SDP application:

2. **A Type II Tree Conservation Plan shall be approved with the specific design plan.**

TCPII-074-06-02 was reviewed with this application and conditional approval is recommended.

3. **Development of this site shall be in conformance with the Stormwater Management Concept Plan #25955-2005-00 and any subsequent revisions.**

An approved SWM concept plan and letter, case number 328-2018-00, dated August 21, 2018 was provided with this application and shows the lotting pattern and the location of SWM facilities consistent with what is shown on the instant SDP.

10. **The applicant, his heirs, successors and/or assignees shall submit three original recreational facilities agreements (RFAs) to DRD for construction of recreational facilities on homeowners land, for approval prior to the submission of final plats. Upon approval by DRD, the RFA shall be recorded among the county land records.**

A private recreational facilities agreement was recorded in the county land records. The arrangement and location of stormwater and recreational facilities on Parcel HH differs from the previously approved SDP-0516 to accommodate the modifications to stormwater facilities. However, all recreational facilities, including one open play area, a community building, a community pool, a soccer field, a tot lot and pre-teen lot (combined), two double tennis courts, and private trails, established in the recorded recreational facilities agreement are provided with the changes proposed to the SWM facilities.

11. **Specific Design Plan SDP-0516:** SDP-0516 was approved by the Planning Board on July 27, 2006 (PGCPB Resolution No. 06-191), with 23 conditions. The District Council affirmed the Planning Board’s decision on October 31, 2006, with all 23 conditions. The umbrella architecture SDP-1801 by Lennar Homes superseded the townhouse models in SDP-0516. All conditions of the previous approval are still applicable, except for those required prior to certification of the SDP.
12. **2010 Prince George’s County Landscape Manual:** Per Section 27-528(a)(1) of the Zoning Ordinance, an SDP must conform to the applicable standards of the Landscape Manual. The landscape and lighting plan provided with the subject SDP contains the required schedules demonstrating conformance to these requirements.
13. **Prince George’s County Woodland Conservation and Tree Preservation Ordinance:** This application is not subject to the 2010 Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance because the site has a TCPI and TCPII approved prior to September 1, 2010. This site is subject to the provisions of the 1993 Woodland Conservation and Tree Preservation Ordinance because conformance with the woodland conservation requirements were established with the initial TCPII-074-06 and carried forward with the approval of subsequent revisions.

The current application is for Phase 4 of the overall project. The Woodland Conservation Threshold for the overall 562.85-acre property is 25 percent of the net tract area or 134.92 acres. The overall woodland conservation requirement based on the amount of clearing proposed on the entire site is 178.26 acres. This overall requirement is proposed to be met with 159.84 acres of preservation, 14.92 acres of reforestation, and 3.50 acres of off-site woodland conservation. The current application is for Phase 4, which consists of 181.87 acres gross tract area and proposes 40.98 acres of net tract clearing, 0.14 acre of floodplain clearing, and 0.92 acre of off-site clearing. Phase 4 shows 24.60 acres of on-site preservation, and 6.93 acres of reforestation plantings. The Environmental Planning Section recommends approval of the TCPII with conditions, which have been included in the Recommendation section of this report.

14. **Prince George’s Country Tree Canopy Coverage Ordinance:** The SDP is subject to the requirements of the Tree Canopy Coverage Ordinance. Section 25-128 of the County Code requires a minimum percentage of tree canopy coverage on projects that propose more than 5,000 square feet of disturbance. In the R-L Zone, the coverage requirement is 20 percent, which for this application equates to 39.19 acres. The subject SDP does not provide the required schedule demonstrating conformance to these requirements. A condition has been included in the Recommendation section of this report to provide a schedule demonstrating conformance.
15. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized, as follows:
 - a. **Transportation Planning**—In a memorandum dated September 4, 2019 (Masog to Burke), incorporated herein by reference, the Transportation Planning Section indicated that the elimination of a portion of Parsley Sprig Road between Baroque Boulevard and Basil View Way will have a minimal effect on overall circulation and determined that the proposal meets the findings required for an SDP, as described in the Zoning Ordinance.

Conformance to Section 24-124 of the Subdivision Regulations was found with the approval of PPS 4-05050, and it is noted that this application will not change that prior finding. Several off-site transportation improvements are included as conditions of the PPS approval and these conditions will need to be met at the time of building permit. Therefore, it is determined that the development will be adequately served within a reasonable period of time with existing or programmed transportation facilities.

- b. **Environmental Planning**—In a memorandum dated August 19, 2019 (Schneider to Burke), incorporated herein by reference, the Environmental Planning Section recommended conditions relating to technical issues on the TCPII, which can be found in the Recommendation section of this report. Additional summarized comments were provided, as follows:

Natural Resources Inventory/Existing Conditions

An approved Natural Resources Inventory, NRI-040-05-01, was submitted with the application. The NRI indicates that streams, wetlands, associated buffers, and areas of steep slopes are found to occur within the limits of the SDP and comprise the primary management area. The existing features of the site, as shown on the TCPII and the SDP, are in conformance with the NRI.

Stormwater Management

A SWM Concept Approval Letter (No. 328-2018-00) and associated plan were submitted with the application for this site. The approval was issued on August 21, 2018 with this project from the Prince George’s County Department of Permitting, Inspections and Enforcement (DPIE). The concept plan shows the entire Phase 4 development and proposes to construct two micro-bioretenion ponds, three submerged gravel wetlands, rainwater harvesting, and one wet pond. A SWM fee of \$284,917.00 for on-site attenuation/quality control measures is required. No further action regarding SWM is required with regard to this SDP.

Noise

Piscataway Road is the nearest source of traffic-generated noise and is designated as an arterial in the 1993 *Approved Master Plan and Sectional Map Amendment for Subregion V, Planning Areas 81A, 81B, 83, 84, 85A and 85B*. Section 24-121(a)(4) of the Subdivision Regulations requires that residential lots adjacent to existing or planned roadways of arterial classification or higher be platted to a minimum depth of 150 feet, and that adequate protection and screening from traffic nuisances be provided by earthen berms, plant materials, fencing, and/or the establishment of a building restriction line for new residential structures.

The noise model used by the Environmental Planning Section predicts that the unmitigated 65 dBA Ldn noise contour will be about 168 feet from the centerline of Piscataway Road in 10 years. Based upon dedication of 60 feet from the centerline of existing Piscataway Road, the predicted 65 dBA Ldn contour is approximately 118 feet from the edge of the proposed right-of-way and clearly not impacting any proposed lot within the phase of the development.

- c. **Subdivision Review**—In a memorandum dated August 22, 2019 (Davis to Burke), incorporated herein by reference, the Subdivision Review Section offered comments regarding the removal of the portion of Parsley Sprig Road and reconfiguration of lots, with conditions included in the Recommendation section of this report.
- d. **Prince George’s County Department of Permitting, Inspections and Enforcement (DPIE)**— In a memorandum dated July 15, 2019 (Giles to Burke), incorporated herein by reference, DPIE commented that the grade establishment for several roadways do not meet County minimum standards with waivers or revisions needed at the time of grading permit; however, DPIE stated no objection to the approval of the instant SDP for changes to the SWM facilities.
- e. **Special Projects Section:** In a memorandum dated September 3, 2019 (Hancock to Burke), incorporated herein by reference, the Special Projects Section offered comments, summarized as follows:

The Special Projects Section has reviewed this SDP, in accordance with Section 27-528(a)(2) of the Zoning Ordinance, which requires the Planning Board to find that the development will be adequately served within a reasonable period with existing or programmed public facilities, either shown in the appropriate Capital Improvement Program or provided as part of the private development.

To determine adequacy, staff has elected to use the adequacy test contained in the Subdivision Regulations in Section 24-122.01.

Fire and Rescue

The Special Projects Section has reviewed this SDP for adequacy of fire and rescue services, in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(C) and (E) of the Subdivision Regulations. Section 24-122.01(e)(1)(E) states that “A statement by the Fire Chief that the response time for the first due station in the vicinity of the property proposed for subdivision is a maximum of seven-minutes travel time.”

The proposed project is served by Clinton Fire/EMS Station 825, located at 9025 Woodyard Road. The Fire Chief, as of May 16, 2016, has outlined the adequacy of personnel and equipment as required by Section 24-122.01 (e). The Assistant Fire Chief James V. Reilly, Emergency Services Command of the Prince George’s County Fire/EMS Department, has reaffirmed in writing that as of September 3, 2019, only a portion of the project is within a 7-minute travel time from the first due station. The applicant may offer to mitigate for the failed portion.

Planning Department Mitigation Recommendations

The Public Safety Mitigation Fee will be assessed when the applicant applies for grading permits with DPIE.

A. Public Safety Mitigation Fee

- i. The fees per dwelling unit would consist of \$3,780 per unit if the test has failed in any of the police districts. This number was derived from the costs associated with building and equipping police stations

to house the police officers that are necessary to help meet the response times associated with CB-56-2005.

- ii. If the application fails in a fire service area, the fee per dwelling unit would consist of \$1,320 per unit. This number was derived from the costs associated with building and equipping fire stations to house the fire and EMS personnel that are necessary to help meet the response times associated with CB-56-2005.
- iii. If the application fails both the police and fire test, the applicant shall pay the combined fee of \$5,100 per dwelling unit.
- iv. The Public Safety Surcharge shall not be reduced by the payment of any Public Safety Mitigation Fee.

Beginning in Fiscal Year 2007, the fee shall be adjusted by July 1 of each year by the percentage change in the Consumer Price Index for All Urban Consumers published by the United States Department of Labor from the previous fiscal year. The fee shall be paid at the time of issuance of a grading permit for development.

B. In Kind Services

An applicant may offer to provide equipment and or facilities that equal or exceed the cost of the Public Safety Mitigation Fee or offer a combination of in-kind services and supplemental payment of the Public Safety Mitigation Fee. Acceptance of in-kind services are at the discretion of the County based on the public safety infrastructure required to bring the subdivision in conformance with the standards mandated by CB-56-2005.

C. Pooling Resources

Applicants may pool together with other applicants to purchase equipment or build facilities that would equal or exceed the cost of paying the Public Safety Mitigation Fee. Acceptance of pooled resources to provide in kind services are at the discretion of the County based on the public safety infrastructure required to bring the subdivision in conformance with the standards mandated by CB-56-2005.

D. Use of Funds

The Public Safety Mitigation Fee shall be used in the police districts or fire service areas that are failing the response time requirements of CB-56-2005.

For example, guidance provided by the Approved Operating Expense and Capital Budgets, Tri Data Final Report dated May 2004, the Maryland-National Capital Park and Planning Commission, and the Approved Public Safety Master Plan will be considered.

The Planning Department has established a practice regarding the designation of lots that are split by the seven-minute travel time response line. If any portion of a proposed lot is beyond the response time, the lot will be considered as beyond the response time and mitigation will be required. At the time of PPS 4-05050,

827 lots were identified and required to pay Safety Mitigation Fees per Condition 18. Specifically, 88 lots in Phase 4 are required to pay both the police and fire fee, while 305 are required to pay the police fee because they are considered beyond the seven-minute response time line, and the fee per dwelling unit would consist of either \$4,968 and/or \$1,736 per unit for a total of \$6,704. This fee is adjusted by July 1 of each year by the percentage change in the Consumer Price Index for All Urban Consumers published by the U.S. Department of Labor from the previous fiscal year. The fee will be paid at the time of issuance of a grading permit for development. The fee was derived from the costs associated with building and equipping fire stations to house Fire and EMS personnel that are necessary to help meet response times associated with CB-56-2005. The PPS condition requiring the mitigation fee remains applicable to address this issue.

Capital Improvement Program (CIP)

Based on the Prince George’s County FY 2019-2024 CIP, there are no projects for public safety facilities proposed near the subject site.

Police Facilities

The Prince George’s County Planning Department has determined that the subject property is located in the service area of District 7, in Fort Washington. Police facilities have been determined to be adequate.

Schools

Single-Family Attached and Two-Family Attached

Affected School Clusters #	Elementary School Cluster 6	Middle School Cluster 6	High School Cluster 6
Dwelling Units	103	103	103
Pupil Yield Factor	.145	.076	.108
Subdivision Enrollment	15	8	11
Actual Enrollment 2018	4,795	1,923	2,471
Total Enrollment	4,801	1,917	2,478
State Rated Capacity	6,401	2,490	3,754
Percent Capacity	75%	77%	66%

Single-Family Detached

Affected School Clusters #	Elementary School Cluster 6	Middle School Cluster 6	High School Cluster 6
Dwelling Units	290	290	290
Pupil Yield Factor	.177	.095	.137
Subdivision Enrollment	51	28	40
Actual Enrollment 2018	4,795	1,923	2,471
Total Enrollment	4,801	1,917	2,478
State Rated Capacity	6,401	2,490	3,754
Percent Capacity	75%	77%	66%

County Council Bill CB-31-2003 established 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.

CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts are \$9,741 and \$ 16,698 to be paid at time of issuance of each building permit. The school facilities surcharge may be used for the construction of additional or expanded school facilities and renovations to existing school buildings or other systemic changes.

Water and Sewerage

Section 24-122.01(b)(1) states that “the location of the property within the appropriate service area of the Ten-Year Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for preliminary or final plat approval.”

Based on the 2008 *Approved Water and Sewer Plan*, the subject property is in Water and Sewer Category 3, Community System.

RECOMMENDATION

Based upon the foregoing evaluation and analysis, the Urban Design staff recommends that the Planning Board adopt the findings of this report and APPROVE Specific Design Plan SDP-0516-02 and Type II Tree Conservation Plan TCPII-074-06-02 for Bevard East, subject to the following conditions:

1. Conditions of approval in the District Council decision for Specific Design Plan SDP-0516 are still applicable, unless previously fulfilled.
2. Prior to certification of this specific design plan (SDP) the applicant shall:

- a. Revise the plans to re-label Lots 1-3 of Block C, Lots 1-6 and 10 of Block D, and Parcel EE to Lots 4-7 of Block C, Lots 7-12 of Block D, and Parcel KK, respectively.
 - b. Revise the overall plan on the coversheet to include the Type II tree conservation plan numbers for each companion SDP.
 - c. Show the Aviation Policy Area designation area boundaries.
 - d. Provide a wide asphalt shoulder on the plan along the subject site's entire road frontage of MD 223 (Piscataway Road), in order to safely accommodate bicycle traffic, unless modified by the Maryland State Highway Administration.
 - e. Clearly label Parcel HH and its acreage on each applicable sheet. Currently it is only labeled on sheet 11.
 - f. Provide a tree canopy coverage schedule demonstrating conformance to the requirements.
 - g. Revise the Type II tree conservation plan, as follows:
 - (1) Revise the key plan view on Sheet 1 to add the sheet numbers to the delineated page areas.
 - (2) Correct the approval blocks on Sheets 4, 16, and 17 to conform to the other approval blocks.
 - (3) Add the noise contour to the plan view and legend to the appropriate sheets.
 - (4) Show all stormwater outfall structures and impact area on Sheets 12, 19, and 22.
 - (5) Show limit of disturbance of stormwater outfall structure on Sheet 16.
 - (6) Have the revised plan signed and dated by the qualified professional who prepared the plans.
3. Prior to the approval of permits for lots in Block C and Block D for Phase 4, the applicant, and the applicant's heirs, successors, and/or assignees shall obtain approval of a vacation petition to vacate a segment of Parsley Sprig Road and obtain approval of a final plat to reflect the revised lotting pattern, as shown on SDP-0516-02.

ITEM: 5

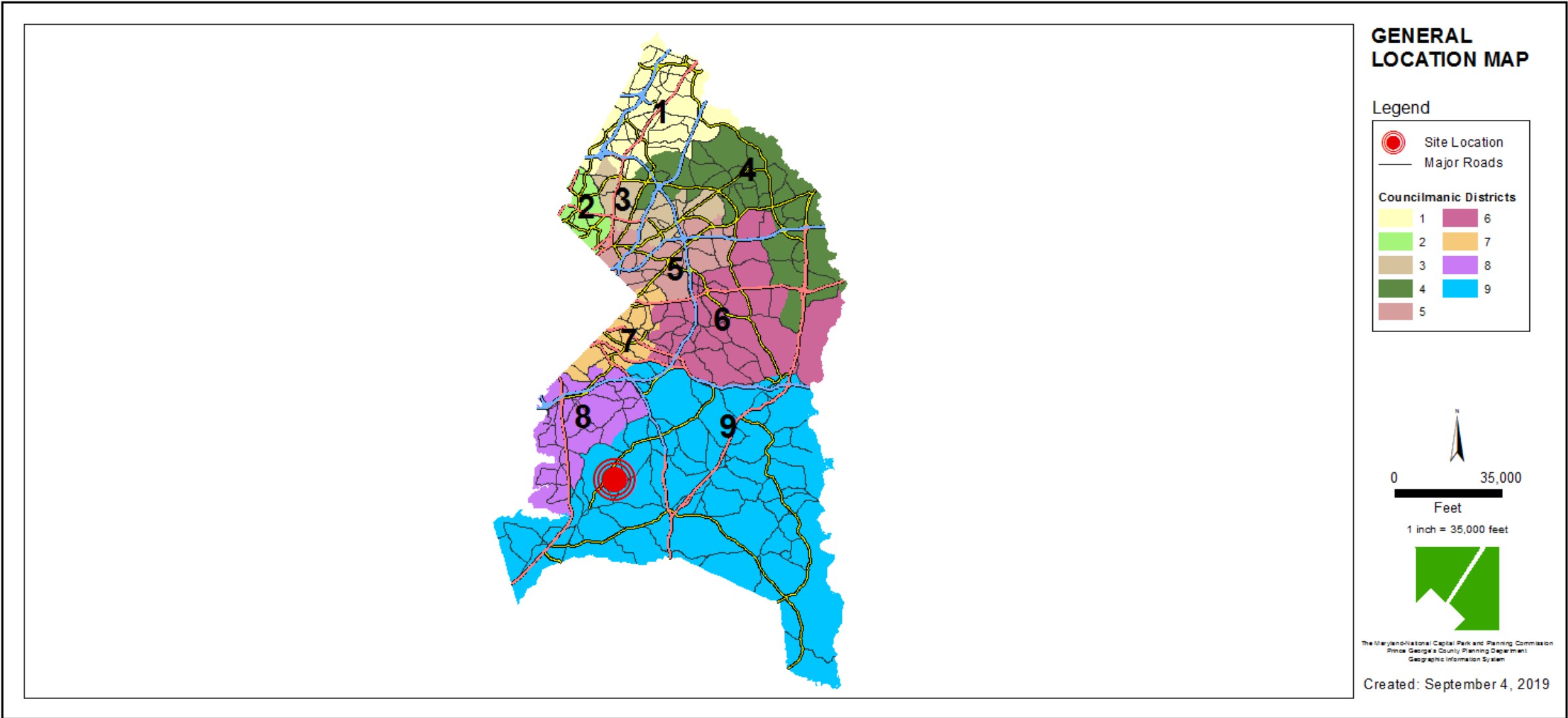
CASE: SDP-0516-02

BEVARD EAST

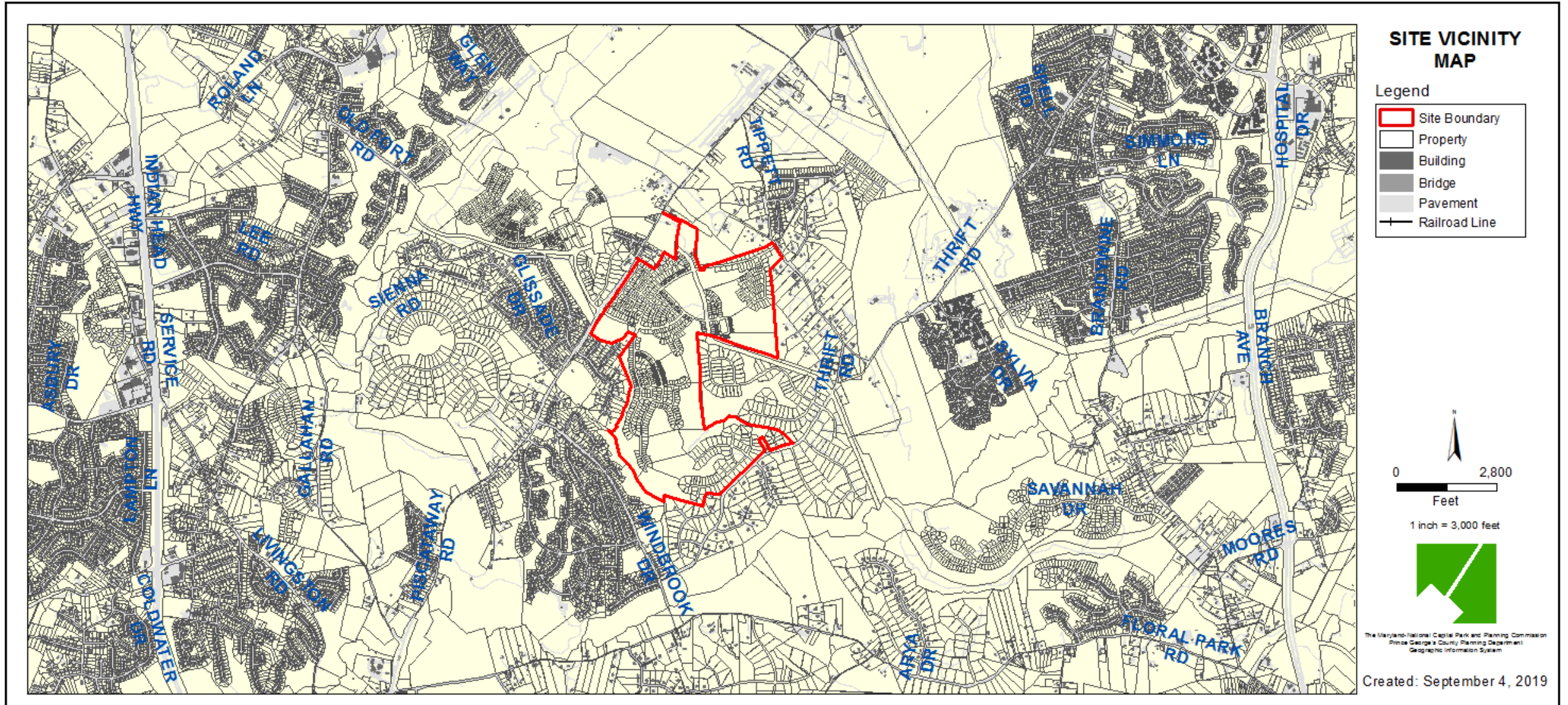
THE PRINCE GEORGE'S COUNTY PLANNING DEPARTMENT



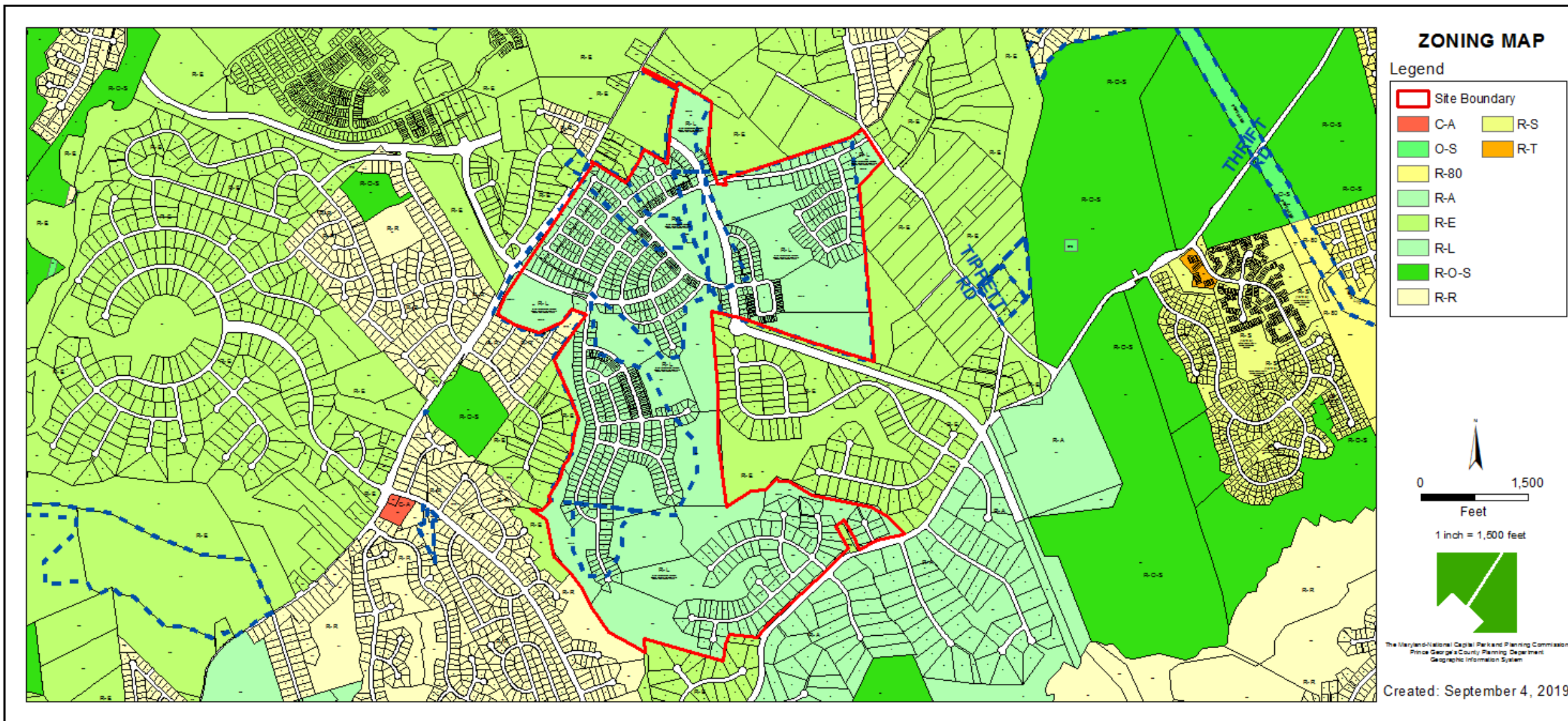
GENERAL LOCATION MAP



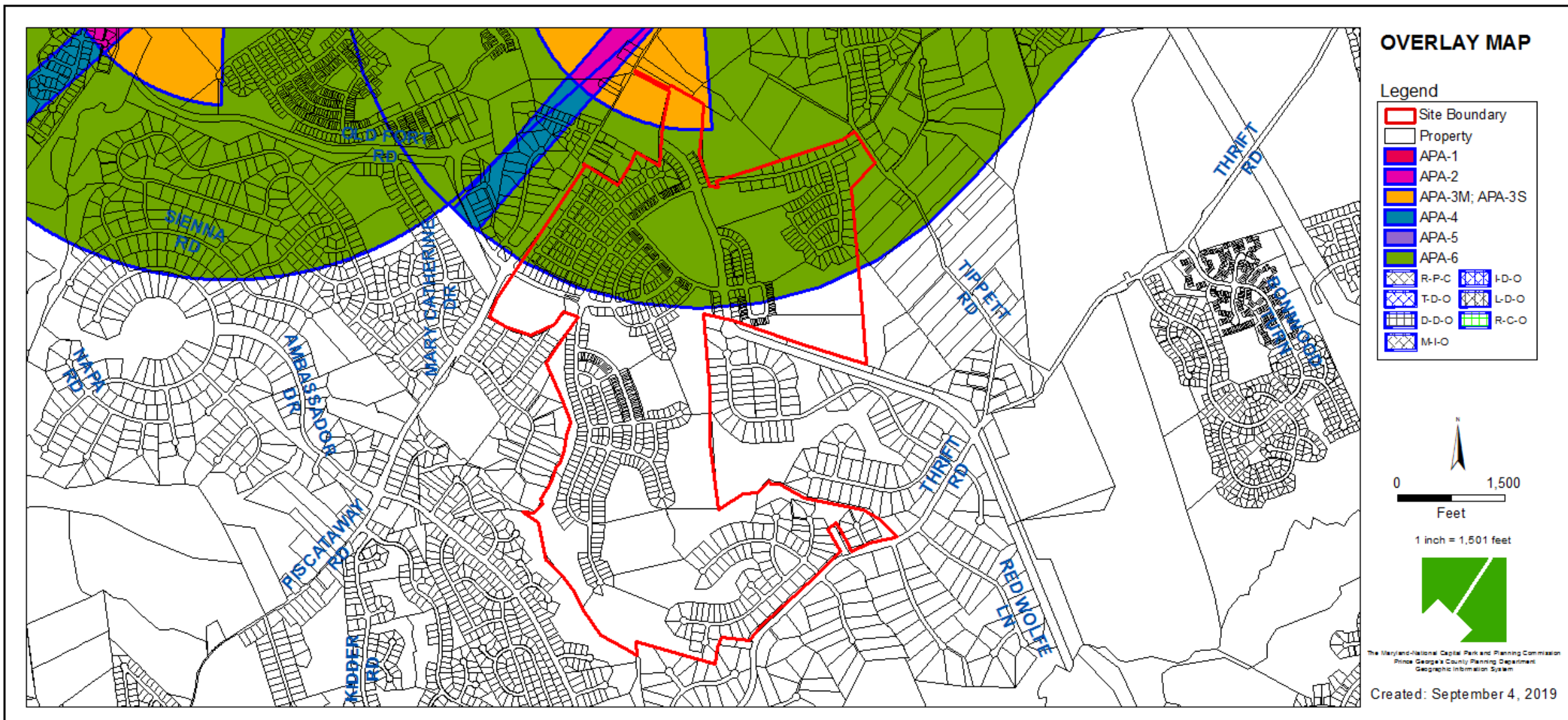
SITE VICINITY



ZONING MAP



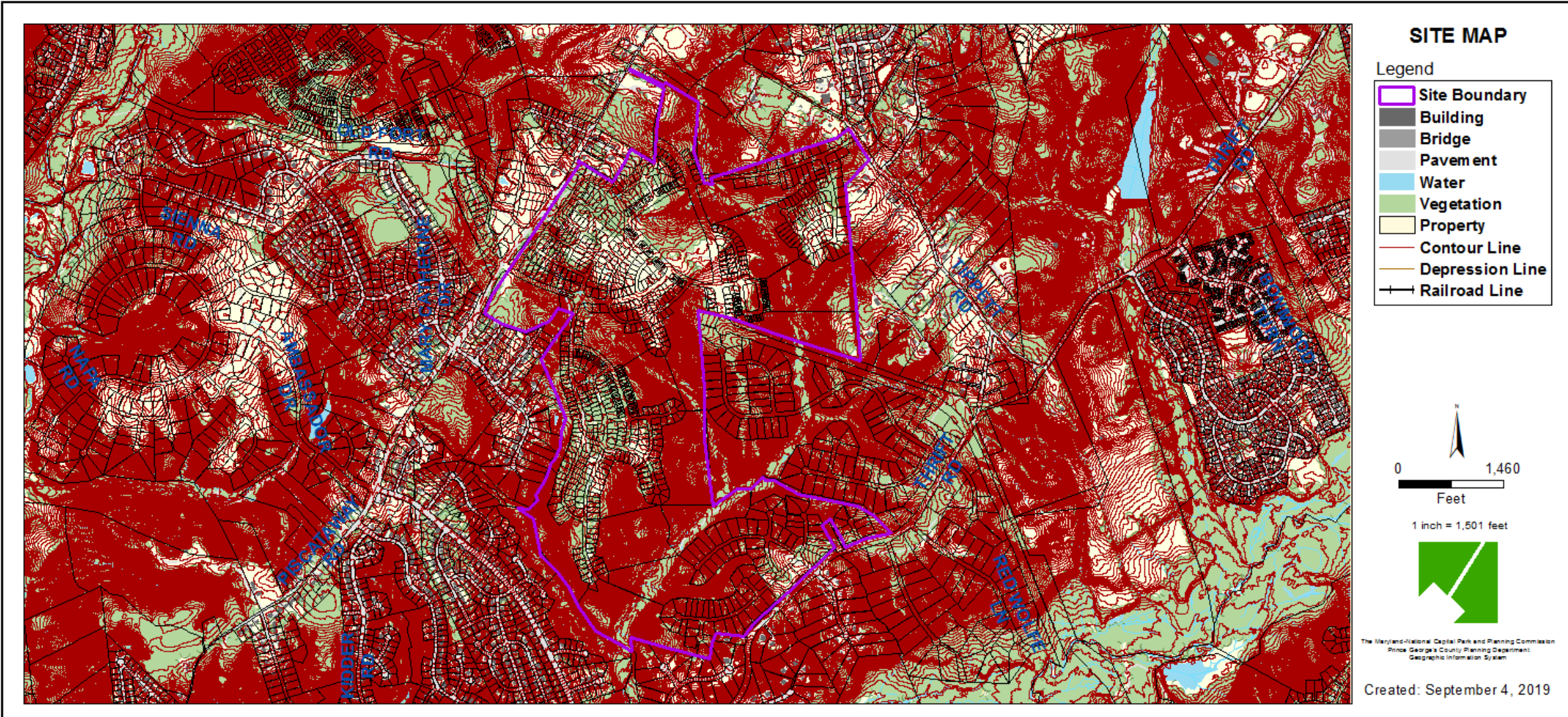
OVERLAY MAP



AERIAL MAP



SITE MAP



SITE MAP

Legend

- Site Boundary
- Building
- Bridge
- Pavement
- Water
- Vegetation
- Property
- Contour Line
- Depression Line
- Railroad Line

0 1,460

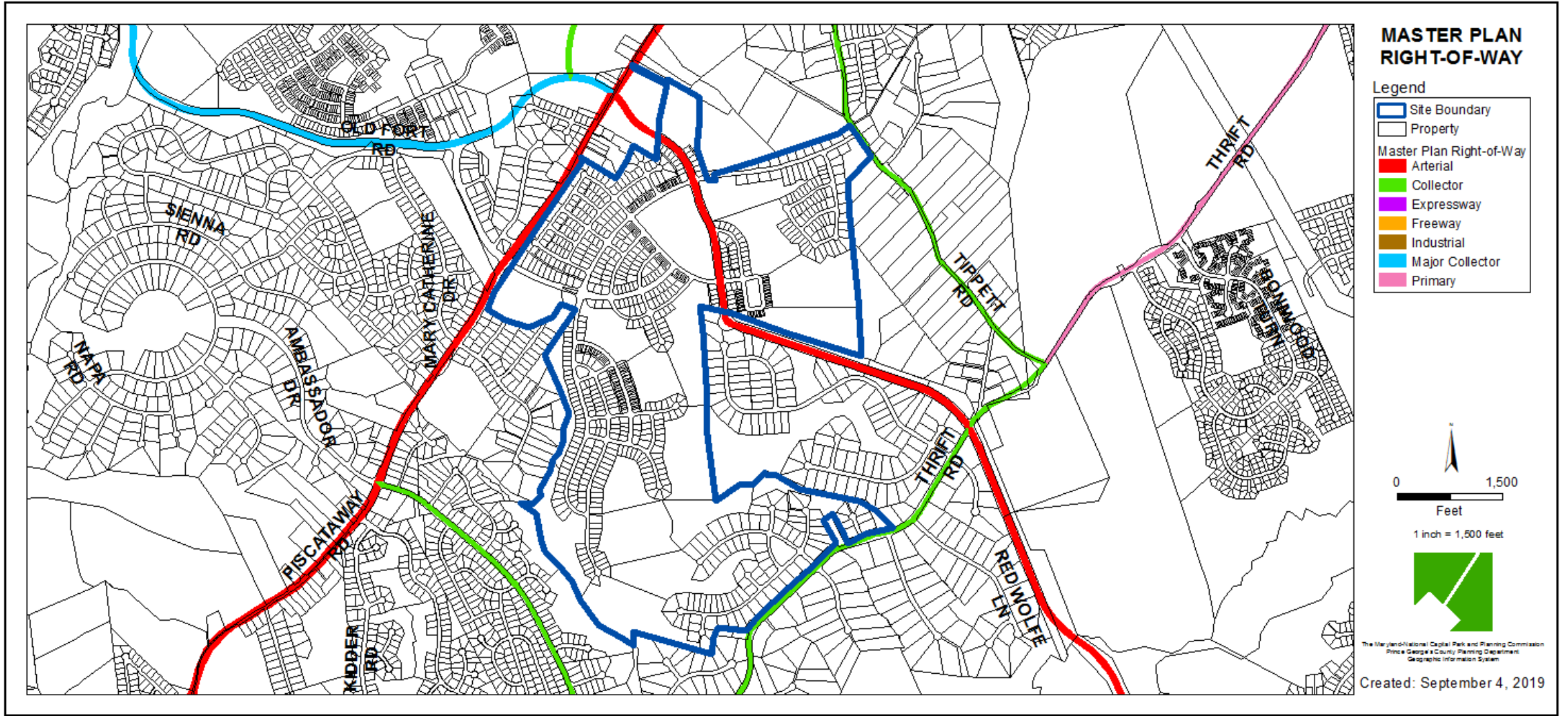
Feet

1 inch = 1,501 feet

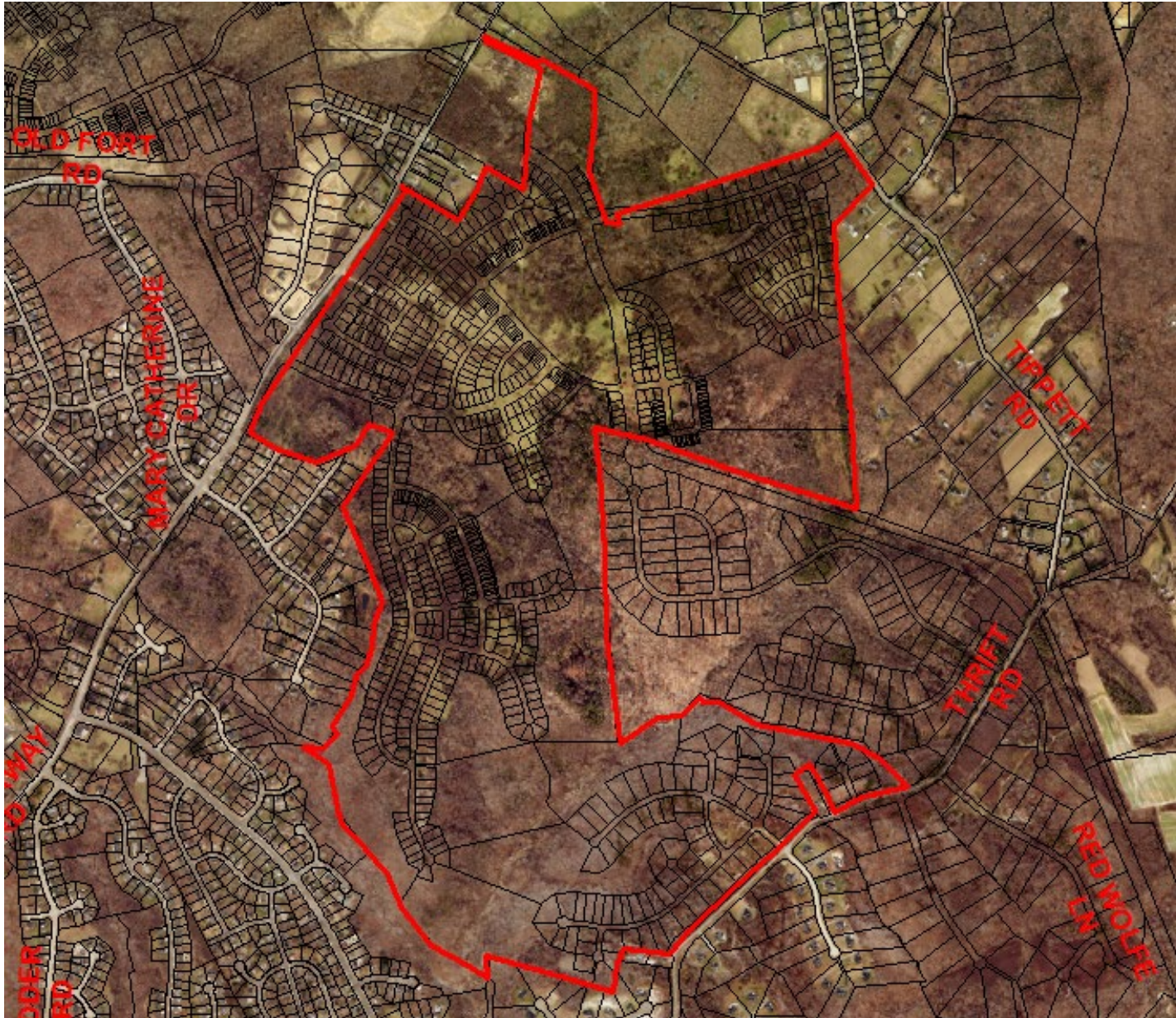
The Maryland-National Capital Park and Planning Commission
Prince George's County Planning Department
Geographic Information System

Created: September 4, 2019

MASTER PLAN RIGHT-OF-WAY MAP



BIRD'S-EYE VIEW WITH APPROXIMATE SITE BOUNDARY OUTLINED



BEVARD EAST



SPECIFIC DESIGN PLAN



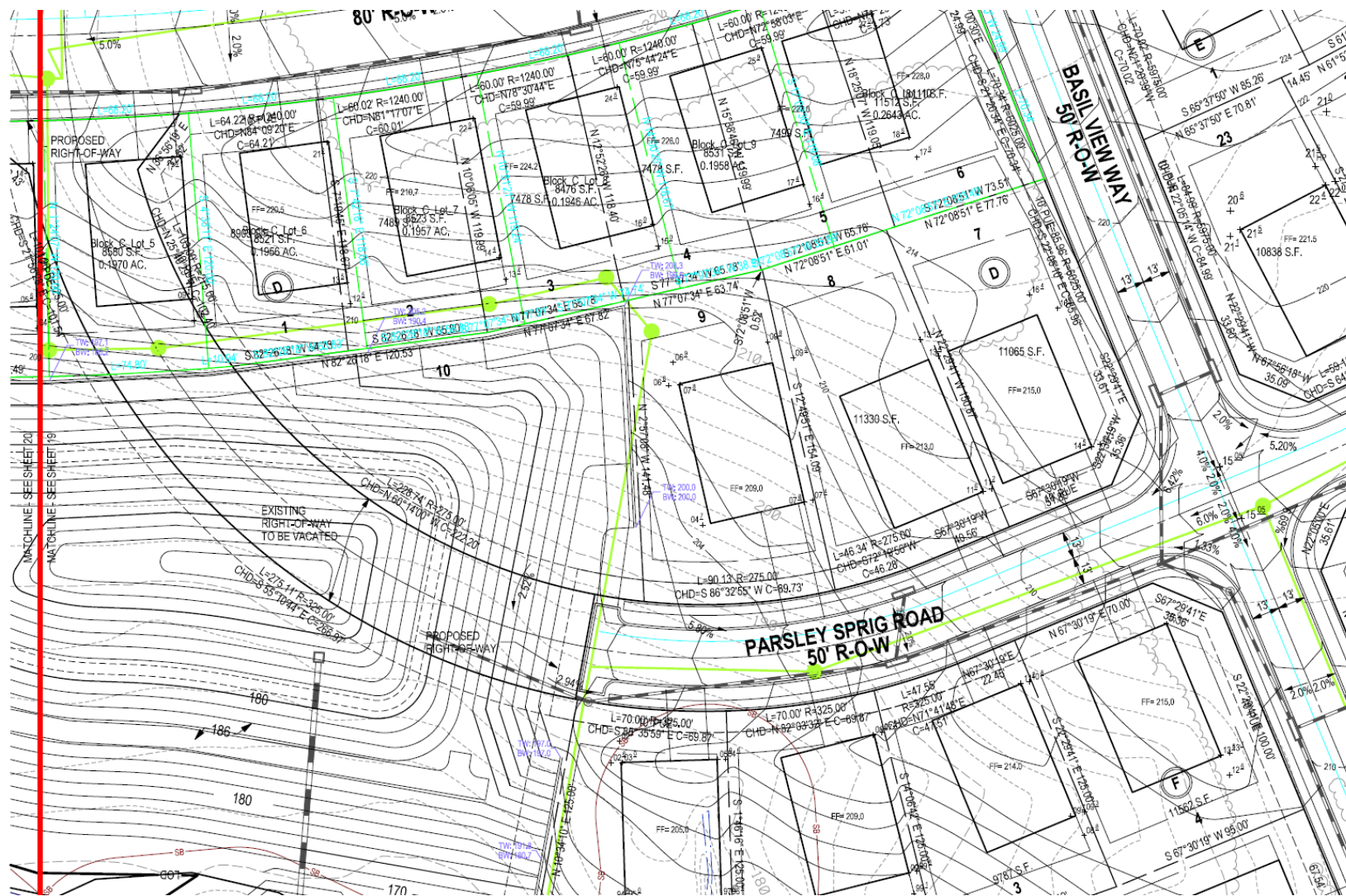
RENDERING



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October 23, 2018

Ms. Jill Kosack
Acting Supervisor, Urban Review
M-NCPPC
14741 Governor Oden Bowie Dr.
Upper Marlboro, MD 20772

Re: BEVARD EAST (SDP-0516-02)

REQUEST FOR PLANNING DIRECTOR ADMINISTRATIVE REVIEW AND STATEMENT OF JUSTIFICATION AND REQUEST FOR WAIVER OF NOTICE AND POSTING

Dear Ms. Kosack:

The Applicant, Lennar Bevard LLC, is the owner and developer/builder of the property known as Bevard East located on Piscataway Road ("Property"). The Property is approved for residential development within the R-L Comprehensive Design. Prior approvals include the Preliminary Plan of Subdivision (4-05050) and Specific Design Plan (SDP-0516 and SDP-0516-01) and recorded final plats of subdivision. The Applicant hereby submits additional information concerning minor revision to the Specific Design Plan. This revision will be identified as SDP-0516-02.

I. Compliance with New Stormwater Management Regulations.

At the time the original Specific Design Plan was approved, the site was designed to comply with the then existing stormwater management regulations applicable to new development. Since the date of the original approval, the State of Maryland adopted new stormwater management regulations which dramatically impacted the engineering of new development. The Property was not vested under the old regulations and the Applicant now desires to update the engineering plans to comply with the current stormwater management regulations. These engineering changes require several modifications to the approved Specific Design Plan including:

- 1) In order to comply with the stormwater management regulations minor adjustments to some lots and internal streets are proposed as shown on the plans.

Ms. Jill Kosack
Acting Supervisor, Urban Design Review
October 23, 2018
Page 2

- 2) The previously approved SWM pond facilities are being converted into Submerged Gravel Wetlands in compliance with current stormwater management practices.
- 3) As a result of the proposed revisions, the Landscape Plan has been revised to conform to the latest Landscape Manual requirements.
- 4) The TCP2 has been revised to account for the various changes due to the new SWM devices in compliance with State regulations.

II. Compliance with Conditions.

A review of the Conditions of Approval for Preliminary Plan of Subdivision (4-05050) (the "PPS"); Comprehensive Design Plan (CDP-0504) (the "CDP"); Specific Design Plans (SDP-0504) (SDP-0514) (SDP-0516) (SDP-0517) (the "SDPs") indicates there are no inconsistencies with the Conditions of Approval posed by this request. By way of clarification, the following is noted:

- 1) The Stormwater Management Concept Plan number referenced in Condition 1.a of the PPS and Condition 14 of SDP-0516 has been updated to #328-2018-0.
- 2) The TCP2 referenced in Condition 2 of the PPS; Condition 18 of SDP-0516; and Condition 12 of SDP-0517 is being updated with this request.

A listing of all the prior conditions of approval is attached.

III. Conclusion.

The proposed changes are due to engineering necessity and are (i) in keeping with the architectural and site design characteristics of the approved SDP; and (ii) and will not increase the overall approved floor area ratios. The Applicant requests that this revision to the SDP be reviewed at the staff level and approved by the Planning Director pursuant to Section 27-530(b) A point by point summary of the justification for minor amendment under Section 27-530(b) is attached hereto.

For these reasons, the Applicant respectfully requests that the proposed revision to the Specific Design Plan (SDP-0516-02) be reviewed at the Staff level and submitted for Planning Director approval in accordance with the Zoning Ordinance and Planning Board policy, and we additionally requesting a waiver of notice and posting requirements, given the administrative nature of this application.

Sincerely,


William M. Shipp

Ms. Jill Kosack
Acting Supervisor, Urban Design Review
October 23, 2018
Page 3

JUSTIFICATION FOR MINOR AMENDMENT OF SPECIFIC DESIGN PLAN
(Responses are in Italics)

• **Sec. 27-530. - Amendments.**

(a) All amendments of approved Specific Design Plans shall be made in accordance with the provisions of this Division for initial approval, except as set forth below.

(b) The Planning Director (or designee) may approve a minor amendment in the location of structures shown on an approved Specific Design Plan due to an engineering necessity if the Planning Director finds that:

(1) It is in keeping with the architectural and site design characteristics of the approved Specific Design Plan; and

The proposed revisions are dictated by engineering necessity to comply with changes in stormwater management regulations. The layout, density, architectural and site design characteristics of the approved development have not been adversely impacted. The changes are the minimum required to comply with State regulations for stormwater management.

(2) It does not increase the floor area ratio.

The overall density has not been increased (and thus the floor area ratio has not increased). In fact, some lots have been eliminated due to the engineering changes. It is hoped the lost lots will be relocated in other sections of the Bevard project without increasing the overall density. The relocation of lots is not part of this application.

Summary of Prior Conditions
(Responses are in italics)

A. A-9967 Conditions:

1. Proposed Land Use Types and Quantities:
 - a. Public Passive Open Space: 50± acres.
 - b. Public Active Open Space: 10± acres.
 - c. Show right-of-way for A-65 as designated on the Subregion V Master Plan. A determination shall be made at the time of preliminary plan concerning dedication, reservation, or no preservation strategy for the right-of-way for this facility within the subject property.

The condition is still valid and is not impacted by this amendment.

2. Provision of a preliminary plan of subdivision is required for this proposed development.

The condition is still valid and is not impacted by this amendment.

3. As part of any application for a natural resources inventory, a soils study shall be submitted. The study shall clearly define the limits of past excavation and indicate all areas where fill has been placed. All fill areas shall include borings, test pits, and logs of the materials found. Borings and test pits in fill areas shall be deep enough to reach undisturbed ground.

The condition is still valid and is not impacted by this amendment.

4. The comprehensive design plan shall avoid impacts to sensitive environmental features. If avoidance is not possible, the impacts shall be the minimum necessary to support the development concept as a whole.

The condition is still valid and is not impacted by this amendment.

5. If impacts to regulated environmental features remain after the redesign, variation requests shall be submitted as part of any application for a preliminary plan of subdivision. The variation request must have a separate justification statement for each impact or impact type, in conformance with Section 24-113 of the Subdivision Regulations, a map on 8.5 x 11-inch paper showing each impact, and noting the quantities of impacts proposed for each individual impact.

The condition is still valid and is not impacted by this amendment.

6. A Phase I noise study shall be required as part of any application for a comprehensive design plan. The comprehensive design plan and TCPI shall show all unmitigated 65 dBA Ldn noise contours associated with traffic-generated noise.

The condition is still valid and is not impacted by this amendment.

7. The comprehensive design plan shall provide for minimum 40-foot scenic easements adjacent and contiguous to the proposed 10-foot public utility easements along the land to be dedicated for Piscataway Road and Thrift Road.

The condition is still valid and is not impacted by this amendment.

8. Specific acreage of parkland dedication shall be determined at time of Comprehensive Design Plan (CDP). The dedicated parkland shall accommodate a baseball field, soccer field, minimum 100- space parking lot, playground, picnic shelter, basketball court, trails, stormwater management pond. The dedicated parkland shall be located along the Piscataway Road. The dedicated parkland shall have at least a 500-foot wide frontage and direct access to Piscataway Road.

The condition is still valid and is not impacted by this amendment.

9. The land to be conveyed to M-NCPPC shall be subject to the conditions of Exhibit B.

The condition is still valid and is not impacted by this amendment.

10. The applicant shall construct recreational facilities on dedicated parkland. The “recreational facilities package” shall be reviewed and approved by DPR staff prior to comprehensive design plan (CDP) submission.

The condition is still valid and is not impacted by this amendment.

11. The public recreational facilities shall be constructed in accordance with the standards outlined in the *Parks and Recreation Facilities Guidelines*. The concept plan for the development of the parks shall be shown on the comprehensive design plan.

The condition is still valid and is not impacted by this amendment.

12. The applicant shall execute a large lot component located in approximately 118 acres of land, at the southern portion of the site, south of the tributary and north of Thrift road. Lot size averaging, in accordance with the R-E zone, shall be utilized per Section 27-423. The lot size shall not be less than 30,000 square feet for lots bordering Thrift Road and adjoining subdivisions as shown on applicants Exhibit A. All other lots shall be a minimum of 20,000 square feet. The layout shall be determined at the time of the CDP and preliminary plan of subdivision approval.

The condition is still valid and is not impacted by this amendment.

13. The applicant shall contribute as a public benefit feature to the construction of a community center to be located at Cosca Regional Park. The amount of that contribution shall be determined during the Comprehensive Design Plan stage in accordance with Section 27-514.10(b)(5). The minimum contribution shall be \$750K.

The condition is still valid and is not impacted by this amendment.

14. With the provision of density increments, the applicant shall construct no more than 827 units. This application to rezone the property to the R-L zone (1.0 base density) will allow for a base density of 551 units (based on the gross tract area subtracting one-half of the floodplain).

B. CDP-0504 Conditions:

1. The applicant shall dedicate to M-NCPPC 14± acres of developable land for future parkland as generally shown on attached Exhibit "A" at the time of the first final plat of subdivision.

The condition is still valid and is not impacted by this amendment.

2. Prior to signature approval of the CDP, the applicant shall submit a conceptual grading plan including a storm water management pond for the park parcel. If it is determined that the facilities (baseball field, soccer field, 100- space parking lot, playground, picnic shelter, basketball court, trails, storm water management pond) cannot be accommodated on the park parcel, the boundaries of the parcel shall be enlarged. The revised boundaries shall be approved by the Department of Parks and Recreation.

The condition is still valid and is not impacted by this amendment.

3. The land to be conveyed to M-NCPPC shall be subject to the conditions of the attached Exhibit B.

The condition is still valid and is not impacted by this amendment.

4. Construction drawings for the recreational facilities on public parkland shall be reviewed and approved by the Park Planning and Development staff prior to certificate approval of the first specific design plan.

The condition is still valid and is not impacted by this amendment.

5. Prior to submission of any final plats of subdivision, the applicant shall enter into a public Recreational Facilities Agreement (RFA) with M-NCPPC for the construction of recreation facilities on parkland. The applicant shall submit three original executed RFAs to the Department of Parks and Recreation (DPR) for their approval three weeks prior to the submission of the final plats. Upon approval by DPR, the RFA shall be recorded among the land records of Prince George's County.

The condition is still valid and is not impacted by this amendment.

6. The applicant shall submit to DPR a performance bond, a letter of credit or other suitable financial guarantee, for the construction of the public recreation facilities in the amount to be determined by DPR, at least two weeks prior to issuance of grading permits.

The condition is still valid and is not impacted by this amendment.

7. The recreational facilities on dedicated parkland shall be constructed prior to issuance of the 50th building permit.

The condition is still valid and is not impacted by this amendment

8. The applicant, his heirs, successors and/or assignees shall make a monetary contribution of a minimum \$2,000,000 toward the construction of the Southern Region Community Center in three phases:
 - a. \$200,000.00 for the design and engineering of the community center shall be paid prior to the issuance of the 50th building permit.
 - b. \$900,000.00 for the construction of the community center shall be paid prior to issuance of the 200th building permit. Beginning from the date of issuance of the 50th building permit, this amount shall be adjusted for inflation on an annual basis using the Consumer Price Index (CPI).
 - c. \$900,000.00 for the construction of the community center shall be paid prior to issuance of the 400th building permit. Beginning from the date of issuance of the 50th building permit, this amount shall be adjusted for inflation on an annual basis using the Consumer Price Index (CPI).

The condition is still valid and is not impacted by this amendment

9. Depending on the type of roadway required by the Department of Public Works and Transportation, one of the following shall be shown on the specific design plan and provided:
 - a. If a closed section road is required, the applicant shall construct an eight-foot-wide Class II trail along the site's entire road frontage of Thrift Road.
 - b. If an open section road is required, the applicant shall provide wide asphalt shoulders along the subject site's entire road frontage of Thrift Road and a financial contribution of \$210.00 to the Department of Public Works and Transportation for the placement of one "Share the Road with a Bike" sign. A note shall be placed on the final record plat for payment to be received prior to the issuance of the first building permit.

The condition is still valid and is not impacted by this amendment

10. Prior to acceptance of the applicable specific design plans, the following shall be shown on the plans:
 - a. The APA designation area shall be shown.
 - b. The community building shall be shown as a minimum of 5,000 square feet, in addition to the space proposed to be occupied by the pool facilities.
 - c. The swimming pool shall be approximately 25 meters long and 40 feet wide with a 30-foot by 30-foot training area.

The condition is still valid and is not impacted by this amendment

11. On the appropriate specific design plan, the applicant shall provide the following:
 - a. An eight-foot-wide asphalt HOA trail from the southernmost cul-de-sac to the proposed trail immediately to the north in the vicinity of the stormwater management pond.
 - b. An eight-foot-wide asphalt HOA trail from one of the cul-de-sacs west of the main stream valley to the main north-south trail that is proposed.
 - c. Trails within and to the proposed public park as generally indicated on the CDP illustrative plan.
 - d. Trail connections from the proposed public park to Roulade Place and Mordente Drive, as indicated on the CDP illustrative plan.
 - e. A wide asphalt shoulder along the subject site's entire road frontage of MD 223 in order to safely accommodate bicycle traffic, unless modified by SHA.
 - f. Standard sidewalks along both sides of all internal roads, unless modified by DPW&T.

The condition is still valid and is not impacted by this amendment

12. Prior to certification of the CDP, the approved Natural Resources Inventory, NRI/40/05, shall be submitted to become part of the official record for the comprehensive design plan.

The condition is still valid and is not impacted by this amendment

13. During the review of proposed impacts as part of the preliminary plan review process, impacts to sensitive environmental features shall be avoided. If avoidance is not possible, the impacts shall be the minimum necessary to support the development concept as a whole. All impacts to sensitive environmental features that require mitigation by subsequent state or federal permits shall provide the mitigation using the following priority list:
 - a. On site
 - b. Within the Piscataway Creek Watershed
 - c. Within the Potomac River watershed.

The condition is still valid and is not impacted by this amendment.

14. Prior to certification of the comprehensive design plan, the Type I tree conservation plan shall be revised to:
 - a. Provide all required woodland conservation on-site
 - b. revise the worksheet as needed
 - c. Have the revised plan signed and dated by the qualified professional who prepared the plan.

The condition is still valid and is not impacted by this amendment.

15. Prior to certification, the comprehensive design plan and TCPI shall be revised to show all unmitigated 65 dBA Ldn noise contours associated with traffic-generated noise.

The condition is still valid and is not impacted by this amendment.

16. The preliminary plan of subdivision shall provide for minimum 40-foot scenic easements adjacent and contiguous to the proposed 10-foot public utility easements along the land to be dedicated for Piscataway Road and Thrift Road. No part of any scenic easement shall be on a lot.

The condition is still valid and is not impacted by this amendment.

17. Prior to acceptance of each specific design plan the applicant shall submit an overall open space plan with calculations for areas of tree preservation, wetlands, and floodplain, to ensure preservation of areas approved as open space per CDP-0504.

The condition is still valid and is not impacted by this amendment.

18. Prior to signature approval of the CDP, the following revisions shall be made:
- a. The plans shall be revised to be in conformance to Condition No. 12 of A-9967.
 - b. The plans shall be revised to demonstrate that the lots located along the secondary entrance road from Tippet Road shall be a minimum of 20,000 square feet in size and have a frontage width of 80 feet at the front street line.
 - c. The plan shall be revised to indicate the APA 3M and APA 6.
 - d. Four copies of the final version of the Phase I archeological investigation shall be submitted (with the comments addressed) to the Planning and Preservation Section.
 - e. The plans shall be revised to add lots along the main entrance road, across from the park, to be sized in the medium lot size category, have a minimum 80-foot width at the front street line and be served by an alley. Further, the lots continuing along the main road to the first intersection shall be enlarged to the medium lot size and the same 80-foot width at the front street line.
 - f. The green area formed at the intersection of lots on the northwest side of the first circle along the main entrance road shall be designated as a buildable lot.

The condition is still valid and is not impacted by this amendment

19. The recreational facilities shall be bonded and constructed in accordance with the following schedule:

PHASING OF AMENITIES		
FACILITY	BOND	FINISH CONSTRUCTION
Public Park	Prior to the issuance of any building permits	Complete by 50th building permit overall
Recreation center Outdoor recreation facilities	Prior to the issuance of the 200th building permit overall	Complete by 400th building permit overall

Recreation Center Building and pool	Prior to the issuance of the 200th building permit overall	Complete before the 400th building permit overall
Pocket Parks (including Playgrounds) within each phase	Prior to the issuance of any building permits for that phase	Complete before 50% of the building permits are issued in that phase
Trail system Within each phase	Prior to the issuance of any building permits for that phase	Complete before 50% of the building permits are issued in that phase
<p>It is occasionally necessary to adjust the precise timing of the construction of recreational facilities as more details concerning grading and construction details become available. Phasing of the recreational facilities may be adjusted by written permission of the Planning Board or its designee under certain circumstances, such as the need to modify construction sequence due to exact location of sediment ponds or utilities, or other engineering necessary. The number of permits allowed to be released prior to construction of any given facility shall not be increased by more than 25%, and an adequate number of permits shall be withheld to assure completion of all of the facilities prior to completion of all the dwelling units.</p>		

The condition is still valid and is not impacted by this amendment

20. Prior to the approval of a specific design plan for architectural elevations, the following shall be demonstrated:
- a. The most visible side elevations of single-family detached or attached units on corner lots and other lots whose side elevation is highly visible to significant amounts of passing traffic shall have a minimum of three architectural features such as windows, doors and masonry fireplace chimneys, and these features shall form a reasonably balanced and harmonious composition.
 - b. All single-family detached dwellings shall not be less than 2,200 square feet of finished living area.
 - c. No two houses directly adjacent to each other or across the street from one another should have the same elevation.
 - d. Brick end walls shall be used on highly visible end units of townhouses, to be determined at the time of the specific design plan.

The condition is still valid and is not impacted by this amendment.

21. The following standards shall apply to the development:

Bevard East Standards

Lot Size	SFA	SFD		
	1,800 sf	6,000-10,000 sf	10,000-19,999 sf	20,000+ sf
Minimum width at front street R-0-W***	N/A	50 feet*	60 feet*	70 feet*
Minimum frontage on cul-de-sacs	N/A	30 feet*	30 feet*	35
Maximum lot coverage	400 sf yard area**	60%	50%	40%

Minimum front setback from R-0-W	15 feet	20 feet	25 feet****	25 feet
Minimum side setback	None	5 feet	17/8 feet	17/8 feet
Minimum rear setback	None	20 feet	25 feet	25
Minimum corner setback to side street R-0-W	10 feet	15 feet	15 feet	15 feet
Maximum residential building height	40 feet	35 feet	35 feet	35 feet
Approximate percentage of total lots	20 percent	60 percent	10 percent	10 percent

The condition is still valid and is not impacted by this

amendment.

22. Every specific design plan shall include on the cover sheet a clearly legible overall plan of the project on which are shown in their correct relation to one another all phase or section numbers, all approved or submitted specific design plan numbers, all approved or submitted tree conservation plan numbers, and the number and percentage.

The condition is still valid and is not impacted by this amendment.

23. Prior to the issuance of any building permits within the subject property, the following road improvements associated with the phase 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.

The condition is still valid and is not impacted by this amendment

24. Prior to the approval of the Specific Design Plan 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 Specific Design Plan review that certain geometric modifications are not needed for adequacy, the requirement may be waived by the Planning Board during approval of the Specific Design Plan.

The condition is still valid and is not impacted by this amendment

25. Prior to the approval of the Specific Design Plan 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.

The condition is still valid and is not impacted by this amendment

26. Prior to the approval of the Specific Design Plan 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 the site entrance. 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 minor street approaches to include exclusive right-turn and shared through/left-turn lanes on each, and the modification of the eastbound approach to provide exclusive through and left-turn lanes along with a second through lane that can be shared with right turns. If it is determined at the time of Specific Design Plan review that the second eastbound through lane is not needed for adequacy, the requirement may be waived by the Planning Board during approval of the Specific Design Plan.

The condition is still valid and is not impacted by this amendment.

27. The Comprehensive Design Plan shall be modified to note that the A-65 facility, as shown on the Subregion V Master Plan, crosses the subject property. A determination shall be made at the time of preliminary plan of subdivision regarding the appropriateness of potential

reservation strategies.

The condition is still valid and is not impacted by this amendment

28. The non-standard typical section shown for secondary public streets within the subject property shall be specifically approved by DPW&T in writing prior to Specific Design Plan approval.

The condition is still valid and is not impacted by this amendment

29. The Comprehensive Design Plan shall be modified to show that following streets as primary streets, with a final determination of function (i.e. primary or secondary) to be made during review of the preliminary plan of subdivision:
- A. The street shall be proposed to stub into the adjacent Wolfe Farm property.
 - B. The street that serves approximately 80 townhouse lots and several single-family lots in the south-central section of the site.

The condition is still valid and is not impacted by this amendment

30. The arrangement of townhouses fronting on public streets shall be reviewed with DPW&T and M-NCPPC staff prior to the approval of the preliminary plan. Such an arrangement may not receive preliminary plan approval without the concurrence of DPW&T.

The condition is still valid and is not impacted by this amendment

C. 4-05050 Conditions:

1. Prior to signature approval of the preliminary plan of subdivision the plan shall be revised as follows:
- a. Provide the conceptual stormwater management approval number and approval date.
The Stormwater Management Concept Plan number referenced is #328-2018-0.
 - b. Correct the parcel dedication table to reflect the parcel to be conveyed to M-NCPPC.
 - c. List the existing parcels and lot designations, with appropriate plat reference from Lots 33 and 34.
 - d. Add a note stating that development of this property shall conform to A-9967 and
 - e. Revise the APA map to list the airport.
 - f. To conform to the signature approved CDP and conditions of PGCPB #05-269, or as modified by the District Council approval.
 - g. Lots 1 and 8, Block LL, to be a minimum of 30,000 square feet, and conformance to Condition 12 of A-9967.
 - h. Provide legible lot sizes, bearings and distances. All measurements should be legible.
 - i. Revise the regulation table to correspond to lot numbers, to allow for the

verification of conformance to the percentages, and standards proposed. The regulation table shall also be revised to reflect the large lot component.

- j. Label the ultimate right-of-way of each public, private street, and alley.
- k. The alley rights-of-way shall be separated from open space elements between sticks of townhouses.
- l. Add a note that the 10-foot PUE is required outside and abutting the alley right-of-way and cannot be encumbered by structures.
- m. In accordance with the DPW&T memorandum of September 19, 2005, which requires minor revisions to the plan to accommodate larger rights-of-way (50 feet to 60 feet) on Public Roads V, Z and L, which are public streets on which townhouses front.
- n. Reflect the deletion of the stub street into the Wolfe Farm Subdivision to the south.

The condition is still valid and is not impacted by this amendment

- 2. A Type II Tree Conservation Plan shall be approved with the specific design plan.

The TCP2 is being revised and will be provided.

- 3. Development of this site shall be in conformance with the Stormwater Management Concept Plan #25955-2005-00 and any subsequent revisions.

The Stormwater Management Concept Plan number referenced is #328-2018-0.

- 4. Prior to signature approval of the preliminary plan the applicant shall submit evidence that the property is not encumbered by 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.

The condition is still valid and is not impacted by this amendment

- 5. 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.

The condition is still valid and is not impacted by this amendment

- 6. Prior to signature approval the applicant shall submit a copy of the approved stormwater management plan.

The condition is still valid and is not impacted by this amendment

- 7. Prior to the approval of building permits, the applicant, his heirs, successors and/or assignees shall convey to the homeowners association (HOA) 271.40± acres of open space land (Parcels B thru V). Land to be conveyed shall be subject the following:

- a. Conveyance shall take place prior to the issuance of building permits.
- b. A copy of unrecorded, special warranty deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division (DRD), Upper Marlboro, along with the final plat.
- c. All waste matter of any kind shall be removed from the property, prior to conveyance, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section or the entire project.
- d. The conveyed land shall not suffer the disposition of construction materials, soil filling, discarded plant materials, refuse or similar waste matter.
- e. Any disturbance of land to be conveyed to a homeowners association shall be in accordance with an approved 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.
- h. The Planning Board or its designee shall be satisfied that there are adequate provisions to assure retention and future maintenance of the property to be conveyed.

The condition is still valid and is not impacted by this amendment

8. At the time of final plat, the applicant, his heirs, successors and/or assignees shall convey approximately 14.84±acres of land to M-NCPPC, as delineated on Parks Exhibit A. Land to be conveyed shall be subject to 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 the 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 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.

The condition is still valid and is not impacted by this amendment

- 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 (HOA).

The condition is still valid and is not impacted by this amendment

- 10. The applicant, his heirs, successors and/or assignees shall submit three original recreational facilities agreements (RFAs) to DRD for construction of recreational facilities on homeowners land, for approval prior to the submission of final plats. Upon approval by DRD, the RFA shall be recorded among the county land records.

The condition is still valid and is not impacted by this amendment

- 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.

The condition is still valid and is not impacted by this amendment

- 12. The applicant, his heirs, successors and/or assignees shall submit to DRD, Park Planning and

Development Division (PP&D), three original recreational facilities agreements (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 PP&D, the RFA shall be recorded among the county land records and noted on the final plat of subdivision. The recreational facilities on dedicated parkland shall be constructed prior to issuance of the 50th building permit.

The condition is still valid and is not impacted by this amendment

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 prior to the approval of building permits.

The condition is still valid and is not impacted by this amendment

14. In conformance with the Adopted and Approved Subregion V Master Plan, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following at the time of Specific Design Plan:
 - a. The Subregion V Master Plan designates Thrift Road as a master plan trail/bicycle corridor. Depending on the type of roadway required by the Department of Public Works and Transportation, one of the following shall be provided:
 - (1) If a closed section road is required, the applicant shall construct an eight-foot wide Class II trail along the site's entire road frontage of Thrift Road.
 - (2) If an open section road is required, the applicant shall provide wide asphalt shoulders along the subject site's entire road frontage of Thrift Road and a financial contribution of \$210.00 to the Department of Public Works and Transportation for the placement of one "Share The Road With A Bike" sign. A note shall be placed on the final record plat for payment to be received prior to the issuance of the first building permit.
 - b. Provide an eight-foot wide asphalt HOA trail from the southernmost cul-de-sac to the proposed trail immediately to the north, in the vicinity of the stormwater management pond.
 - c. Provide an eight-foot wide asphalt HOA trail from one of the cul-de-sacs west of the main stream valley to the main north-south trail that is proposed.
 - d. Provide trails within and to the proposed public park.
 - e. Provide trail connections from the proposed public park to Roulade Place and Mordente Drive.
 - f. Provide a wide asphalt shoulder along the subject site's entire road frontage of MD 223 in order to safely accommodate bicycle traffic, unless modified by SHA.
 - g. Provide standard sidewalks along both sides of all internal roads, unless modified by DPW&T.
 - h. Provide a connection from Block KK to the internal trail.

The condition is still valid and is not impacted by this amendment

15. Prior to signature approval of the preliminary plan the District Council shall issue a final zoning decision. If the applicant obtains approval of the rezoning from R-E to R-L, the record plat shall carry a note that development of this property is subject to A-9967 and CDP-0504, and any subsequent amendments. A new preliminary plan of subdivision shall be required for development proposed that does not conform to A-9967, CDP-0504 and/or is substantially different from this preliminary plan.

The condition is still valid and is not impacted by this amendment

16. The applicant shall obtain signature approval of the preliminary plan of subdivision prior to the approval of the specific design plan.

The condition is still valid and is not impacted by this amendment

17. Prior to signature approval of the preliminary plan the applicant shall submit evidence from the Health Department whether an Environmental Site Assessment and testing will be required. If required that applicant shall submit evidence of satisfactory testing with the review of the specific design plan.

The condition is still valid and is not impacted by this amendment

18. Prior to the issuance of a grading permit for the development, A Public Safety Mitigation Fee shall be paid in the amount of \$3,242,220 as noted below.
 - a. \$2,793,420 (\$3,780 x 739 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 due to inadequate emergency police response times for the portion of the development that has vehicular access via Tippet Road and Piscataway Road. The per unit factor 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, and
 - b. \$448,800 (\$5,100 x 88 dwelling units), for those lots within the subdivision that have vehicular access to Thrift Road (Lots 1-80, Block KK and Lots 1-8, Block LL). 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 \$5,100 is due to inadequate emergency police response times and not meeting the required 7-minute response time for the first due fire station. The per unit factor of \$5,100 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.

The condition is still valid and is not impacted by this amendment

19. 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 a general aviation airport. Washington Executive Airport (Hyde Field) is 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.

The condition is still valid and is not impacted by this amendment

20. The specific design plan review shall include review for conformance to the regulations of Part 10B Airport Compatibility, Division 1 Aviation Policy Areas of the Zoning Ordinance. The specific design plan shall delineate, at an appropriate scale for review, the impact of the APA policy areas on the site.

The condition is still valid and is not impacted by this amendment

21. 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.

The condition is still valid and is not impacted by this amendment

22. Prior to the approval of the specific design plan 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 and a determination shall be made if the signal is warranted. 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 specific design plan review that certain geometric modifications are not needed for adequacy, the requirement may be waived by the Planning Board during approval of the specific design plan.

The condition is still valid and is not impacted by this amendment

23. Prior to the approval of the specific design plan 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 and a determination shall be made if the signal is warranted. 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.

The condition is still valid and is not impacted by this amendment

24. Prior to the approval of the specific design plan 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 the site entrance and a determination shall be made if the signal is warranted. 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 minor street approaches to include exclusive right-turn and shared through/left-turn lanes on each, and the modification of the eastbound approach to provide exclusive through and left-turn lanes along with a second through lane that can be

shared with right turns. If it is determined at the time of specific design plan review that the second eastbound through lane is not needed for adequacy, the requirement may be waived by the Planning Board during approval of the specific design plan.

The condition is still valid and is not impacted by this amendment

25. At the time of final plat approval, the applicant shall dedicate right-of-way along Thrift Road of 40 feet from centerline, as shown on the submitted plan.

The condition is still valid and is not impacted by this amendment

26. At the time of final plat approval, the applicant shall dedicate right-of-way along MD 223 of 60 feet from centerline, as shown on the submitted plan.

The condition is still valid and is not impacted by this amendment

27. Construction drawings for the recreational facilities on public parkland shall be reviewed and approved by the Park Planning and Development staff prior to certificate approval of the first specific design plan.

The condition is still valid and is not impacted by this amendment

28. The nonstandard typical section shown for secondary public streets within the subject property shall be specifically approved by DPW&T in writing prior to the approval of each specific design plan were applicable.

The condition is still valid and is not impacted by this amendment

29. The applicant, his heirs, successors and/or assignees shall make a monetary contribution of a minimum \$2,000,000 toward the construction of the Southern Region Community Center in three phases:
- a. \$200,000.00 for the design and engineering of the community center shall be paid prior to the issuance of the 50th building permit.
 - b. \$ 900,000.00 for the construction of the community center shall be paid prior to issuance of the 200th building permit. Beginning from the date of issuance of the 50th building permit, this amount shall be adjusted for inflation on an annual basis using the Consumer Price Index (CPI).
 - c. \$ 900,000.00 for the construction of the community center shall be paid prior to issuance of the 400th building permit. Beginning from the date of issuance of the 50th building permit, this amount shall be adjusted for inflation on an annual basis using the Consumer Price Index (CPI).

The condition is still valid and is not impacted by this amendment

30. 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 shall 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.”

The condition is still valid and is not impacted by this amendment

31. Prior to signature of the Preliminary Plan, the Type I Tree Conservation Plan shall:
 - a. Reduce the area of impact “A”
 - b. Place the trail over the sanitary sewer to the extent possible to reduce the impact to the expanded stream buffer in area “E” and realign the trail to avoid all impact to wetlands or wetland buffers
 - c. Reduce the area of impact “G” for the street and eliminate all impacts for the proposed trail
 - d. Place the trail over the sanitary sewer to the extent possible to reduce the impact to the expanded stream buffer in area “J”
 - e. Place the trail over the sanitary sewer to the extent possible to reduce the impact to the expanded stream buffer in area “K” and realign the trail to avoid all impacts to wetlands or wetland buffers
 - f. Remove the impact for trail construction in area “L”
 - g. Revise the location of the stormwater management outfall in area “Q” to minimize overall impact
 - h. Reduce impact area “R” to the minimum required for the stormwater outfall
 - i. Provide all required woodland conservation on-site
 - j. Use all appropriate areas for woodland conservation
 - k. Show no woodland conservation on any lot
 - l. Revise the worksheet as needed
 - m. Have the revised plan signed and dated by the qualified professional who prepared the plan.

The condition is still valid and is not impacted by this amendment

32. Prior to the issuance of any permits that impact 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. All impacts to sensitive environmental features that require mitigation by state or federal permits shall provide the mitigation using the following priority list: (1) on-site, (2) within the Piscataway Creek Watershed and/or (3) within the Potomac River watershed.

The condition is still valid and is not impacted by this amendment

33. Prior to signature of the Preliminary Plan, the TCPI shall be revised to show all unmitigated 65 dBA Ldn noise contours associated with traffic-generated noise.

The condition is still valid and is not impacted by this amendment

34. As part of the review of the specific design plan, the landscaping in the 40-foot-wide scenic easement adjacent to the 10-foot public utility easement parallel to the land to be dedicated for Piscataway Road and Thrift Road shall be reviewed.

The condition is still valid and is not impacted by this amendment

35. A minimum 40-foot-wide easement adjacent to the 10-foot public utility easements parallel to the land to be dedicated for Piscataway Road and Thrift Road, shall be shown on the final plats as scenic easements and the following note shall be placed on the plats:

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

The condition is still valid and is not impacted by this amendment

36. 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/53/04), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation/Tree Preservation Policy.”

The condition is still valid and is not impacted by this amendment

D. SDP-0504 Conditions:

1. Prior to signature approval, the following revisions to the plans shall be made:
 - a. Provide legible lot sizes, bearings and distances, and all dimensions of site improvements.
 - b. The ten-foot-wide public utility easement shall be labeled on all sheets along all public and private rights-of-way, as required by the public utility company.
 - c. Demonstrate all floodplain areas on the site plan.
 - d. Demonstrate the 25-foot setback from the floodplain on the site plan.
 - e. The plans shall provide for additional landscaping around storm water management facilities.
 - f. Provide Section 4.1 landscape schedules on the landscape plans.

- g. Add a note stating that development of this property shall conform to A-9967 and CDP-0504.
- h. Each sheet of the SDP shall label the parcel and lot numbers shown on that sheet and provide the acreage including the HOA parcels.
- i. The font size shall be increased to ensure that site plans that are microfilmed and copied are legible.
- j. The "M-NCPPC Approval" box shall be removed from the approval sheet; these plans will be affixed with a certificate of approval.
- k. The approval sheet shall include the conditions of the Basic Plan, A-9967.
- l. The applicant shall have a note added to the plans that when individual lots are sold, the applicant shall disclose to purchasers that Washington Executive Airpark is within one mile, that the subject application is located within Aviation Policy Area 6, and that all structures within that area are limited to 50 feet in height.
- m. Play equipment shall be revised so as to eliminate wood as a construction material. Play equipment substitutions shall be approved by the Urban Design Section as designee of the Planning Board.
- n. The feasibility of installing traffic calming measures and crosswalks at the following locations shall be determined in consultation between the applicant and the appropriate transportation agency, either SHA or DPW&T:

MD 223/Windbrook Drive
MD 223/Mary Catherine Drive
MD 223/entrance to Bevard North/Bevard East

The applicant shall be required to install any traffic calming measures and crosswalks that are deemed to be feasible and appropriate by the operating agencies. The result of such discussions shall be provided to planning staff in writing, and any required improvements shall be added as a note on any final plat.

- o. APA Zone 6 shall be correctly reflected on the subject plans.
- p. Sheets 1a and 1b shall be made legible and demonstrate conformance with Condition 1.g. of the preliminary plan, i.e., that Lots 1 and 8, Block LL, measure a minimum of 30,000 square feet.
- q. The centerline and ultimate right-of-way of Thrift Road shall be indicated.
- r. The landscaping in the 40-foot-wide scenic easement adjacent to the 10-foot public utility easement parallel to the land to be dedicated for Thrift Road shall be redesigned and improved. Such redesign shall be approved by the Urban Design Section as designee of the Planning Board.
- s. The "lot size" chart shall be revised to include the "large lot component" of Phase 1.
- t. The SDP for Phase 1 should be revised to provide a lot size averaging table (LSA) demonstrating conformance to the minimum requirements.

The condition is still valid and is not impacted by this amendment

- 2. Prior to the issuance of any building permits:

- a. Each lot should be reviewed to ensure conformance to the development standards established by the approved CDP.
- b. The architectural elevations shall be approved by the Planning Board in a separate umbrella architecture specific design plan (SDP-0605).
- c. The plans shall be revised to add a tracking chart that demonstrates 60 percent of the units will have brick fronts.
- d. Provide a chart to demonstrate the percentage of lot coverage on the site plans.
- e. Provide all the setbacks and distances from the dwellings to the property lines.

The condition is still valid and is not impacted by this amendment

3. The applicant shall dedicate to M-NCPPC 14± acres of developable land for future parkland at the time of the first final plat of subdivision.

The condition is still valid and is not impacted by this amendment

4. The land to be conveyed to M-NCPPC shall be subject to the conditions of Exhibit B attached to CDP-0504.

The condition is still valid and is not impacted by this amendment

5. Prior to final plat, the applicant shall obtain signature approval of the specific design plan, signature approval of the basic plan, and signature approval of the comprehensive design plan.

The condition is still valid and is not impacted by this amendment

6. Construction drawings for the recreational facilities on public parkland shall be reviewed and approved by the Park Planning and Development staff prior to certificate approval of this specific design plan or SDP-0514 or SDP-0517.

The condition is still valid and is not impacted by this amendment

7. Prior to submission of any final plats of subdivision:
 - a. The applicant shall enter into a public Recreational Facilities Agreement (RFA) with M-NCPPC for the construction of recreation facilities on parkland. The applicant shall submit three original executed RFAs to the Department of Parks and Recreation (DPR) for their approval three weeks prior to the submission of the final plats. Upon approval by DPR, the RFA shall be recorded among the land records of Prince George's County.
 - b. The applicant shall enter into a private RFA with M-NCPPC for the construction of recreation facilities on HOA lands. The applicant shall submit three original executed RFAs to the Department of Parks and Recreation (DPR) for their approval three weeks prior to the submission of the final plats. Upon approval by DPR, the RFA shall be recorded among the land records of Prince George's County.

The condition is still valid and is not impacted by this amendment

8. The applicant shall submit to DPR or DRD a performance bond, a letter of credit, or other suitable financial guarantee for the construction of the public and private recreation facilities, as appropriate, in the amount to be determined by DPR or DRD, at least two weeks prior to issuance of grading permits, for either the public or private lands.

The condition is still valid and is not impacted by this amendment

9. The recreational facilities on dedicated parkland shall be constructed prior to the issuance of the 50th building permit for the overall site.

The condition is still valid and is not impacted by this amendment

10. The applicant, his heirs, successors and/or assignees shall make a monetary contribution of a minimum \$2,000,000 toward the construction of the Southern Region Community Center in three phases:
 - a. \$200,000.00 for the design and engineering of the community center shall be paid prior to the issuance of the 50th building permit.
 - b. \$900,000.00 for the construction of the community center shall be paid prior to issuance of the 200th building permit. Beginning from the date of issuance of the 50th building permit, this amount shall be adjusted for inflation on an annual basis using the Consumer Price Index (CPI).
 - c. \$900,000.00 for the construction of the community center shall be paid prior to issuance of the 400th building permit. Beginning from the date of issuance of the 50th building permit, this amount shall be adjusted for inflation on an annual basis using the Consumer Price Index (CPI).

The condition is still valid and is not impacted by this amendment

11. In conformance with the approved Subregion V Master Plan, the applicant and the applicant's heirs, successors, and/or assigns shall provide the following:
 - a. Provide an eight-foot wide asphalt HOA trail from Proposed Public Road J to the main north/south trail that is planned, as indicated on SDP-0514. This connection will provide more direct pedestrian access from this residential neighborhood to the proposed trail network and recreation facilities on the rest of the site.
 - b. Provide standard sidewalks along both sides of all internal roads, unless modified by DPW&T. All trails shown on Sheet 1 (cover sheet) of the subject application shall be marked and labeled on all 30- and 100-scale sheets in the approved SDP.

The condition is still valid and is not impacted by this amendment

12. Prior to signature approval of TCPII/71/06, the applicant shall:
 - a. Ensure that all tree protection fences are located only where appropriate.
 - b. Show area #8 on sheet 7 as cleared and revise the worksheet on sheet 2 and table on sheet 1.
 - c. Account for off-site clearing
 - d. Revise the worksheet as needed.
 - e. Have the revised plan signed and dated by the qualified professional who prepared the plan.

The TCPII is being revised and this condition will be addressed

13. At the time of final plat approval, the applicant shall dedicate a right-of-way along Thrift Road of 40 feet from centerline, to be shown on the subject specific design plan.

The condition is still valid and is not impacted by this amendment

14. The applicant shall submit to DPR a performance bond, a letter of credit, or other suitable financial guarantee for the construction of the public recreation facilities in the amount to be determined by DPR, at least two weeks prior to issuance of grading permits.

The condition is still valid and is not impacted by this amendment

E. SDP-0514 Conditions:

1. Prior to signature approval, the following revisions to the plans shall be made:
 - a. The template sheet shall be revised to include the height and number of stories for each model type (not to exceed the CDP maximum height of 40 feet) and the dimensions and all the options for each model.
 - b. Provide legible lot sizes, bearings and distances, and all dimensions of site improvements.
 - c. Identify all garages and number of spaces.
 - d. Provide a parking schedule on the cover sheet listing all required and proposed parking for the townhouse portion of development, and adjust the plan accordingly.
 - e. Identify all handicap accessible parking.
 - f. The alley rights-of-way shall be separated from open space parcels between sticks of townhouses.
 - g. The ten-foot-wide public utility easement should be labeled on all sheets along all public and private rights-of-way, as required by the public utility company.
 - h. Demonstrate all floodplain areas on the site plan.
 - i. Demonstrate the 25-foot setback from the floodplain on the site plan.
 - j. The plans shall provide for additional landscaping around storm water management facilities
 - k. Provide Section 4.1 landscape schedules on the landscape plans.

- l. Add a note stating that development of this property shall conform to A-9967 and CDP-0504.
- m. Each sheet of the SDP shall label the parcel and lot numbers shown on that sheet and provide the acreage including the HOA parcels.
- n. The font size shall be increased to ensure that site plans that are microfilmed and copied are legible.
- o. The "M-NCPPC Approval" box shall be removed from the approval sheet; these plans will be affixed with a certificate of approval.
- p. The approval sheet shall include the conditions of the Basic Plan, A-9967.
- q. The plans shall provide details and specifications for the pavement design of the alley surfaces including a concrete edging designed to collect water runoff and/or to provide a visual edge to the right-of-way.

The condition is still valid and is not impacted by this amendment

2. Prior to the issuance of any building permits:
 - a. Each lot should be reviewed to ensure conformance to the development standards established by the approved CDP.
 - b. For the single-family detached dwellings, the architectural elevations shall be approved by the Planning Board in a separate umbrella architecture specific design plan (SDP-0605).
 - c. The plans shall be revised to add a tracking chart that demonstrates 60 percent of the units will have brick fronts.
 - d. For the single-family attached dwellings, the permit drawings shall include the proposed front elevations for each building stick for review and approval by the Urban Design Section, as designee of the Planning Board. The plans shall demonstrate a variety of model types sufficient to define each unit individually through the use of variation in roofline, window and door treatment.
 - e. Provide a chart to demonstrate the percentage of lot coverage on the site plans and a chart for yard area for the single-family attached lots.
 - f. Provide all the setbacks and distances from the dwellings to the property lines for the single-family detached units.

The condition is still valid and is not impacted by this amendment

3. Prior to signature approval of this SDP, the feasibility of installing traffic calming measures and crosswalks at the following locations shall be determined in consultation between the applicant and the appropriate transportation agency, either SHA or DPW&T:

MD 223/Windbrook Drive
MD 223/Mary Catherine Drive
MD 223/entrance to Bevard North/Bevard East

The applicant shall be required to install any traffic calming measures and crosswalks that are deemed to be feasible and appropriate by the operating agencies. The result of such discussions shall be provided to planning staff and the parties of record for this case, in writing, and any required improvements shall be added as a note on any final plat.

The condition is still valid and is not impacted by this amendment

4. The applicant shall dedicate to M-NCPPC 14± acres of developable land for future parkland at the time of the first final plat of subdivision.

The condition is still valid and is not impacted by this amendment

5. Prior to final plat, the applicant shall obtain signature approval of the specific design plan, signature approval of the basic plan, and signature approval of the comprehensive design plan.

The condition is still valid and is not impacted by this amendment

6. Construction drawings for the recreational facilities on public parkland shall be reviewed and approved by the Park Planning and Development staff prior to certificate approval of the first specific design plan.

The condition is still valid and is not impacted by this amendment

7. Prior to submission of any final plats of subdivision:
 - a. The applicant shall enter into a public Recreational Facilities Agreement (RFA) with M-NCPPC for the construction of recreation facilities on parkland. The applicant shall submit three original executed RFAs to the Department of Parks and Recreation (DPR) for their approval three weeks prior to the submission of the final plats. Upon approval by DPR, the RFA shall be recorded among the land records of Prince George's County.
 - b. The applicant shall enter into a private RFA with M-NCPPC for the construction of recreation facilities on HOA lands. The applicant shall submit three original executed RFAs to the Department of Parks and Recreation (DPR) for their approval three weeks prior to the submission of the final plats. Upon approval by DPR, the RFA shall be recorded among the land records of Prince George's County.

The condition is still valid and is not impacted by this amendment

8. The applicant shall submit to DPR or DRD a performance bond, a letter of credit, or other suitable financial guarantee for the construction of the public and private recreation facilities, as appropriate, in the amount to be determined by DPR or DRD, at least two weeks prior to issuance of grading permits, for either the public or private lands.

The condition is still valid and is not impacted by this amendment

9. The recreational facilities on dedicated parkland shall be constructed prior to the issuance of the 50th building permit for the overall site.

The condition is still valid and is not impacted by this amendment

10. The applicant, his heirs, successors and/or assignees shall make a monetary contribution of a minimum \$2,000,000 toward the construction of the Southern Region Community Center in three phases:
 - a. \$200,000.00 for the design and engineering of the community center shall be paid prior to the issuance of the 50th building permit.
 - b. \$900,000.00 for the construction of the community center shall be paid prior to issuance of the 200th building permit. Beginning from the date of issuance of the 50th building permit, this amount shall be adjusted for inflation on an annual basis using the Consumer Price Index (CPI).
 - c. \$900,000.00 for the construction of the community center shall be paid prior to issuance of the 400th building permit. Beginning from the date of issuance of the 50th building permit, this amount shall be adjusted for inflation on an annual basis using the Consumer Price Index (CPI).

The condition is still valid and is not impacted by this amendment

11. Prior to signature approval, the architectural elevations shall be modified as follows:
 - a. Lots 5 and 21, Block N, Lots 10 and 31, Block G, and Lots 5 and 27, Block H, shall be revised as follows:
 - (1) Each end wall shall have a minimum of three architectural features such as windows, doors or masonry fireplace chimneys, and these features shall form a reasonably balanced and harmonious composition.
 - (2) Each front facade and end wall shall be brick.
 - b. A standard deck shall be provided on all the townhouse units.

The condition is still valid and is not impacted by this amendment

12. In conformance with the approved Subregion V Master Plan, the applicant and the applicant's heirs, successors, and/or assigns shall provide the following:
 - a. Provide an eight-foot wide asphalt HOA trail from Proposed Public Road J to the main north/south trail that is planned, as indicated on SDP-0514. This connection will

provide more direct pedestrian access from this residential neighborhood to the proposed trail network and recreation facilities on the rest of the site.

- b. Provide standard sidewalks along both sides of all internal roads, unless modified by DPW&T. All trails shown on Sheet 1 (cover sheet) of the subject application shall be marked and labeled on all 30- and 100-scale sheets in the approved SDP.

The condition is still valid and is not impacted by this amendment

13. Prior to certification of the SDP, the cover sheet shall be amended to include the TCPII numbers for each companion SDP: SDP-0504, TCPII/71/06; SDP-0514, TCPII/72/06; SDP-0515, TCPII/73/06; SDP-0516, TCPII/74/06; and SDP-0517, TCPII/75/06.

The condition is still valid and is not impacted by this amendment

14. The following note shall be placed on each final plat:

“Prior to the issuance of any permits that impact 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. All impacts to sensitive environmental features that require mitigation by state or federal permits shall provide the mitigation using the following priority list: (1) on-site, (2) within the Piscataway Creek Watershed, and/or (3) within the Potomac River watershed.”

The condition is still valid and is not impacted by this amendment

15. Prior to certification of the specific design plan, the SDP and Type II tree conservation plan shall be revised to eliminate all impacts for which variation requests were not approved during the review and approval of Preliminary Plan 4-05050.

The condition is still valid and is not impacted by this amendment

16. Prior to certification of the SDP, the SDP and TCPII shall be revised to revise all lots less than 20,000 square feet in area to ensure that no portion of any of the lots would be encumbered by a conservation easement.

The condition is still valid and is not impacted by this amendment

17. Prior to certification of the specific design plan, the Type II tree conservation plan shall be revised to:
 - a. Eliminate all impacts to expanded stream buffers that were not granted variations during the review and approval of Preliminary Plan 4-05050.
 - b. Ensure that all tree protection fences are located only where appropriate.
 - c. Show the permanent fencing for planting areas in the legend and on the plans.

- d. Provide minimum 40-foot cleared areas at the rear of every structure.
- e. Calculate all woodlands on lots less than 20,000 square feet in area as cleared.
- f. Add a pattern to the legend and the plan to indicate all areas of woodland retained but calculated as cleared.
- g. Revise the worksheet as needed.
- h. Add the following note to each sheet of the TCPII that shows reforestation/afforestation areas:

“All reforestation/afforestation areas adjacent to lots and split rail fencing along the outer edge of all reforestation/afforestation areas shall be installed prior to the Building Permits for the adjacent lots. A certification prepared by a qualified professional may be used to provide verification that the afforestation has been completed. It must include, at a minimum, photos of the afforestation areas and the associated fencing for each lot, with labels on the photos identifying the locations and a plan showing the locations where the photos were taken.”

- i. Substitute a suitable evergreen for eastern hemlock in the planting tables.
- j. Have the revised plan signed and dated by the qualified professional who prepared the plan.

The TCPII is being revised and this condition will be addressed

18. Prior to signature approval, the architectural elevations for the Ryan Homes model, the Fairgate, and the Caruso Homes models, the Napa Valley and the Sonoma, shall be deleted from the architectural elevations package. However, the Fairgate model by Ryan Homes shall be submitted into the record of SDP-0605 for review by the Planning Board.

The condition is still valid and is not impacted by this amendment

F. SDP-05016 Conditions:

- 1. Prior to signature approval, the following revisions to the plans shall be made:
 - a. Identify on the coversheet that all single-family detached units on corner lots shall be constructed having a minimum of three end-wall features on the end wall visible from the street.
 - b. Identify on the coversheet that all highly visible townhouse units shall be constructed with a minimum of three end-wall features and that the end wall shall be brick. Where a brick end-wall is required, the front façade shall also be brick.
 - c. The coversheet shall be revised to include all of the information listed in the CDP development standards.
 - d. The template sheet shall be revised to include the height and number of stories for each model type (not to exceed the CDP maximum height of 40 feet) and the dimensions and all the options for each model.

- e. Provide legible lot sizes, bearings and distances, and all dimensions of site improvements.
- f. Identify all garages and number of spaces.
- g. Provide a parking schedule on the cover sheet listing all required and proposed parking for the townhouse portion of development, and adjust the plan accordingly.
- h. Identify all handicap accessible parking.
- i. The alley rights-of-way shall be separated from open space parcels between sticks of townhouses.
- j. The ten-foot-wide public utility easement should be labeled on all sheets along all public and private rights-of-way, as required by the public utility company.
- k. Demonstrate all floodplain areas on the site plan.
- l. Demonstrate the 25-foot setback from the floodplain on the site plan.
- m. The plans shall provide for additional landscaping around storm water management facilities.
- n. The landscape plans shall be revised so that the orchard-like planting along Piscataway Road is continuous and in a grid pattern.
- o. Provide Section 4.1 landscape schedules on the landscape plans.
- p. The landscape plans shall be revised to replace the Malus "Spring Snow" with a variety less susceptible to disease.
- q. Add a note stating that development of this property shall conform to A-9967 and CDP-0504.
- r. Each sheet of the SDP shall label the parcel and lot numbers shown on that sheet and provide the acreage including the HOA parcels.
- s. The font size shall be increased to ensure that site plans that are microfilmed and copied are legible.
- t. The "M-NCPPC Approval" box shall be removed from the approval sheet; these plans will be affixed with a certificate of approval.
- u. The approval sheet shall include the conditions of the Basic Plan, A-9967.

The condition is still valid and is not impacted by this amendment

- 2. Prior to the issuance of any building permits:
 - a. A detailed site plan revision shall be submitted for the central recreational area, which includes the architectural elevations and floor plans, and all of the recreational facilities demonstrating conformance to the Parks and Recreation Guidelines.
 - b. Each lot should be reviewed to ensure conformance to the development standards established by the approved CDP.
 - c. For the single-family detached dwellings, the architectural elevations shall be approved by the Planning Board in a separate umbrella architecture specific design plan (SDP-0605).
 - d. The plans shall be revised to add a tracking chart that demonstrates 60 percent of the townhouses and the single-family detached units will have brick fronts.
 - e. For the single-family attached units, the permit drawings shall include the proposed front elevations for each building stick for review and approval by the Urban Design

Section, as designee of the Planning Board. The plans shall demonstrate a variety of model types sufficient to define each unit individually through the use of variation in roofline, window and door treatment.

- f. Provide a chart to demonstrate the percentage of lot coverage on the site plans and a chart for yard area for the single-family attached lots.
- g. Provide all the setbacks and distances from the dwellings to the property lines for the single-family detached units.

The condition is still valid and is not impacted by this amendment

- 3. Prior to signature approval of this SDP and final plat, the feasibility of installing traffic calming measures and crosswalks at the following locations shall be determined in consultation between the applicant and the appropriate transportation agency, either SHA or DPW&T:

MD 223/Windbrook Drive
MD 223/Mary Catherine Drive
MD 223/entrance to Bevard North/Bevard East

The applicant shall be required to install any traffic calming measures and crosswalks that are deemed to be feasible and appropriate by the operating agencies. The result of such discussions shall be provided to planning staff in writing, and any required improvements shall be added as a note on any final plat.

The condition is still valid and is not impacted by this amendment

- 4. The applicant shall dedicate to M-NCPPC 14± acres of developable land for future parkland at the time of the first final plat of subdivision for the overall project.

The condition is still valid and is not impacted by this amendment

- 5. Prior to final plat, the applicant shall obtain signature approval of the specific design plan, signature approval of the basic plan, and signature approval of the comprehensive design plan.

The condition is still valid and is not impacted by this amendment

- 6. Prior to signature approval of the plans, construction drawings for the recreational facilities on public parkland shall be reviewed and approved by the Park Planning and Development Division.

The condition is still valid and is not impacted by this amendment

- 7. Prior to submission of any final plats of subdivision:
 - a. The applicant shall enter into a public Recreational Facilities Agreement (RFA) with M-NCPPC for the construction of recreation facilities on parkland. The applicant shall

submit three original executed RFAs to the Department of Parks and Recreation (DPR) for their approval three weeks prior to the submission of the final plats. Upon approval by DPR, the RFA shall be recorded among the land records of Prince George's County.

- b. The applicant shall enter into a private RFA with M-NCPPC for the construction of recreation facilities on HOA lands. The applicant shall submit three original executed RFAs to the Department of Parks and Recreation (DPR) for their approval three weeks prior to the submission of the final plats. Upon approval by DPR, the RFA shall be recorded among the land records of Prince George's County.

The condition is still valid and is not impacted by this amendment

8. The applicant shall submit to DPR or DRD a performance bond, a letter of credit, or other suitable financial guarantee for the construction of the public and private recreation facilities, as appropriate, in the amount to be determined by DPR or DRD, at least two weeks prior to issuance of grading permits, for either the public or private lands.

The condition is still valid and is not impacted by this amendment

9. The recreational facilities on dedicated parkland shall be constructed prior to the issuance of the 50th building permit for the overall site.

The condition is still valid and is not impacted by this amendment

10. The applicant, his heirs, successors and/or assignees shall make a monetary contribution of a minimum \$2,000,000 toward the construction of the Southern Region Community Center in three phases:
 - a. \$200,000.00 for the design and engineering of the community center shall be paid prior to the issuance of the 50th building permit.
 - b. \$900,000.00 for the construction of the community center shall be paid prior to issuance of the 200th building permit. Beginning from the date of issuance of the 50th building permit, this amount shall be adjusted for inflation on an annual basis using the Consumer Price Index (CPI).
 - c. \$900,000.00 for the construction of the community center shall be paid prior to issuance of the 400th building permit. Beginning from the date of issuance of the 50th building permit, this amount shall be adjusted for inflation on an annual basis using the Consumer Price Index (CPI).

The condition is still valid and is not impacted by this amendment

11. Prior to signature approval, the architectural elevations for the townhouses shall be modified as follows:
 - a. Each model shall be revised so that the end wall will have a minimum of three architectural features such as windows, doors or masonry fireplace chimneys, and these features shall form a reasonably balanced and harmonious composition and shall

- have front facades and the end wall with brick.
- b. A standard deck shall be provided on all rear load garage townhouse units.

The condition is still valid and is not impacted by this amendment

12. In conformance with the approved Subregion V Master Plan, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following:
 - a. Provide a wide shoulder along the subject site's entire road frontage of MD 223 in order to safely accommodate bicycle traffic, unless modified by SHA.
 - b. Provide standard sidewalks along both sides of all internal roads, unless modified by DPW&T. All trails shown on Sheet 1 (cover sheet) of the subject application shall be marked and labeled on all 30- and 100-scale sheets in the approved SDP.

The condition is still valid and is not impacted by this amendment

13. Prior to certification of the SDP, the coversheet shall be amended to include the TCPII numbers for each companion SDP: SDP-0504, TCPII/71/06; SDP-0514, TCPII/72/06; SDP-0515, TCPII/73/06; SDP-0516, TCPII/74/06 and SDP-0517, TCPII/75/06.

The condition is still valid and is not impacted by this amendment

14. Prior to certification of the SDP or TCPII, a revision to Stormwater Management Concept Plan #25955-2005-00, allowing for the proposed changes, must be obtained from the Prince George's Department of Environmental Resources.

The Stormwater Management Concept Plan number is being updated to #328-2018-0.

15. The following note shall be placed on each final plat:

"Prior to the issuance of any permits that impact 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. All impacts to sensitive environmental features that require mitigation by state or federal permits shall provide the mitigation using the following priority list: (1) on-site, (2) within the Piscataway Creek Watershed and/or (3) within the Potomac River watershed."

The condition is still valid and is not impacted by this amendment

16. Prior to certification of the Specific Design Plan, the SDP and Type II Tree Conservation Plan shall be revised to eliminate all impacts not approved during the review and approval of Preliminary Plan 4-05050.

The condition is still valid and is not impacted by this amendment

17. Prior to certification of the SDP, the SDP and TCPII shall be revised to revise all lots less than 20,000 square feet in area to ensure that no portion of any of the lots would be encumbered by

a conservation easement.

The condition is still valid and is not impacted by this amendment

18. Prior to certification of the Specific Design Plan, the Type II Tree Conservation Plan shall be revised to:
- a. Ensure that all tree protection fences are located only where appropriate
 - b. Show the permanent fencing for planting areas in the legend and on the plans
 - c. Ensure that the limits of disturbance are correctly shown on all sheets
 - d. Include all off-site clearing in the worksheet
 - e. Substitute a suitable evergreen for eastern hemlock in the planting tables
 - f. Provide minimum 40-foot cleared areas at the rear of every structure
 - g. Calculate all woodlands on lots less than 20,000 square feet in area as cleared
 - h. Calculate all woodland within the land to be dedicated for Piscataway Road as cleared
 - i. Add a pattern to the legend and the plan to indicate all areas of woodland retained but calculated as cleared
 - j. Revise the boundary of woodland conservation area E on sheet 11 to follow the limits of disturbance
 - k. Revise the worksheet as needed
 - l. Add the following note to each sheet of the TCPII that show reforestation/afforestation areas:

“All reforestation/afforestation areas adjacent to lots and split rail fencing along the outer edge of all reforestation/afforestation areas shall be installed prior to the Building Permits for the adjacent lots. A certification prepared by a qualified professional may be used to provide verification that the afforestation has been completed. It must include, at a minimum, photos of the afforestation areas and the associated fencing for each lot, with labels on the photos identifying the locations and a plan showing the locations where the photos were taken.”

- m. Have the revised plan signed and dated by the qualified professional who prepared the plan.

The TCPII is being revised and this condition will be addressed

19. At the time of purchase contract with homebuyers, the contract purchaser shall sign an acknowledgment of receipt of the airport disclosure.

The condition is still valid and is not impacted by this amendment

20. No structure within APA 6 shall be higher than 50 feet.

The condition is still valid and is not impacted by this amendment

21. No two houses directly adjacent to each other or across the street from one another shall have the same elevation.

The condition is still valid and is not impacted by this amendment

22. All single-family detached dwellings shall not be less than 2,200 square feet of finished living area.

The condition is still valid and is not impacted by this amendment

23. Prior to signature approval, the plans shall be revised to conform to the conceptual stormwater management approval, or the stormwater management plan shall be revised to conform to the subject plan.

The condition is still valid and is not impacted by this amendment

G. SDP-0517 Conditions:

1. Prior to signature approval, the following revisions to the plans shall be made:
 - a. Provide legible lot sizes, bearings and distances, and all dimensions of site improvements.
 - b. The ten-foot-wide public utility easement shall be labeled on all sheets along all public and private rights-of-way, as required by the public utility company.
 - c. Demonstrate all floodplain areas on the site plan.
 - d. Demonstrate the 25-foot setback from the floodplain on the site plan.
 - e. The plans shall provide for additional landscaping around storm water management facilities.
 - f. Provide Section 4.1 landscape schedules on the landscape plans.
 - g. Add a note stating that development of this property shall conform to A-9967 and CDP-0504.
 - h. Each sheet of the SDP shall label the parcel and lot numbers shown on that sheet and provide the acreage including the HOA parcels.
 - i. The font size shall be increased to ensure that site plans that are microfilmed and copied are legible.
 - j. The "M-NCPPC Approval" box shall be removed from the approval sheet; these plans will be affixed with a certificate of approval.
 - k. The approval sheet shall include the conditions of the Basic Plan, A-9967.
 - l. The applicant shall have a note added to the plans that when individual lots are sold, the applicant shall disclose to purchasers that Washington Executive Airpark is within one mile, that the subject application is located within Aviation Policy Area 6, and that all structures within that area are limited to 50 feet in height.
 - m. The applicant shall submit to Department of Parks and Recreation (DPR), a performance bond, a letter of credit or other suitable financial guarantee, for the construction of the public recreation facilities in the amount to be determined by DPR, at least two weeks prior to issuance of grading permits.

- n. Play equipment shall be reconsidered so as to eliminate wood as a construction material. Play equipment substitutions shall be approved by the Urban Design Section as designee of the Planning Board.
- o. The feasibility of installing traffic calming measures and crosswalks at the following locations shall be determined in consultation between the applicant and the appropriate transportation agency, either SHA or DPW&T:

MD 223/Windbrook Drive
MD 223/Mary Catherine Drive
MD 223/entrance to Bevard North/Bevard East

- p. APA Zone 6 shall be correctly indicated on the subject design plans.

The condition is still valid and is not impacted by this amendment

- 2. Prior to the issuance of any building permits:
 - a. Each lot should be reviewed to ensure conformance to the development standards established by the approved CDP.
 - b. The architectural elevations shall be approved by the Planning Board in a separate umbrella architecture specific design plan (SDP-0605).
 - c. The plans shall be revised to add a tracking chart that demonstrates 60 percent of the units will have brick fronts.
 - d. Provide a chart to demonstrate the percentage of lot coverage on the site plans.
 - e. Provide all the setbacks and distances from the dwellings to the property lines.

The condition is still valid and is not impacted by this amendment

- 3. The applicant shall dedicate to M-NCPPC 14± acres of developable land for future parkland at the time of the first final plat of subdivision.

The condition is still valid and is not impacted by this amendment

- 4. The land to be conveyed to M-NCPPC shall be subject to the conditions attached as Exhibit B to CDP-0504.

The condition is still valid and is not impacted by this amendment

- 5. Prior to final plat, the applicant shall obtain signature approval of the specific design plan, signature approval of the basic plan, and signature approval of the comprehensive design plan.

The condition is still valid and is not impacted by this amendment

6. Construction drawings for the recreational facilities on public parkland shall be reviewed and approved by the Park Planning and Development staff prior to certificate approval of this specific design plan or SDP-0514 or SDP-0517.

The condition is still valid and is not impacted by this amendment

7. Prior to submission of any final plats of subdivision:
 - a. The applicant shall enter into a public Recreational Facilities Agreement (RFA) with M-NCPPC for the construction of recreation facilities on parkland. The applicant shall submit three original executed RFAs to the Department of Parks and Recreation (DPR) for their approval three weeks prior to the submission of the final plats. Upon approval by DPR, the RFA shall be recorded among the land records of Prince George's County.
 - b. The applicant shall enter into a private RFA with M-NCPPC for the construction of recreation facilities on HOA lands. The applicant shall submit three original executed RFAs to the Department of Parks and Recreation (DPR) for their approval three weeks prior to the submission of the final plats. Upon approval by DPR, the RFA shall be recorded among the land records of Prince George's County.

The condition is still valid and is not impacted by this amendment

8. The applicant shall submit to DPR or DRD a performance bond, a letter of credit, or other suitable financial guarantee for the construction of the public and private recreation facilities, as appropriate, in the amount to be determined by DPR or DRD, at least two weeks prior to issuance of grading permits, for either the public or private lands.

The condition is still valid and is not impacted by this amendment

9. The recreational facilities on dedicated parkland shall be constructed prior to the issuance of the 50th building permit for the overall site.

The condition is still valid and is not impacted by this amendment

10. The applicant, his heirs, successors and/or assignees shall make a monetary contribution of a minimum \$2,000,000 toward the construction of the Southern Region Community Center in three phases:
 - a. \$200,000.00 for the design and engineering of the community center shall be paid prior to the issuance of the 50th building permit.
 - b. \$900,000.00 for the construction of the community center shall be paid prior to issuance of the 200th building permit. Beginning from the date of issuance of the 50th building permit, this amount shall be adjusted for inflation on an annual basis using the Consumer Price Index (CPI).

- c. \$900,000.00 for the construction of the community center shall be paid prior to issuance of the 400th building permit. Beginning from the date of issuance of the 50th building permit, this amount shall be adjusted for inflation on an annual basis using the Consumer Price Index (CPI).

The condition is still valid and is not impacted by this amendment

11. In conformance with the approved Subregion V Master Plan, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following:
 - a. Provide an eight-foot wide asphalt HOA trail from Proposed Public Road J to the main north/south trail that is planned, as indicated on SDP-0514. This connection will provide more direct pedestrian access from this residential neighborhood to the proposed trail network and recreation facilities on the rest of the site.
 - b. Provide standard sidewalks along both sides of all internal roads, unless modified by DPW&T. All trails shown on Sheet 1 (cover sheet) of the subject application shall be marked and labeled on all 30- and 100-scale sheets in the approved SDP.

The condition is still valid and is not impacted by this amendment

12. Prior to signature approval of TCPII/72/06 the applicant shall:
 - a. Ensure that all tree protection fences are located only where appropriate.
 - b. Show area #8 on sheet 7 as cleared and revise the worksheet on sheet 2 and table on sheet 1.
 - c. Account for off-site clearing
 - d. Revise the worksheet as needed.
 - e. Have the revised plan signed and dated by the qualified professional who prepared the plan.
 - f. The applicant shall submit to DPR a performance bond, a letter of credit, or other suitable financial guarantee for the construction of the public recreation facilities in the amount to be determined by DPR, at least two weeks prior to issuance of grading permits.

The TCPII is being revised and this condition will be addressed

R E S O L U T I O N

WHEREAS, the Prince George=s County Planning Board has reviewed Zoning Map Amendment Application No. 9967, requesting a rezoning from the Residential-Estate (R-E) to the Residential Low Development (R-L, 1.0–1.5) Comprehensive Design Zone in accordance with Subtitle 27 of the Prince George=s County Code; and

WHEREAS, the Technical Staff Report recommends approval of the R-L Zone; and

WHEREAS, the applicant submitted a revised basic plan on September 13, 2005 in response to the staff recommendation; and

WHEREAS, after consideration of the evidence presented at the public hearing on October 27, 2005 the Prince George's County Planning Board finds:

A. **Location and Field Inspection:** The property consists mainly of 562.85 acres of reclaimed mined land and woodland. The site is bordered by a combination of undeveloped woodlands, agricultural areas, and residential homes in the R-E and R-A Zones. Other site characteristics consist of streams, wetlands, and steep slopes.

B. **History:** This property is currently located in the R-E Zone. Special Exception 3266 permitted the mining of sand and gravel on June 23, 1983, in the western half of the site, Zoning Ordinance No. 37-1983.

C. **Master Plan Recommendation:**

2002 General Plan: This application is located in the Developing Tier. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial centers, and employment areas that are increasingly transit serviceable.

Master Plan: 1993 Subregion V Approved Master Plan and Sectional Map Amendment.

D. **Request:** This request is to rezone 562.85 acres of R-E (Residential-Estate)-zoned property to the R-L (Residential Low Development) at a dwelling unit density range of 1.5 dwellings per acre, as recommended by the master plan.

The proposed basic plan reflects the following land use types and quantities:

Total area (gross)	562.85 acres
Land in the 100-year floodplain	23 acres
Net acreage (gross AC-1/2 floodplain)	551.35 acres
R-L base density	1 DU/AC
R-L maximum density	1.5 DU/AC

Proposed basic plan density:	845 units
Proposed land use types and quantities:	
Single-family detached units	676 units
Single-family attached units	169 units
	845 total units
Public passive open space:	50 acres
Public active open space:	10 acres

E. Neighborhood and Surrounding Uses:

- North—Tippett Road
- East—Thrift Road
- South—Residential lots in the R-R Zone
- West—Piscataway Road

The applicant provides the following neighborhood description: “More specifically, the property is located between Thrift Road and Piscataway Road and between Tippett Road and Windbrook Drive. The property will be accessible from the west by Piscataway Road, from the northeast by Tippett Road, and by Thrift Road from the southeast. To the east and south, the subject property is bordered by undeveloped woodlands and agricultural areas located in the R-E and Residential Agricultural (R-A) Zones, to the west by Mary Catherine Estates and the Windbrook development located in the R-E and Rural Residential (R-R) Zones, and to the north the Wards Subdivision located in the R-E Zone.”

F. Zoning Requirements: Section 27-195(b) provides that prior to the approval of the application and the Basic Plan, the applicant shall demonstrate, to the satisfaction of the District Council, that the entire development meets the following criteria:

- (A) The proposed Basic Plan shall either conform to:**
 - (i) The specific recommendation of a General Plan map, Area Master Plan map, or urban renewal plan map; or the principles and guidelines of the plan text which address the design and physical development of the property, the public facilities necessary to serve the proposed development, and the impact which the development may have on the environment and surrounding properties; or**
 - (ii) The principles and guidelines described in the Plan (including the text) with respect to land use, the number of dwelling units, intensity of nonresidential buildings, and the location of land uses.**

APPLICANT’S POSITION:

The proposed basic plan conforms to the 1993 Subregion V Approved Master Plan and Sectional Map Amendment. The master plan specifically addresses the Developing Tier, in which Bevard

East is located. It recognizes that the portion of the master plan area that lies within the Developing Tier is a viable, residential community that provides low- to moderate-density, suburban, and diverse residential development, renovated mixed-use activity centers, multimodal transportation, and a Regional Center connected to a major transit hub supported by the required public facilities. The plan has also identified overall planning issues for the Developing Tier:

- “Lack of pedestrian-oriented environments that give identity to an area or create a sense of place.
- “Need for more diversity of housing.
- “Need to protect existing housing neighborhood character and quality of housing.
- “Need for senior housing.
- “Achievement of high-quality development.

The establishment of the R-L Zone on this property is in compliance with the recommendations of the Subregion V Master Plan for development through the use of Comprehensive Design Zone techniques. The master plan encourages large assemblages of property, such as the 562.85 acres included in Bevard Farms East, to utilize the R-L Comprehensive Design Zone. The master plan was developed within the context of its regional location. As stated in the plan, “regional development...is increasingly advantageous to Prince George’s County.”

The master plan further states: “Long-range development options for the subregion include agricultural preservation and large-lot, residential development. Since the subregion does not exist in isolation of neighboring Washington, D.C., Rockville, Gaithersburg and other urban and suburban centers, the proposals set forth in the master plan reflect an idea for the future which includes a well-planned community in rural areas in order to establish the overall parameters for development in the future.”

Staff Comment: This zoning map amendment is consistent with the 2002 General Plan Development Pattern policies for the Developing Tier. The Subregion V Approved Master Plan and Sectional Map Amendment (1993) recommends low development densities for this area, also known as the Village of Tippet. A range of development types and densities are recommended, and flexible development techniques are advocated in many areas. The following are some of the relevant recommendations for this property, as stated in the 1993 Subregion V Approved Master Plan and Sectional Map Amendment.

- “Most of the land for residential development in the Tippet community is recommended for suburban estate or low density, planned neighborhood development; the R-E Zone is recommended as the base density. Large assemblages of property are encouraged to utilize the Residential-Low Density Comprehensive Design Zone (R-L 1.0-1.5) or the Village- Low (V-L 1.3) Zones.
- “At the northeast end of Piscataway Road, around the Miller Farms properties and the proposed employment area, higher suburban densities are recommended. A ‘traditional

village' development style, incorporating commercial facilities also recommended here, would be particularly well suited for this area.”

Community Planning submits the following planning issues:

“The proposed Old Fort Road/Old Fort Road Extended (A-65) is shown on the master plan running through the center of the site in a northwest to southeast direction. More detailed right-of-way information indicates it runs through the northern portion of the site in the same northwest to southeast direction. The proposal does not show this proposed road and, therefore, does not conform to the transportation recommendations of the master plan. Other issues regarding future access to this proposed road, buffers/landscaping, and appropriate land uses need to be resolved.

“The subject property is affected by air traffic from Washington Executive Airport (Hyde Field). Approximately 3,300 feet of the northern part of the site falls within the Aviation Policy Area (APA) 6, with the most northerly portion of the site falling within APA 3M. Acoustical construction techniques for reduction of interior noise levels and buyer notification of location within the Andrews Air Force Base airport environment on subdivision plats and deeds of sale should be considered.

“Approximately 23 acres of the site is in the 100-year floodplain. Floodplains fall within the regulated area designation of the Green Infrastructure Plan; a significant portion of the site falls within the evaluation area or network gap designations. The Countywide Planning Division and Environmental Planning Section need to be consulted.” Environmental Planning staff address their recommendations in Part E of this report.

(B) The economic analysis submitted for a proposed retail commercial area adequately justifies an area of the size and scope shown on the Basic Plan.

There are no retail commercial uses proposed for this site.

(C) Transportation facilities (including streets and public transit) (i) which are existing, (ii) which are under construction, or (iii) for which 100 percent of the construction funds are allocated within the adopted County Capital Improvement Program, within the current State Consolidated Transportation program, or will be provided by the applicant, will be adequate to carry the anticipated traffic generated by the development based on the maximum proposed density. The uses proposed will not generate traffic which would lower the level of service anticipated by the land use and circulation systems shown on the approved General or Area Master Plan or urban renewal plans.

Traffic Circulation/Capacity

The proposed basic plan was reviewed by the Transportation Planning Section. In a memo dated August 19, 2005, Transportation Planning submits the following analysis:

“A traffic study was submitted to address the traffic impact of this proposal. The traffic study examines the site impact at 12 existing intersections and one site access point adjacent to the site. These intersections are listed below:

“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 Winbrook Drive (unsignalized)
MD 223 and Floral Park Road (unsignalized)
MD 223 and Gallahan Road (unsignalized)
MD 223 and Windbrook Drive (unsignalized)
MD 223 and site access (future/unsignalized)
MD 223 and Tippett 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. The site is proposed for development with 676 detached and 169 townhouse residences. The proposal would generate 625 AM (125 in, 500 out) and 743 PM (488 in, 255 out) peak-hour vehicle trips. Under total traffic, the traffic study makes the following determinations:

- “1. The signalized intersections of MD Old Branch Avenue/Brandywine Road and MD 223/ Steed Road are determined to operate at LOS F in both peak hours. The signalized intersection of MD 223/Temple Hill Road is determined to operate at LOS D in the AM peak hour and LOS F in the PM peak hour. For all three intersections, improvements are proposed that will achieve LOS D or better in both peak hours.
- “2. The signalized intersection of MD 210 and Old Fort Road North is determined to operate at LOS F in both peak hours. The applicant has proposed improvements that will mitigate the traffic impacts of the development, in accordance with Section 24-124(a)(6), in both peak hours. The intersection is eligible for mitigation, and the proposed mitigation improvements meet the numerical criteria required by the guidelines.
- “3. Five of the nine unsignalized intersections studied are recommended to have possible signalization studied.
- “4. All other intersections in the study area would operate acceptably in consideration of existing traffic, traffic generated by approved developments, and traffic to be generated by the subject application.

“This synopsis of the traffic study is provided for purposes of establishing a record and allowing comment upon the scope of this study as a part of this process. Detailed transportation conditions will be imposed at the time of the comprehensive design plan (CDP) and the preliminary plan applications. Nonetheless, based on the materials submitted, evidence is provided that shows that the transportation system as exists, with improvements to be funded and constructed by the applicant, will be adequate to carry the anticipated traffic generated by the development based on the maximum proposed density.

“Master Plan Impacts and Plan Comments

“A total of 845 residences, or 1.5 dwelling per net acre, is proposed by the subject application. Within the Subregion V Master Plan, each of the roadway facility recommendations in the master plan is the result of a comprehensive analysis of existing traffic plus traffic that would result from planned land uses. Concerning development within the Tippet planning area, in which the subject property is located, the following language was included in the master plan:

‘Most of the land for residential development in the Tippet community is recommended for suburban estate or low density, planned neighborhood development; the R-E Zone is recommended as the base density. Large assemblages of property are encouraged to utilize the Residential-Low Density Comprehensive Design Zone (R-L 1.0-1.5) or the Village-Low (V-L 1.3) Zones.’

“It is clear that the transportation analysis done for the Subregion V Master Plan assumed land uses that are consistent with the zone being requested. Therefore, the land use is consistent with the transportation elements of the applicable master plan.

“MD 223, Piscataway Road, is shown as an arterial facility in the Subregion V Master Plan. Subsequent plans are required to reflect right-of-way dedication of 60 feet from centerline along MD 223. Likewise, Thrift Road is shown as a collector facility on the Subregion V Master Plan, and subsequent plans are required to reflect right-of-way dedication of 40 feet from centerline along Thrift Road.

“The Subregion V Master Plan includes an arterial facility, A-65. This facility connects Old Fort Road East with MD 5 south of Piscataway Creek and is ultimately planned to provide a new northwest-to-southeast connection between MD 210 and MD 5. The subject plan to date has not recognized this right-of-way or proffered any action to preserve the potential right-of-way. This is a deficiency in the plan that must be resolved during review of the comprehensive design plan (CDP) and the preliminary plan applications. It is noted for the record that two other preliminary plans—Wolfe Farm (4-04099) and Saddle Creek (4-02124)—were approved by the Planning Board without dedication or reservation of the needed right-of-way for A-65 (although it is noted that a right-of-way preservation strategy was identified in the approval of Saddle Creek). Given that A-65 is on the Subregion V Master Plan, it is recommended that the basic plan be revised to show the right-of-way for A-65. A determination shall be made at the time of preliminary plan concerning dedication, reservation, or no preservation strategy for the right-of-way for this facility within the subject property.

“Conclusions

“Based on the preceding findings, the Transportation Planning Section concludes that existing transportation facilities and those to be provided by the applicant will be adequate to carry the anticipated traffic generated by the development based on the maximum proposed density. Furthermore, the uses proposed will not generate traffic which would lower the level of service anticipated by the land use and circulation systems shown on the approved area master plan, in accordance with Section 27-195 of the Prince George’s County Code, if the application is approved with the following condition:

“1. The basic plan shall be revised to show the right-of-way for A-65 as designated on the Subregion V Master Plan. A determination shall be made at the time of preliminary plan concerning dedication, reservation, or no preservation strategy for the right-of-way for this facility within the subject property.”

(D) Other existing or planned private and public facilities which are existing, under construction, or for which construction funds are contained in the first six years of the adopted County Capital Improvement Program (such as schools, recreation areas, water and sewerage systems, libraries and fire stations) will be adequate for the uses proposed.

Other public facilities are generally considered to be adequate for the uses proposed as indicated in the referral replies below:

Department of Parks and Recreation

The Department of Parks and Recreation, Park Planning and Development Division, offered the following comments:

“The property consists of 562 acres located south of Piscataway Road. The property is bisected by Butler Branch and a tributary to it. The Master Plan for Subregion V designates a 15-acre floating park symbol on subject property. The Master Plan recommendation was established based on current recreational needs in Subregion V and the current R-E zoning of the subject property. The calculation of needed parkland did not contemplate rezoning of the Bevard Farms East from R-E to the denser R-L Zones.

“The applicant’s proposal includes 845 single-family residential dwelling units. Using current occupancy statistics for single-family dwelling units, one would anticipate that the proposed development would result in a population of 2,535 residents in the new community. The Prince George’s County General Plan establishes objectives related to the public parkland. They indicate that a minimum of 15 acres of M-NCPPC local parkland should be provided per 1,000 population (or equivalent amenity in terms of parks and recreation service) and 20 acres of regional, countywide and special M-NCPPC parkland per 1,000 population. By applying the General Plan standards for projected population in the new community (2,535 residents), staff has determined that 38 acres of local and 51 acres of regional public parkland suitable for active recreation would be needed to serve the proposed community. The application for a change in zoning does not propose any parkland dedication or address the symbol for a master planned park in the subject property.

“The applicant’s proposal includes an illustrative plan, which shows a community center with a swimming pool, tennis courts, an event lawn, a playground and soccer field. DPR staff finds that proposed private recreation facilities will not adequately serve the recreational needs of 2,535 new residents. In addition, private recreational facilities will not be available to the neighboring communities.

“In a letter dated September 6, 2005, Norman Rivera, on behalf of the applicant, offered dedication of an 11-acre park at the northern end of site. The subject parcel has a poor access (40' by 550'), which is not suitable for the construction of the public road to the proposed parcel. This parcel has

steep slopes, which will prevent the use of the land for active recreation. In addition, the parcel is located within the APA-3M zone for the Washington Executive Airport, which would also limit the use of the proposed parcel. DPR staff finds that proposed parcel is unsuitable for use as parkland.

“The Master Plan approved in 1993 placed a 15-acre floating park symbol on the subject property to address the parks and recreational needs of Planning Area 81B. However, this estimate did not anticipate the rezoning of the subject property to a denser zone. Further, Planning Area 81B is currently in need for public parkland and public recreational facilities such as football, soccer and baseball fields, basketball and tennis courts, playgrounds and picnic areas.

“DPR staff finds that the demand for public parkland and recreation facilities will grow with the extensive residential development, which is anticipated in this region of Prince George’s County.

“Application of Section 24-134 of the Prince George’s County Subdivision Regulations could require the mandatory dedication of 28 acres of parkland suitable for active and passive recreation at the time of subdivision.

“Findings

“Section 27-514.08 of the Zoning Ordinance describes the purposes of the Comprehensive Design Zone in R-L Zone (Residential Low Development). This section requires establishment (in public interest) of a plan implementation zone, in which permissible residential density is dependent upon providing public benefit features. It states that the location of the zones must be in accordance with the adopted and approved General Plan or master plan. The purposes of the R-L Zone are to encourage amenities and public facilities to be provided in conjunction with residential development; and improve the overall quality and variety of residential environments in the Regional District. We believe that subject rezoning application is not in conformance with the requirements and recommendations of the General Plan and master plan as they pertain to public parks and recreation.

“Conclusion

“DPR staff concludes that the applicant has not demonstrated that the proposed development addresses the recommendations of the approved Master Plan for Subregion V Planning Area 81B or the Prince George’s County General Plan, which addresses current and future needs for public parks and recreational facilities in this planning area.

“DPR staff believes that the applicant should dedicate at least 20 acres of developable parkland needed for the public softball, soccer and baseball fields, playgrounds, and picnic areas. The applicant should also construct recreational facilities on the dedicated parkland to address the immediate recreational needs of the community.

“Recommendations

“Staff of the Department of Parks and Recreation recommends that the above-referenced plans be approved, subject to the following conditions:

- “1. The dedication of 20± acres of developable land for active recreation to M-NCPPC as shown on DPR Exhibit A.
- “2. The land to be conveyed to M-NCPPC shall be subject to the conditions of the attached Exhibit B.
- “3. Prior to signature approval of the subject application, a revised plan showing the dedicated parkland shall be reviewed and approved by Department of Parks and Recreation (DPR) staff.
- “4. The applicant shall construct recreational facilities on dedicated parkland. The recreational facilities package shall be reviewed and approved by DPR prior to Comprehensive Design Plan (CDP) submission.
- “5. The public recreational facilities shall be constructed in accordance with the standards outlined in the *Parks and Recreation Facilities Guidelines*. The concept plan for the development of the parks shall be shown on the comprehensive design plan.”

EXHIBIT B

CONDITIONS FOR CONVEYANCE OF PARKLAND TO THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

1. An original, special warranty deed for the property to be conveyed (signed by the WSSC Assessment Supervisor) shall be submitted to the Subdivision Section of the Development Review Division, The Maryland-National Capital Park and Planning Commission (M-NCPPC), along with the final plat.
2. 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, sidewalls, curbs and gutters, and front-foot benefit charges prior to and subsequent to the final plat.
3. 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.
4. 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
5. by the General Counsel’s Office, M-NCPPC) shall be submitted to DPR within two weeks prior to applying for grading permits.
6. 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, 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.

6. 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.
7. All existing structures shall be removed from the property to be conveyed, unless the applicant obtains the written consent of DPR.
8. The applicant shall terminate any leasehold interests on property to be conveyed to M-NCPPC.
9. 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, maintenance and easement agreements shall be required prior to the issuance of grading permits.

Comment: We concur with the analysis of the Department of Parks and Recreation and the recommendations listed above; however, it is our understanding that the applicant has not agreed to dedicate approximately 20 acres of land to M-NCPPC for active open space use. Approximately 50 acres of passive open space and 10 acres of active open space are proposed. As noted above, approximately 20 acres of space usable for active recreational uses would have been required as part of a mandatory dedication at the time of subdivision. Also, in order to receive density increments for public benefit features at the comprehensive design plan phase of this process, the applicant will need to provide amenities above and beyond those normally required.

Private recreational facilities will also be required in accordance with the above-referenced guidelines. The applicant has proposed a swimming pool, four tennis courts, an events lawn, two playgrounds (ages 2-5 and 5-12), seating areas, and a soccer field. We note that no community centers are identified in the basic plan. We recommend that in order to obtain full credit for public benefit features, the applicant provide for the development of ball fields, along with other recreational facilities on the proposed site.

Other Community Facilities

Fire and Rescue

The Historic Preservation and Public Facilities Planning Section provided the following comments:

“The existing fire engine service at Clinton Company 25, located at 9025 Woodyard Road, has a service travel time of 4.99 minutes to the site, which is within the 5.25-minute travel time guideline.

“The existing ambulance service at Clinton Company 25, located at 9025 Woodyard Road, has a service travel time of 4.99 minutes to the site, which is within the 5.25-minute travel time guideline.

“The existing paramedic service at Clinton Company 25, located at 9025 Woodyard Road, has a service travel time of 4.99 minutes, which is within the 7.25-minute travel time guideline.

“The above findings are in conformance with the *Approved Public Safety Master Plan (1990)* and the *Guidelines For The Analysis Of Development Impact on Fire and Rescue Facilities*.

“The required fire and rescue facilities are determined to be adequate.”

Public Schools

“County Council Bill CB-31-2003 establishes a school facilities surcharge in the amount of \$7,161 per dwelling if a building is located between I-495 and the District of Columbia; \$7,161 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 \$12,276 per dwelling for all other buildings. 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. An adequate public facility schools test will be conducted at the time of subdivision application.

“The applicant proposes an 11-acre school site on the subject property. Its proposed location is on the south side of the property’s frontage on Piscataway Road. Staff from the Board of Education has given the 11-acre property tentative approval for a school site. Pending in-house approvals, we recommend that it be dedicated to the School Board at the time of final plat, prior to approval.”

Police Facilities

“The proposed development is within the service area for Police District V–Clinton. The Planning Board’s current test for police adequacy is based on a standard complement of officers. As of January 2, 2005, the county has 1,302 sworn officers and 43 student officers in the academy, for a total of 1,345 personnel, which is within the standard of 1,278 officers. This police facility will adequately serve the population generated by the proposed residential development.”

(E) Environmental relationships reflect compatibility between the proposed general land use types, or identified, the specific land use types, and surrounding land uses, so as to promote the health, safety and welfare of the present and future inhabitants of the Regional District.

Natural Environment

1. The Environmental Planning Section provided the following comments on the relationship between this proposal and the natural environment:

“According to the “Prince George’s County Soil Survey,” the principal soils on the site are
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in the Aura, Beltsville, Bibb, Chillum, Croom, Iuka, Matapeake, Rumford, Sassafras and Westphalia 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 is not found to occur in the vicinity of this property.

“Portions of this site have been mined for sand and gravel as approved by applications SE-1823, SE-3266, and SE-3755. 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 needs to be submitted. The soils report is required in order to allow analysis of the site with regard to the required findings of Section 24-131 of the Subdivision Regulations. The study shall at a minimum clearly define the limits of past excavation and indicate all areas where fill has been placed. All fill areas shall include borings, test pits, and logs of the materials found. Borings and test pits in fill areas shall be deep enough to reach undisturbed ground.

“An approved natural resources inventory should be submitted as part of the comprehensive design plan application.

“**Recommended Condition:** As part of any application for a natural resources inventory, a soils study shall be submitted. The study shall clearly define the limits of past excavation and indicate all areas where fill has been placed. All fill areas shall include borings, test pits, and logs of the materials found. Borings and test pits in fill areas shall be deep enough to reach undisturbed ground.

2. “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. A wetland study and plan were submitted with the application. 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. The expanded stream buffer on the jurisdictional determination plan has not been reviewed for conformance with Section 24-130(b)(6) and

Section 24-130(b)(7) of the Subdivision Regulations; however, the natural resources inventory is required to show all regulated buffers.

“Comment: The natural resources inventory submitted with the comprehensive design plan application will contain all necessary information.

3. “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 not support impacts to sensitive environmental features that are not associated with essential development activities. Essential development includes such features as public utility lines [including sewer and stormwater outfalls], street crossings, and so forth, 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 do not relate directly to public health, safety or welfare. Impacts to sensitive environmental features require variations to the Subdivision Regulations.

“The design should be revised to avoid any impacts to streams and 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 necessary road crossings or the installation of public utilities that are required to serve the development as a whole.

“Recommended Condition: The comprehensive design plan shall avoid impacts to sensitive environmental features. If avoidance is not possible, the impacts shall be the minimum necessary to support the development concept as a whole.

“Recommended Condition: If impacts to regulated environmental features remain after the redesign, variation requests shall be submitted as part of any application for a preliminary plan of subdivision. The variation request must have a separate justification statement for each impact or impact type, in conformance with Section 24-113 of the Subdivision Regulations, a map on 8.5-inch by 11-inch paper showing each impact, and noting the quantities of impacts proposed for each individual impact.

4. “A forest stand delineation (FSD) has been reviewed and was found to require revisions. The patterns used to illustrate steep slopes with highly erodible soils and severe slopes are difficult to distinguish when printed in black and white. Expanded buffers should not be shown on the FSD. As noted earlier, the soils boundaries need to be amended to show the areas that were mined after the publication of the Prince George’s County Soil Survey.

“A forest stand delineation (FSD) is a required submission as part of any application for a comprehensive design plan. A natural resources inventory (NRI), which contains all of the information of a FSD plus additional information, is required as part of any application for a preliminary plan of subdivision. Because of the extent of sensitive environmental features on this property, a condition is recommended to require the submittal of a natural resources inventory for the review of the comprehensive design plan.

“Comment: The natural resources inventory submitted with the comprehensive design plan application will contain all required forest stand delineation information.

5. “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 10,000 square feet of existing woodland. A Type I tree conservation plan is required as part of any application for a comprehensive design plan. The woodland conservation threshold for R-E-zoned land is 25 percent of the gross tract and the woodland conservation threshold for R-L-zoned land is 25 percent of the gross tract.

“Comment: No further action regarding woodland conservation is required for the review of this zoning map amendment.

6. “Piscataway Road is the nearest source of traffic-generated noise and is designated as an arterial in the Subregion V Master Plan. Two master plan arterial roads, A-54 and A-65, could impact the property. Section 24-121(a)(4) requires that residential lots adjacent to existing or planned roadways of arterial classification or higher be platted to a minimum depth of 150 feet and that adequate protection and screening from traffic nuisances be provided by earthen berms, plant materials, fencing, and/or the establishment of a building restriction line for new residential structures.

“The noise model used by the Environmental Planning Section predicts that the unmitigated 65 dBA Ldn noise contour will be about 168 feet from the centerline of Piscataway Road in ten years. The Environmental Planning staff does not know if dedication for A-65 will be required. If the plans need to be revised to show A-65, then traffic-generated noise from that arterial roadway will need to be addressed.

“Recommended Condition: A Phase I noise study shall be required as part of any application for a comprehensive design plan. The comprehensive design plan and TCPI shall show all unmitigated 65-dBA Ldn noise contours associated with traffic-generated noise.

7. “Piscataway Road and Thrift Road are designated scenic roads. Development will have to conform to the Department of Public Works and Transportation publication “Design Guidelines and Standards for Scenic and Historic Roads.” Visual inventories for Piscataway Road and Thrift Road are required as part of any application for a preliminary plan of subdivision. At a minimum, the comprehensive design plan should provide for 40-foot scenic easements adjacent and contiguous to the proposed 10-foot public utility easements along the land to be dedicated for Piscataway Road and Thrift Road. 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 detailed landscaping will be reviewed concurrently with the Type II tree conservation plan.

“Recommended Condition: The comprehensive design plan shall provide for minimum 40-foot scenic easements adjacent and contiguous to the proposed ten-foot public utility easements along the land to be dedicated for Piscataway Road and Thrift Road.”

Archeological Resources

The proposed development may also have some impacts on archeological resources. The M-NCPPC Planning Department's staff offered the following comment:

“Archeological investigation was recommended for both these parcels. The investigation was conducted and the applicant submitted a draft report, ‘Phase I Archeological Survey of the Bevard Farm Property, Prince George’s County, Maryland’ (URS, June 2005), received in this office on July 13, 2005. Bevard East and Bevard West (and Bevard North) were the subject of the Phase I survey. The archeological consultants recommended no further work, as no potentially significant archeological sites were identified during the investigation.” A synopsis of the archeological investigation report was included with the memorandum.

Comment: Staff submits that the issue of compatibility with the built environment and with the surrounding approved development in the area is also relevant to the eventual determination of the most appropriate densities, housing type locations, and zoning. Reference was made earlier (in the master plan discussion) to the densities of surrounding properties, with the subject property conforming to the densities of the surrounding neighborhood. The Community Planning staff concurs that the density range of 1.0 to 1.5 dwelling units per acre is consistent with the surrounding community. A proposal for residential development on the subject property with a density of approximately 1.5 dwellings per acre could be compatible with this character.

Because comprehensive design zones are intended to create a superior environment through the use of public benefit features, approval of this application in the R-L Zone will allow the requested density, but only with the provision of the public benefit features for which these zones were created.

Additional comments related to this issue and other issues of compatibility with surrounding development are found in the Urban Design Section memorandum of October 7, 2005, which is referred to below:

The project would be subject to Subtitle 27, Zoning Part 8, Comprehensive Design Zones Division 2, Specific Comprehensive Design Zones, Subdivision 8, and R-L Zone (Residential Low Development) of the Prince George’s Zoning Ordinance. It applies to the subject property regarding purposes, uses, regulations, general standards, public benefit features, density increment factors, and minimum size exceptions for the district.

“If the proposal for rezoning were approved, the project would also be subject to certain sections of the *Landscape Manual*. These include Section 4.1 Residential Requirements, Section 4.3 Parking Lot Requirements, Section 4.4 Screening Requirements, and 4.6 Buffering Residential Development from Streets. Although Section 4.7, Buffering Incompatible Uses, does not technically apply in comprehensive design zones, staff uses the requirements of that section as a guide in evaluating buffering between what would be considered incompatible uses under the *Landscape Manual*. Compatibility issues with surrounding uses, both interior and exterior to the development, will be examined at the time of the comprehensive design plan.

“The subject site is currently zoned R-E; the maximum density allowed for the residential

portion of the site would be approximately 458 units (.85 units per acre of the gross tract, minus the floodplain), based on the May 2002 Guide to Zoning Categories. This application to rezone the property to the R-L Zone (1.0 base density) will allow for a base density of 551 units (based on the gross tract area subtracting one-half of the floodplain). Provision of density increments would allow the maximum density of the property to be as high as 827 units, not 845 as shown on the plan.

“The existing zoning surrounding the site varies from R-E to R-A Zones. The lot sizes adjacent to existing housing developments should be compatible in size to existing lots sizes at the periphery of the site or provide a transitional size lots to the interior of the site. This is particularly appropriate adjacent to the Mary Catherine Estates development to the west of the subject property and the Ward’s subdivision to the east of the subject property. Also, the size of lots along Thrift Road, adjacent to the R-A Zone to the southeast, should consider the size of lots and provide compatibility, particularly where units will be visible from the roadway.

“The use of the large lot development at the southern portion of the site adjacent to Thrift Road is appropriate and in keeping with the purposes of the zone, specifically Section 27-514.08(a)(7). Any specification necessary to assure that a large lot component is executed in this area should be included as conditions of the approval of the basic plan. In the approval of the Villages of Piscataway, which is located in the same Council District, the District Council approved a condition which assured that 253 areas of land to be developed with no more than 126 lots (see CR-60-1993). A similar condition is appropriate for the subject site, specifically for the area southeast of the floodplain near Thrift Road.

“The determination for mandatory park dedication per Subtitle 24 should be considered at this time in order to determine the feasibility of parkland or recreational facilities for the site. If it is determined that parkland is appropriate, then the plan should be modified to show the area for conveyance. If on-site recreational facilities are determined to be appropriate, then they should be dispersed throughout the subdivision so as to provide nearby recreational facilities for all residents. The type of recreational facilities should accommodate all ages of residents and should include a pool, tot lots, preteen lots, tennis courts, trails, and passive recreational facilities. At the time of comprehensive design plan, the recreational facilities will be determined to either fulfill the requirements of Subtitle 24 or as public benefit features, resulting in density increments.

“The plan deletes the proposal for the equestrian theme, including the 14-acre equestrian riding center and therapeutic center, since the code prohibits equestrian uses in the proposed R-L Zone.”

- (2) **Notwithstanding subparagraphs (C) and (D) above, where the application anticipates a construction schedule of more than six years (Section 27-179), public facilities (existing or scheduled for construction within the first six years) will be adequate to serve the development proposed to occur within the first six years. The Council shall also find that public facilities probably will be adequately supplied for the remainder of the project. In considering the probability of future public facilities construction, the Council may consider such things as existing plans for construction, budgetary constraints on providing public facilities, the public interest**

and public need for the particular development, the relationship of the development to public transportation, or any other matter that indicates that public or private funds will likely be expended for the necessary facilities.

Not applicable.

G. Conformance with the Purposes of the R-L Zone:

The purpose of the R-L Zone is found in Section 27-514.08 of the Zoning Ordinance. These purposes are listed as follows:

- (1) Establish (in the public interest) a plan implementation zone, in which (among other things):**
 - (A) Permissible residential density is dependent upon providing public benefit features and related density increment factors; and**
 - (B) The location of the Zone must be in accordance with the adopted and approved General Plan or Master Plan;**
- (2) Establish regulations through which adopted and approved public plans and policies (such as the General Plan and Master Plans) can serve as the criteria for judging individual development proposals;**
- (3) Assure the compatibility of proposed land uses with existing and proposed surrounding land uses, and existing and proposed public facilities and services, so as to promote the health safety, and welfare of the present and future inhabitants of the Regional District;**
- (4) Encourage amenities and public facilities to be provided in conjunction with residential development;**
- (5) Encourage and stimulate balanced land development;**
- (6) Improve the overall quality and variety of residential environments in the Regional District;**
- (7) Encourage low-density residential development, which provides for a variety of one-family dwelling types, including a large lot component, in a planned development;**
- (8) Protect significant natural, cultural, historical, or environmental features and create substantial open space areas in concert with a unique living environment; and**
- (9) Protect view sheds and landscape/woodland buffers along the primary roadways and woodlands, open fields, and other natural amenities within the Zone.**

Staff finds that development of the subject property in the R-L Zone will satisfy these purposes of development. The provisions of public benefit features is a major reason for creation of this zone, and with the development of this site in the R-L Zone, the applicant has far greater incentives to provide the public benefit features needed to create an excellent development. The location of the R-L Zone conforms to the recommendations of the Community Planning Division, which concluded that although there are some environmental constraints associated with the site, there is a requirement for the flexibility and sensitivity to the environment of a lot layout provided by a lower density residential zone. Moreover, a dwelling unit density ranging from 1.0 to 1.5 dwellings per acre is more consistent with the character of the current and approved development and the zoning along this portion of Thrift Road and Piscataway Road.

The purposes of the R-L Zone are appropriate to the subject site and suggest again the suitability of the R-L Zone at this location. The emphasis of the R-L Zone is on maintaining a rural, low-density character, yet it permits up to 20 percent of units to be townhouses and includes the possibility of mixed-retirement development, should the decision ultimately be made to include an active senior component at this site. The zone also specifies the importance of viewsheds and landscape/woodland buffers along primary roadways; an element we believe is missing from the proposed basic plan.

CONCLUSION:

Based on the above analysis and finding of the proposed basic plan, we conclude that the requested zone change is appropriate at this location, and, therefore, recommend APPROVAL of the R-L Zone. Approval of this application is contingent on the following basic plan revisions and conditions of approval listed below:

The basic plan shall be revised to show the following revisions:

1. Proposed Land Use Types and Quantities:
 - Public Passive Open Space: 50± acres.
 - Public Active Open Space: 10± acres.
 - Show right-of-way for A-65 as designated on the Subregion V Master Plan. A determination shall be made at the time of preliminary plan concerning dedication, reservation, or no preservation strategy for the right-of-way for this facility within the subject property.
2. Provision of a preliminary plan of subdivision is required for this proposed development.
3. As part of any application for a natural resources inventory, a soils study shall be submitted. The study shall clearly define the limits of past excavation and indicate all areas where fill has been placed. All fill areas shall include borings, test pits, and logs of the materials found. Borings and test pits in fill areas shall be deep enough to reach undisturbed ground.
4. The comprehensive design plan shall avoid impacts to sensitive environmental features. If avoidance is not possible, the impacts shall be the minimum necessary to support the development concept as a whole.

5. If impacts to regulated environmental features remain after the redesign, variation requests shall be submitted as part of any application for a preliminary plan of subdivision. The variation request must have a separate justification statement for each impact or impact type, in conformance with Section 24-113 of the Subdivision Regulations, a map on 8.5 x 11-inch paper showing each impact, and noting the quantities of impacts proposed for each individual impact.
6. A Phase I noise study shall be required as part of any application for a comprehensive design plan. The comprehensive design plan and TCPI shall show all unmitigated 65 dBA Ldn noise contours associated with traffic-generated noise.
7. The comprehensive design plan shall provide for minimum 40-foot scenic easements adjacent and contiguous to the proposed 10-foot public utility easements along the land to be dedicated for Piscataway Road and Thrift Road.
8. Specific acreage of parkland dedication shall be determined at time of Comprehensive Design Plan (CDP). The dedicated parkland shall accommodate a baseball field, soccer field, minimum 100-space parking lot, playground, picnic shelter, basketball court, trails, stormwater management pond. The dedicated parkland shall be located along the Piscataway Road. The dedicated parkland shall have at least a 500-foot wide frontage and direct access to Piscataway Road.
9. The land to be conveyed to M-NCPPC shall be subject to the conditions of Exhibit B.
10. The applicant shall construct recreational facilities on dedicated parkland. The “recreational facilities package” shall be reviewed and approved by DPR staff prior to comprehensive design plan (CDP) submission.
11. The public recreational facilities shall be constructed in accordance with the standards outlined in the *Parks and Recreation Facilities Guidelines*. The concept plan for the development of the parks shall be shown on the comprehensive design plan.
12. The applicant shall execute a large lot component located in approximately 118 acres of land, at the southern portion of the site, south of the tributary and north of Thrift road. Lot size averaging, in accordance with the R-E zone, shall be utilized per Section 27-423. The lot size shall not be less than 30,000 square feet for lots bordering Thrift Road and adjoining subdivisions as shown on applicants Exhibit A. All other lots shall be a minimum of 20,000 square feet. The layout shall be determined at the time of the CDP and preliminary plan of subdivision approval.
13. The applicant shall contribute as a public benefit feature to the construction of a community center to be located at Cosca Regional Park. The amount of that contribution shall be determined during the Comprehensive Design Plan stage in accordance with Section 27-514.10(b)(5). The minimum contribution shall be \$750K.
14. With the provision of density increments, the applicant shall construct no more than 827 units. This application to rezone the property to the R-L zone (1.0 base density) will allow for a base density of 551 units (based on the gross tract area subtracting one-half of the floodplain).

BE IT FURTHER RESOLVED, that an appeal of the Planning Board=s action must be filed with the District Council for Prince George=s County, Maryland within thirty (30) days of 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 Squire, seconded by Commissioner Vaughns, with Commissioners Squire, Vaughns, and Hewlett voting in favor of the motion, and with Commssioner Eley absent at its regular meeting held on Thursday, October 27, 2005 in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 17th day of November 2005.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:EK:rmk

(Revised 8/9/01)

Case No.: CDP-0504

Applicant: Washington Park Estates, LLC

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND,
SITTING AS THE DISTRICT COUNCIL

ORDER AFFIRMING PLANNING BOARD DECISION,
WITH ADDITIONAL CONDITIONS

IT IS HEREBY ORDERED, after review of the administrative record, that the Planning Board's decision in Resolution PGCPB No. 05-269 to approve with conditions a comprehensive design plan for 827 single-family dwellings, 662 detached and 165 attached, on property known as Bevard East, described as approximately 562 acres of land in the R-L Zone, located on the southeast side of Piscataway Road, approximately 7,000 feet south of its intersection with Steed Road, with frontage on Tippet Road (approximately 500 feet south of Robinson Road), and on Thrift Road (directly across from Sears Lane), in Clinton, is hereby:

AFFIRMED, for the reasons stated by the Planning Board in its resolution, which are hereby adopted as the findings of fact and conclusions of law of the District Council.

Affirmance of the Planning Board's decision is subject to the following conditions.

1. The applicant shall dedicate to M-NCPPC 14± acres of developable land for future parkland as generally shown on attached Exhibit "A" at the time of the first final plat of subdivision.
2. Prior to signature approval of the CDP, the applicant shall submit a conceptual grading plan including a stormwater management pond for the park parcel. If it is determined that the facilities (baseball field, soccer field, 100- space parking lot, playground, picnic shelter, basketball court, trails, storm water management pond) cannot be accommodated on the park parcel, the boundaries of the parcel shall be enlarged. The revised boundaries shall be approved by the Department of Parks and Recreation.

3. The land to be conveyed to M-NCPPC shall be subject to the conditions of the attached Exhibit B.
4. Construction drawings for the recreational facilities on public parkland shall be reviewed and approved by the Park Planning and Development staff prior to certificate approval of the first specific design plan.
5. Prior to submission of any final plats of subdivision, the applicant shall enter into a public Recreational Facilities Agreement (RFA) with M-NCPPC for the construction of recreation facilities on parkland. The applicant shall submit three original executed RFAs to the Department of Parks and Recreation (DPR) for their approval three weeks prior to the submission of the final plats. Upon approval by DPR, the RFA shall be recorded among the land records of Prince George's County.
6. The applicant shall submit to DPR a performance bond, a letter of credit or other suitable financial guarantee, for the construction of the public recreation facilities in the amount to be determined by DPR, at least two weeks prior to issuance of grading permits.
7. The recreational facilities on dedicated parkland shall be constructed prior to issuance of the 50th building permit.
8. The applicant, his heirs, successors and/or assignees shall make a monetary contribution of a minimum \$2,000,000 toward the construction of the Southern Region Community Center in three phases:
 - a. \$200,000.00 for the design and engineering of the community center shall be paid prior to the issuance of the 50th building permit.
 - b. \$ 900,000.00 for the construction of the community center shall be paid prior to issuance of the 200th building permit. Beginning from the date of issuance of the 50th building permit, this amount shall be adjusted for inflation on an annual basis using the Consumer Price Index (CPI).
 - c. \$ 900,000.00 for the construction of the community center shall be paid prior to issuance of the 400th building permit. Beginning from the date of issuance of the 50th building permit, this amount shall be adjusted for inflation on an annual basis using the Consumer Price Index (CPI).
9. Depending on the type of roadway required by the Department of Public Works and Transportation, one of the following shall be shown on the specific design plan and provided:

- a. If a closed section road is required, the applicant shall construct an eight-foot-wide Class II trail along the site's entire road frontage of Thrift Road.
 - b. If an open section road is required, the applicant shall provide wide asphalt shoulders along the subject site's entire road frontage of Thrift Road and a financial contribution of \$210.00 to the Department of Public Works and Transportation for the placement of one "Share the Road with a Bike" sign. A note shall be placed on the final record plat for payment to be received prior to the issuance of the first building permit.
10. Prior to acceptance of the applicable specific design plans, the following shall be shown on the plans:
- a. The APA designation area shall be shown.
 - b. The community building shall be shown as a minimum of 5,000 square feet, in addition to the space proposed to be occupied by the pool facilities.
 - c. The swimming pool shall be approximately 25 meters long and 40 feet wide with a 30-foot by 30-foot training area.
11. On the appropriate specific design plan, the applicant shall provide the following:
- a. An eight-foot-wide asphalt HOA trail from the southernmost cul-de-sac to the proposed trail immediately to the north in the vicinity of the stormwater management pond.
 - b. An eight-foot-wide asphalt HOA trail from one of the cul-de-sacs west of the main stream valley to the main north-south trail that is proposed.
 - c. Trails within and to the proposed public park as generally indicated on the CDP illustrative plan.
 - d. Trail connections from the proposed public park to Roulade Place and Mordente Drive, as indicated on the CDP illustrative plan.
 - e. A wide asphalt shoulder along the subject site's entire road frontage of MD 223 in order to safely accommodate bicycle traffic, unless modified by SHA.

- f. Standard sidewalks along both sides of all internal roads, unless modified by DPW&T.
12. Prior to certification of the CDP, the approved Natural Resources Inventory, NRI/40/05, shall be submitted to become part of the official record for the comprehensive design plan.
13. During the review of proposed impacts as part of the preliminary plan review process, impacts to sensitive environmental features shall be avoided. If avoidance is not possible, the impacts shall be the minimum necessary to support the development concept as a whole. All impacts to sensitive environmental features that require mitigation by subsequent state or federal permits shall provide the mitigation using the following priority list:
 - a. On site;
 - b. Within the Piscataway Creek Watershed; and
 - c. Within the Potomac River watershed.
14. Prior to certification of the comprehensive design plan, the Type I tree conservation plan shall be revised to:
 - a. Provide all required woodland conservation on-site;
 - b. Revise the worksheet as needed; and
 - c. Have the revised plan signed and dated by the qualified professional who prepared the plan.
15. Prior to certification, the comprehensive design plan and TCPI shall be revised to show all unmitigated 65 dBA Ldn noise contours associated with traffic-generated noise.
16. The preliminary plan of subdivision shall provide for minimum 40-foot scenic easements adjacent and contiguous to the proposed 10-foot public utility easements along the land to be dedicated for Piscataway Road and Thrift Road. No part of any scenic easement shall be on a lot.
17. Prior to acceptance of each specific design plan, the applicant shall submit an overall open space plan with calculations for areas of tree preservation, wetlands, and floodplain, to ensure preservation of areas approved as open space per CDP-0504.
18. Prior to signature approval of the CDP, the following revisions shall be made:

- a. The plans shall be revised to be in conformance with condition No. 12 of A-9967.
- b. The plans shall be revised to demonstrate that the lots located along the secondary entrance road from Tippet Road shall be a minimum of 20,000 square feet in size and have a frontage width of 80 feet at the front street line.
- c. The plan shall be revised to indicate the APA 3M and APA 6.
- d. Four copies of the final version of the Phase I archeological investigation shall be submitted (with the comments addressed) to the Planning and Preservation Section.
- e. The plans shall be revised to add lots along the main entrance road, across from the park, to be sized in the medium lot size category, have a minimum 80-foot width at the front street line and be served by an alley. Further, the lots continuing along the main road to the first intersection shall be enlarged to the medium lot size and the same 80-foot width at the front street line.
- f. The green area formed at the intersection of lots on the northwest side of the first circle along the main entrance road shall be designated as a buildable lot.

19. The recreational facilities shall be bonded and constructed in accordance with the following schedule:

PHASING OF AMENITIES		
FACILITY	BOND	FINISH CONSTRUCTION
Public Park	Prior to the issuance of any building permits	Complete by 50th building permit overall
Recreation center Outdoor recreation facilities	Prior to the issuance of the 200th building permit overall	Complete by 400th building permit overall
Recreation Center Building and pool	Prior to the issuance of the 200th building permit overall	Complete before the 400 th building permit overall
Pocket Parks (including Playgrounds) within each phase	Prior to the issuance of any building permits for that phase	Complete before 50% of the building permits are issued in that phase
Trail system Within each phase	Prior to the issuance of any building permits for that phase	Complete before 50% of the building permits are issued in that phase
<p>It is occasionally necessary to adjust the precise timing of the construction of recreational facilities as more details concerning grading and construction details become available. Phasing of the recreational facilities may be adjusted by written permission of the Planning Board or its designee under certain circumstances, such as the need to modify construction sequence due to exact location of sediment ponds or utilities, or other engineering necessary. The number of permits allowed to be released prior to construction of any given facility shall not be increased by more than 25%, and an adequate number of permits shall be withheld to assure completion of all of the facilities prior to completion of all the dwelling units.</p>		

20. Prior to the approval of a specific design plan for architectural elevations, the following shall be demonstrated:
- a. The most visible side elevations of single-family detached or attached units on corner lots and other lots whose side elevation is highly visible to significant amounts of passing traffic shall have a minimum of three architectural features such as windows, doors and masonry fireplace chimneys, and these features shall form a reasonably balanced and harmonious composition.
 - b. All single-family detached dwellings shall not be less than 2,200 square feet of finished living area.

- c. No two houses directly adjacent to each other or across the street from one another should have the same elevation.
- d. Brick end walls shall be used on highly visible end units of townhouses, to be determined at the time of the specific design plan.

21. The following standards shall apply to the development:

Bevard East Standards Proposed

Lot Size	SFA		SFD	
	1,800 sf	6,000-10,000 sf	10,000-19,999 sf	20,000+ sf
Minimum width at front street R-O-W***	N/A	50 feet*	60 feet*	70 feet*
Minimum frontage on cul-de-sacs	N/A	30 feet*	30 feet*	35 feet*
Maximum lot coverage	400 sf yard area**	60%	50%	40%
Minimum front setback from R-O-W	15 feet	20 feet	25 feet****	25 feet
Minimum side setback	None	5 feet	17/8 feet	17/8 feet
Minimum rear setback	None	20 feet	25 feet	25 feet
Minimum corner setback to side street R-O-W	10 feet	15 feet	15 feet	15 feet
Maximum residential building height	40 feet	35 feet	35 feet	35 feet
Approximate percentage of total lots	20 percent	60 percent	10 percent	10 percent

Variations to the standards may be permitted on a case-by-case basis by the Planning Board at the time of specific design plan if circumstances warrant.

*Except minimum lot frontage for flag lot configurations shall be 25 feet.

**Except that the yard area may be reduced to 300 sf for decks.

***Except that the minimum lot width at the front street line shall be no less than 80 feet for the lots adjacent to Piscataway Road, the main entrance drive from Piscataway Road to the first intersection, and along the secondary entrance from Tippett Road to the second intersection.

****Except that on the lots across from the park, the front yard setback shall be no less than 30 feet.

22. Every specific design plan shall include on the cover sheet a clearly legible overall plan of the project on which are shown in their correct relation to one another all phase or section numbers, all approved or submitted specific design plan numbers, all approved or submitted tree conservation plan numbers, and the number and percentage.
23. Prior to the issuance of any building permits within the subject property, the following road improvements associated with the phase 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.

24. Prior to the approval of the Specific Design Plan 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 Specific Design Plan review that certain geometric modifications are not needed for adequacy, the requirement may be waived by the Planning Board during approval of the Specific Design Plan.
25. Prior to the approval of the Specific Design Plan 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.
26. Prior to the approval of the Specific Design Plan 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 the site entrance. 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 minor street approaches to include exclusive right-turn and shared through/left-turn lanes on each, and the modification of the eastbound approach to provide exclusive through and left-turn lanes along with a second through lane that can be shared with right turns. If it is determined at the time of

Specific Design Plan review that the second eastbound through lane is not needed for adequacy, the requirement may be waived by the Planning Board during approval of the Specific Design Plan.

27. This Comprehensive Design Plan, CDP-0504, shall be modified to note that the A-65 facility, as shown on the Subregion V Master Plan, crosses the subject property.
 - (a) The CDP shall have a note, which note shall be included on all preliminary plans of subdivision and all specific design plans for the Bevard East property, reciting all points of this condition.
 - (b) Prior to final approval of the record plat for the area of SDP-0516, or any other specific design plan for the property that would contain any right-of-way for A-65, the applicant or successors or assigns shall dedicate all right-of-way necessary for A-65, as negotiated with the M-NCPPC and DPW&T on the Bevard East property. SDP-0516 shall be revised to show this dedication.
 - (c) The applicant or successors or assigns will be required to construct all or a portion of the A-65 highway on the Bevard East property, as determined by DPW&T.
28. The non-standard typical section shown for secondary public streets within the subject property shall be specifically approved by DPW&T in writing prior to Specific Design Plan approval.
29. The Comprehensive Design Plan shall be modified to show that following streets as primary streets, with a final determination of function (i.e., primary or secondary) to be made during review of the preliminary plan of subdivision:
 - (a) The street that is proposed to stub into the adjacent Wolfe Farm property.
 - (b) The street that serves approximately 80 townhouse lots and several single family lots in the south central section of the site.
30. The arrangement of townhouses fronting on public streets shall be reviewed with DPW&T and M-NCPPC staff prior to the approval of the preliminary plan. Such an arrangement may not receive preliminary plan approval without the concurrence of DPW&T.

Ordered this 6th day of June, 2006, by the following vote:

In Favor: Council Members Dernoga, Bland, Campos, Dean, Harrington, Hendershot, Knotts and Peters

Opposed:

Abstained:

Absent: Council Member Exum

Vote: 8-0

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND, SITTING AS THE DISTRICT COUNCIL FOR THAT PART OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT IN PRINCE GEORGE'S COUNTY, MARYLAND

By: _____
Thomas E. Dernoga, Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council

C O R R E C T E D R E S O L U T I O N

*WHEREAS, Washington Park Estates, LLC is the owner of a 562.85 [56.2]-acre parcel of land known as Parcels 2, 5, 19, 21, 26, 42, 82 and 99, and Lots 33 and 34 (BB 9@4) Tax Map 124, 133 [73], in Grid C-4, D-4, B-1, E-1, C-2, D-2, C-3, E-3 [C-2], said property being in the 5th Election District of Prince George's County, Maryland, and being zoned R-E (R-L pending); and

WHEREAS, on July 28, 2005, Washington Park Estates, LLC filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 827 lots and 33 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-05050 for Bevard East 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/53/04-01), and further APPROVED Preliminary Plan of Subdivision 4-05050, Bevard East for Lots 1-827 and Parcels 1-33 including a variation to Section 24-130 of the subdivision regulations with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision the plan shall be revised as follows:
 - a. Provide the conceptual stormwater management approval number and approval date.
 - b. Correct the parcel dedication table to reflect the parcel to be conveyed to M-NCPPC.
 - c. List the existing parcels and lot designations, with appropriate plat reference from Lots 33 and 34.

*Denotes Correction

Underlining indicates new language

[Brackets] indicate deleted language

- d. Add a note stating that development of this property shall conform to A-9967 and CDP-0504.
 - e. Revise the APA map to list the airport.
 - f. To conform to the signature approved CDP and conditions of PGCPB #05-269, or as modified by the District Council approval.
 - g. Lots 1 and 8, Block LL, to be a minimum of 30,000 square feet, and conformance to Condition 12 of A-9967.
 - h. Provide legible lot sizes, bearings and distances. All measurements should be legible.
 - i. Revise the regulation table to correspond to lot numbers, to allow for the verification of conformance to the percentages, and standards proposed. The regulation table shall also be revised to reflect the large lot component.
 - j. Label the ultimate right-of-way of each public, private street, and alley.
 - k. The alley rights-of-way shall be separated from open space elements between sticks of townhouses.
 - l. Add a note that the 10-foot PUE is required outside and abutting the alley right-of-way and cannot be encumbered by structures.
 - m. In accordance with the DPW&T memorandum of September 19, 2005, which requires minor revisions to the plan to accommodate larger rights-of-way (50 feet to 60 feet) on Public Roads V, Z and L, which are public streets on which townhouses front.
 - n. Reflect the deletion of the stub street into the Wolfe Farm Subdivision to the south.
2. A Type II Tree Conservation Plan shall be approved with the specific design plan.
 3. Development of this site shall be in conformance with the Stormwater Management Concept Plan #25955-2005-00 and any subsequent revisions.
 4. Prior to signature approval of the preliminary plan the applicant shall submit evidence that the property is not encumbered by 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.

5. 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.
6. Prior to signature approval the applicant shall submit a copy of the approved stormwater management plan.
7. Prior to the approval of building permits, the applicant, his heirs, successors and/or assignees shall convey to the homeowners association (HOA) 271.40±acres of open space land (Parcels B thru V). Land to be conveyed shall be subject the following:
 - a. Conveyance shall take place prior to the issuance of building permits.
 - b. A copy of unrecorded, special warranty deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division (DRD), Upper Marlboro, along with the final plat.
 - c. All waste matter of any kind shall be removed from the property, prior to conveyance, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section or the entire project.
 - d. The conveyed land shall not suffer the disposition of construction materials, soil filling, discarded plant materials, refuse or similar waste matter.
 - e. Any disturbance of land to be conveyed to a homeowners association shall be in accordance with an approved 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.
 - h. The Planning Board or its designee shall be satisfied that there are adequate provisions to assure retention and future maintenance of the property to be conveyed.

8. At the time of final plat, the applicant, his heirs, successors and/or assignees shall convey approximately 14.84±acres of land to M-NCPPC, as delineated on Parks Exhibit A. Land to be conveyed shall be subject to 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 the 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 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 (HOA).
10. The applicant, his heirs, successors and/or assignees shall submit three original recreational facilities agreements (RFAs) to DRD for construction of recreational facilities on homeowners land, for approval prior to the submission of final plats. Upon approval by DRD, the RFA 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 DRD, Park Planning and Development Division (PP&D), three original recreational facilities agreements (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 PP&D, the RFA shall be recorded among the county land records and noted on the final plat of subdivision. The recreational facilities on dedicated parkland shall be constructed prior to issuance of the 50th building permit.
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 prior to the approval of building permits.
14. In conformance with the Adopted and Approved Subregion V Master Plan, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following at the time of Specific Design Plan:
 - a. The Subregion V Master Plan designates Thrift Road as a master plan trail/bicycle corridor. Depending on the type of roadway required by the Department of Public Works and Transportation, one of the following shall be provided:
 - (1) If a closed section road is required, the applicant shall construct an eight-foot wide Class II trail along the site's entire road frontage of Thrift Road.
 - (2) If an open section road is required, the applicant shall provide wide asphalt shoulders along the subject site's entire road frontage of Thrift Road and a financial contribution of \$210.00 to the Department of Public Works and Transportation for the placement of one "Share The Road With A Bike" sign. A note shall be placed on the final record plat for payment to be received prior to the issuance of the first building permit.

- b. Provide an eight-foot wide asphalt HOA trail from the southernmost cul-de-sac to the proposed trail immediately to the north, in the vicinity of the stormwater management pond.
 - c. Provide an eight-foot wide asphalt HOA trail from one of the cul-de-sacs west of the main stream valley to the main north-south trail that is proposed.
 - d. Provide trails within and to the proposed public park.
 - e. Provide trail connections from the proposed public park to Roulade Place and Mordente Drive.
 - f. Provide a wide asphalt shoulder along the subject site's entire road frontage of MD 223 in order to safely accommodate bicycle traffic, unless modified by SHA.
 - g. Provide standard sidewalks along both sides of all internal roads, unless modified by DPW&T.
 - h. Provide a connection from Block KK to the internal trail.
15. Prior to signature approval of the preliminary plan the District Council shall issue a final zoning decision. If the applicant obtains approval of the rezoning from R-E to R-L, the record plat shall carry a note that development of this property is subject to A-9967 and CDP-0504, and any subsequent amendments. A new preliminary plan of subdivision shall be required for development proposed that does not conform to A-9967, CDP-0504 and/or is substantially different from this preliminary plan.
16. The applicant shall obtain signature approval of the preliminary plan of subdivision prior to the approval of the specific design plan.
17. Prior to signature approval of the preliminary plan the applicant shall submit evidence from the Health Department whether an Environmental Site Assessment and testing will be required. If required that applicant shall submit evidence of satisfactory testing with the review of the specific design plan.
18. Prior to the issuance of a grading permit for the development, A Public Safety Mitigation Fee shall be paid in the amount of \$3,242,220 as noted below.
- a. \$2,793,420 (\$3,780 x 739 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 due to inadequate emergency police response times for the portion of the development that has vehicular access via Tippett Road and Piscataway Road. The per unit factor 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, and

- b. \$448,800 (\$5,100 x 88 dwelling units), for those lots within the subdivision that have vehicular access to Thrift Road (Lots 1-80, Block KK and Lots 1-8, Block LL). 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 \$5,100 is due to inadequate emergency police response times and not meeting the required 7-minute response time for the first due fire station. The per unit factor of \$5,100 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.
19. 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 a general aviation airport. Washington Executive Airport (Hyde Field) is 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.
 20. The specific design plan review shall include review for conformance to the regulations of Part 10B Airport Compatibility, Division 1 Aviation Policy Areas of the Zoning Ordinance. The specific design plan shall delineate, at an appropriate scale for review, the impact of the APA policy areas on the site.
 21. 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.
22. Prior to the approval of the specific design plan 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 and a determination shall be made if the signal is warranted. 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 specific design plan review that certain geometric modifications are not needed for adequacy, the requirement may be waived by the Planning Board during approval of the specific design plan.
23. Prior to the approval of the specific design plan 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 and a determination shall be made if the signal is warranted. 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.
24. Prior to the approval of the specific design plan 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 the site entrance and a determination shall be made if the signal is warranted. 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 minor street approaches to include exclusive right-turn and shared through/left-turn lanes on each, and the modification of the eastbound approach to provide exclusive through and left-turn lanes along with a second through lane that can be shared with right turns. If it is determined at the time of specific design plan review that the second eastbound through lane is not needed for adequacy, the requirement may be waived by the Planning Board during approval of the specific design plan.

25. At the time of final plat approval, the applicant shall dedicate right-of-way along Thrift Road of 40 feet from centerline, as shown on the submitted plan.
26. At the time of final plat approval, the applicant shall dedicate right-of-way along MD 223 of 60 feet from centerline, as shown on the submitted plan.
27. Construction drawings for the recreational facilities on public parkland shall be reviewed and approved by the Park Planning and Development staff prior to certificate approval of the first specific design plan.
28. The nonstandard typical section shown for secondary public streets within the subject property shall be specifically approved by DPW&T in writing prior to the approval of each specific design plan were applicable.
29. The applicant, his heirs, successors and/or assignees shall make a monetary contribution of a minimum \$2,000,000 toward the construction of the Southern Region Community Center in three phases:
 - a. \$200,000.00 for the design and engineering of the community center shall be paid prior to the issuance of the 50th building permit.
 - b. \$ 900,000.00 for the construction of the community center shall be paid prior to issuance of the 200th building permit. Beginning from the date of issuance of the 50th building permit, this amount shall be adjusted for inflation on an annual basis using the Consumer Price Index (CPI).
 - c. \$ 900,000.00 for the construction of the community center shall be paid prior to issuance of the 400th building permit. Beginning from the date of issuance of the 50th building permit, this amount shall be adjusted for inflation on an annual basis using the Consumer Price Index (CPI).
30. 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 shall 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.”

31. Prior to signature of the Preliminary Plan, the Type I Tree Conservation Plan shall:
- a. Reduce the area of impact “A”
 - b. Place the trail over the sanitary sewer to the extent possible to reduce the impact to the expanded stream buffer in area “E” and realign the trail to avoid all impact to wetlands or wetland buffers
 - c. Reduce the area of impact “G” for the street and eliminate all impacts for the proposed trail
 - d. Place the trail over the sanitary sewer to the extent possible to reduce the impact to the expanded stream buffer in area “J”
 - e. Place the trail over the sanitary sewer to the extent possible to reduce the impact to the expanded stream buffer in area “K” and realign the trail to avoid all impacts to wetlands or wetland buffers
 - f. Remove the impact for trail construction in area “L”
 - g. Revise the location of the stormwater management outfall in area “Q” to minimize overall impact
 - h. Reduce impact area “R” to the minimum required for the stormwater outfall
 - i. Provide all required woodland conservation on-site
 - j. Use all appropriate areas for woodland conservation
 - k. Show no woodland conservation on any lot
 - l. Revise the worksheet as needed
 - m. Have the revised plan signed and dated by the qualified professional who prepared the plan.

32. Prior to the issuance of any permits that impact 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. All impacts to sensitive environmental features that require mitigation by state or federal permits shall provide the mitigation using the following priority list: (1) on-site, (2) within the Piscataway Creek Watershed and/or (3) within the Potomac River watershed.
33. Prior to signature of the Preliminary Plan, the TCPI shall be revised to show all unmitigated 65 dBA Ldn noise contours associated with traffic-generated noise.
34. As part of the review of the specific design plan, the landscaping in the 40-foot-wide scenic easement adjacent to the 10-foot public utility easement parallel to the land to be dedicated for Piscataway Road and Thrift Road shall be reviewed.
35. A minimum 40-foot-wide easement adjacent to the 10-foot public utility easements parallel to the land to be dedicated for Piscataway Road and Thrift Road, shall be shown on the final plats as scenic easements and the following note shall be placed on the plats:

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

36. 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/53/04), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation/Tree Preservation Policy.”

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 southeast side of Piscataway Road, north of its intersection with Elizabeth Catherine Street and south of its intersection with Delancy Street.

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

	EXISTING	PROPOSED
Zone	R-E	R-L
Use(s)	Sand and Gravel Operation	827 dwelling units (662 single-family detached and 165 single-family attached)
Acreage	562.85	562.85
Lots	2	827
Parcels	* <u>8</u> [7]	33
Dwelling Units:	0	827

4. **Environmental**—The Environmental Planning Section has reviewed the revised preliminary plan of subdivision for Bevard East, 4-05050, stamped as accepted for processing on November 21, 2005, and the revised Type I Tree Conservation Plan, TCPI/53/04-01, stamped as accepted for processing on December 6, 2005. Revised variation requests were received on January 9, 2006. The Environmental Planning Section recommends approval of TCPI/53/04-01 subject to the conditions noted in this memorandum. TCP/53/04 was approved with the approval of CDP-0504; however, additional revisions are necessary resulting in the requirement of approval of an 01 revision to the Type I Tree Conservation Plan with this preliminary plan.

Background

The Environmental Planning Section notes that portions of this site have been reviewed as applications SE-1823, SE-3266 and SE-3755 for the mining of sand and gravel. Preliminary Plan 4-04063 and TCPI/77/04 were withdrawn before being heard by the Planning Board. An application for rezoning, A-9967, was approved with conditions by PGCPB. No. 05-233. The Planning Board approved a Comprehensive Design Plan, CDP-0504, with conditions.

Site Description

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 the “Prince George’s County Soil Survey” the principal soils on the site are in the Aura, Beltsville, Bibb, Chillum, Croom, Iuka, Matapeake, Rumford, Sassafra and Westphalia soils series;

*Denotes Correction

Underlining indicates new language

[Brackets] indicate deleted language

however, portions of the site were mined for sand and gravel after the publication of the “Prince George’s County Soil Survey.” According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program publication titled “Ecologically Significant Areas in Anne Arundel and Prince George’s Counties,” December 1997, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. Piscataway Road and Thrift Road are designated scenic roads. This property is located in the Piscataway Creek watershed in the Potomac River basin.

Review of Previously Approved Conditions

The following text addresses previously approved environmental conditions related to the subject applications. The text in BOLD is the actual text from the previous cases or plans.

A-9967, PGCPB. No. 05-233

3. **As part of any application for a natural resources inventory, a soils study shall be submitted. The study shall clearly define the limits of past excavation and indicate all areas where fill has been placed. All fill areas shall include borings, test pits, and logs of the materials found. Borings and test pits in fill areas shall be deep enough to reach undisturbed ground.**

Comment: A Natural Resources Inventory (NRI), NRI/40/05, has been approved. The NRI includes a soils study that clearly defines the limits of past excavation and indicates all areas where fill has been placed and includes borings, test pits, and logs of the materials found above undisturbed ground.

4. **The comprehensive design plan shall avoid impacts to sensitive environmental features. If avoidance is not possible, the impacts shall be the minimum necessary to support the development concept as a whole.**

Comment: The Tree Conservation Plan shows several crossings of streams for access to other portions of the site. Generally, these types of impacts are supported, although they were not evaluated in detail with the CDP because the impacts are evaluated as part of the preliminary plan review. Impacts to sensitive environmental features are discussed in detail below.

5. **If impacts to regulated environmental features remain after the redesign, variation requests shall be submitted as part of any application for a preliminary plan of subdivision. The variation request must have a separate justification statement for each impact or impact type, in conformance with Section 24-113 of the Subdivision Regulations, a map on 8.5 x 11-inch paper showing each impact, and noting the quantities of impacts proposed for each individual impact.**

Comment: Revised variation requests were accepted for processing on January 9, 2006. Impacts to sensitive environmental features are discussed in detail below.

6. **A Phase I noise study shall be required as part of any application for a comprehensive design plan. The comprehensive design plan and TCPI shall show all unmitigated 65 dBA Ldn noise contours associated with traffic-generated noise.**

Discussion: The noise model used by the Environmental Planning Section predicts that the unmitigated 65 dBA Ldn noise contour will be about 168 feet from the centerline of Piscataway Road in ten years. Based upon dedication of 60 feet from the centerline of existing Piscataway Road, the predicted 65 dBA Ldn contour is approximately 118 feet from the edge of the proposed right-of-way and clearly not impacting any proposed lot.

7. **The comprehensive design plan shall provide for minimum 40-foot scenic easements adjacent and contiguous to the proposed 10-foot public utility easements along the land to be dedicated for Piscataway Road and Thrift Road.**

Comment: As noted below the preliminary plan of subdivision provides minimum 40-foot scenic easements adjacent and contiguous to the proposed 10-foot public utility easements along the land to be dedicated for Piscataway Road and Thrift Road. These easements will be shown on the final plats.

CDP-0504 Planning Board Conditions

13. **During the review of proposed impacts as part of the preliminary plan review process, impacts to sensitive environmental features shall be avoided. If avoidance is not possible, the impacts shall be the minimum necessary to support the development concept as a whole. All impacts to sensitive environmental features that require mitigation by subsequent state or federal permits shall provide the mitigation using the following priority list:**

- a. **On site**
- b. **Within the Piscataway Creek Watershed**
- c. **Within the Potomac River watershed.**

Discussion: Revised variation requests were accepted for processing on January 9, 2006. Impacts to sensitive environmental features are discussed in detail below. A condition is recommended to address this issue.

16. **The preliminary plan of subdivision shall provide for minimum 40-foot scenic easements adjacent and contiguous to the proposed 10-foot public utility easements along the land to be dedicated for Piscataway Road and Thrift Road. No part of any scenic easement shall be on a lot.**

Discussion: This condition has been met.

Environmental Review

According to the “Prince George’s County Soil Survey” the principal soils on the site are in the Aura, Beltsville, Bibb, Chillum, Croom, Iuka, Matapeake, Rumford, Sassafras and Westphalia 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 is not found to occur in the vicinity of this property. Portions of this site have been mined for sand and gravel as approved by applications SE-1823, SE-3266 and SE-3755. 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 was submitted and reviewed. The limits of previous mining are shown on the approved Natural Resources Inventory.

The soils report shows the locations of 80 boreholes, includes logs of the materials found, notes the findings of tests of samples collected, provides an overview of the findings and recommends mitigation measures for problem areas.

The site is generally suitable for the proposed development. Specific mitigation measures will be further analyzed during the development process by the Washington Suburban Sanitary Commission for installation of water and sewer lines, by the Department of Public Works and Transportation for the installation of streets and by the Department of Environmental Resources for the installation of stormwater management facilities, general site grading and foundations.

This information is provided for the applicant’s benefit. No further action is needed as it relates to this preliminary plan review. The Washington Suburban Sanitary Commission, the Department of Public Works and Transportation and the Prince George’s County Department of Environmental Resources may require additional soils reports during the permit process review. No condition is necessary.

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. A wetland study was submitted with the application. All streams shown as perennial or intermittent on the plans will require minimum 50-foot stream buffers in accordance with Section 24-130(b)(6) of the Subdivision Regulations. A Natural Resources Inventory is required to show all regulated buffers. A Natural Resources Inventory,

NRI/40/05, has been approved and should be submitted as part of the record for this application. The expanded stream buffers are accurately depicted on the Type I Tree Conservation Plan. Of the 562.85 acres of the project, approximately 104 acres are within expanded stream buffers.

At time of final plat, a conservation easement should be described by bearings and distances. The conservation easement should contain the expanded stream buffers and isolated sensitive areas and their buffers, excluding those areas where variation requests have been approved, and should be reviewed by the Environmental Planning Section.

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), street 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.

Revised variation requests with exhibits for 18 impacts were received on January 9, 2006. The TCPI and exhibits show additional impacts for the installation of a sanitary sewer line that were reviewed and approved with Preliminary Plan of Subdivision 4-04099.

Impact "A" is to 0.80 acres of expanded stream buffer for a street crossing. This road alignment is required to provide a connection from Piscataway Road to Tippett Road; however, adjusting the grading to the southeast can reduce this impact.

Impact "B" is to 0.40 acres of expanded stream buffer for a street crossing. This road alignment is required to provide a safe pattern of internal circulation in the north-central portion of the development.

Impact "C" is to 0.01 acres of expanded stream buffer for a stormwater management pond outfall.

Impact "D" is to 0.01 acres of expanded stream buffer for the installation of a sanitary sewer to serve 219 residential units.

Impact "E" is to 0.68 acres of expanded stream buffer for the installation of a sanitary sewer to serve 335 residential units and 0.18 acres of impact to expanded stream buffer and wetlands for

the installation of a trail. The trail should be realigned to coincide with the sanitary sewer to the extent possible to reduce the total area of impact.

Impact "F" is to 0.21 acres of expanded stream buffer for the installation of a sanitary sewer to serve 378 residential units.

Impact "G" is to 0.30 acres of expanded stream buffer for a street crossing and 0.10 acres of expanded stream buffer for a trail. Small changes to grading can reduce the impact for the street. The trail should be realigned to eliminate all impacts at this location.

Impact "H" is to 0.02 acres of expanded stream buffer for a stormwater management pond outfall.

Impact "I" is to 0.01 acres of expanded stream buffer for a stormwater management pond outfall.

Impact "J" is to 0.74 acres of expanded stream buffer for the installation of a sanitary sewer to serve 303 residential units and 0.50 acres of impact to an expanded stream buffer for the installation of a trail. The trail should be realigned to coincide with the sanitary sewer to the extent possible to reduce the total area of impact.

Impact "K" is to 0.07 acres of expanded stream buffer for the installation of a sanitary sewer to serve 50 residential units and 0.47 acres of impact to an expanded stream buffer, wetlands and wetland buffer for the installation of a trail. The trail should be realigned to coincide with the sanitary sewer to the extent possible to reduce the total area of impact and to avoid all impact to wetlands and the wetland buffer.

Impact "L" is to 0.01 acres of expanded stream buffer for the installation of a stormwater management pond outfall and 0.15 acres of impact to an expanded stream buffer for the installation of a trail. Shortening the nearby cul-de-sac can eliminate the impact for the trail.

Impact "M" is to 0.21 acres of expanded stream buffer for the installation of a sanitary sewer to serve 303 residential units.

Impact "N" is to 0.34 acres of expanded stream buffer for a trail. This trail connection is required to provide a connection of the residential area in the southeastern area to the recreational facilities in the northwest.

Impact "P" is to 0.05 acres of expanded stream buffer for a stormwater management pond outfall.

Impact "Q" is to 0.46 acres of expanded stream buffer for the installation of a sanitary sewer to serve 85 residential units and 0.24 acres of expanded stream buffer for a stormwater management outfall. Staff is uncertain if this is the only feasible location for the stormwater outfall.

Impact “R” is to 0.06 acres of expanded stream buffer for a stormwater management outfall. A portion of this impact can be eliminated because it is for the construction of the pond and not the outfall.

Impact “S” is to 0.04 acres of expanded stream buffer for a stormwater management pond outfall.

The total area of impacts proposed to expanded stream buffers is 5.91 acres; however, the total impact area can be reduced through slight modifications to the design. The Environmental Planning Section fully supports requests “B,” “C,” “D,” “F,” “H,” “I,” “M,” “N,” and “S” for the reasons stated above. Portions of impacts “A,” “E,” “G,” “J,” “K,” “L,” “Q,” and “R” can be eliminated or reduced.

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

Impacts to these buffers are restricted by Section 24-130 of the Subdivision Regulations unless the Planning Board grants a variation to the Subdivision Regulations in accordance with Section 24-113. 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 request would not be detrimental to public safety, health or welfare and does not injure other property;**

The installation of the stormdrain outfalls and installation of sanitary sewers are required by other regulations to provide for public safety, health and welfare. Street construction is required to provide access to substantial portions of the property and for emergency vehicles and safe travel. All designs of these types of facilities are reviewed by the appropriate agency to ensure compliance with other regulations. These regulations require that the designs are not injurious to other property.

(2) The conditions on which the variations are based are unique to the property for which the variation is sought and are not applicable generally to other properties;

Stormwater management outfalls are required to be placed so that the stormwater discharges into receiving streams whose location on this property are unique. The only available sanitary sewer mains to serve development of this property are wholly within expanded stream buffers. Many other properties can connect to existing sanitary sewer lines without requiring a variance; however, that option is not available for this particular site. The Washington Suburban Sanitary Commission determines the number and placement of sanitary sewer connections. The property contains many stream valleys that dissect the land into developable pods and one relatively large area that cannot be served by a public street without a stream crossing. The approved comprehensive design plan mandates the general alignment of the hiker/biker trail. Thus, all of the requested variations are not generally applicable to other properties.

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

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

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

The property has several streams and extensive areas of severe slopes and highly erodible soils that create a proportionately high area of expanded stream buffers. Of the 562.85 acres of the project, approximately 104 acres are within expanded stream buffers. The existing sewer mains in the area are already within expanded stream buffers and any connection to them would require impacts. If the road crossings shown are not constructed, significant portions of the site could not be developed.

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 as part of any application for a comprehensive design plan. The woodland conservation threshold for R-E-zoned land is 25 percent of the gross tract and the woodland conservation threshold for R-L-zoned land is 25 percent of the gross tract. Overall, the plan is in conformance with the Woodland Conservation Ordinance and the Green Infrastructure Plan by providing for the conservation of large contiguous woodlands along the stream valleys.

A Type I Tree Conservation Plan, TCPI/53/04, has been reviewed and was found to require technical revisions. The plan proposes clearing 153.96 acres of the existing 323.36 acres of upland woodland, clearing 2.04 acres of the existing 22.60 acres of woodland within the 100-year floodplain and no off-site clearing. The woodland conservation threshold for this site is 134.97 acres. Based upon the proposed clearing, the woodland conservation requirement is 175.50 acres. The plan proposes to meet the requirement by providing 162.89 acres of on-site preservation and 12.22 acres of on-site planting and off-site conservation of 0.39 acres for a total of 175.50 acres. The plan shows numerous small areas, totaling approximately 6.51 acres, where woodland will be retained on lots; however, because this is a comprehensive design zone and the lots are small, none of these areas may be used to contribute to the woodland conservation requirement. Additionally, because this is a comprehensive design zone, all required woodland conservation should be provided on-site.

Piscataway Road is the nearest source of traffic-generated noise and is designated as an arterial in the Subregion V Master Plan. Section 24-121(a)(4) requires that residential lots adjacent to existing or planned roadways of arterial classification or higher be platted to a minimum depth of one hundred and fifty feet and that adequate protection and screening from traffic nuisances be provided by earthen berms, plant materials, fencing, and/or the establishment of a building restriction line for new residential structures. The TCPI shows the 150-foot lot depth requirement from the ultimate right-of-way of Piscataway Road. All of the lots exceed the minimum lot depth required along Piscataway Road (MD 223).

The noise model used by the Environmental Planning Section predicts that the unmitigated 65 dBA Ldn noise contour will be about 168 feet from the centerline of Piscataway Road in ten years. Based upon dedication of 60 feet from the centerline of existing Piscataway Road, the predicted 65 dBA Ldn contour is approximately 118 feet from the edge of the proposed right-of-way and clearly not does not impact any proposed lots.

Piscataway Road and Thrift Road are designated scenic roads. Development will have to conform to the Department of Public Works and Transportation publication "Design Guidelines and Standards for Scenic and Historic Roads." The preliminary plan provides 40-foot scenic easements adjacent and contiguous to the proposed 10-foot public utility easements along the land to be dedicated for Piscataway Road and Thrift Road. 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 detailed landscaping will be reviewed concurrently with the specific design 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 Approved Subregion V Master Plan, Planning Area 81B in the Tippett Community. The master plan land use recommendation for the site is suburban estate and low density planned neighborhood. The proposed basic plan (A-9967) conforms to the 1993 Subregion V Approved Master Plan and Sectional Map Amendment. It recognizes that the portion of the master plan area that lies within the Developing Tier is a viable, residential community that provides low- to moderate-density, suburban, and diverse residential development, renovated mixed-use activity centers, multimodal transportation, and a Regional Center connected to a major transit hub supported by the required public facilities.

The proposed preliminary plan is consistent with the recommendations of the master plan and 2002 General Plan. Transportation recommendations of the master plan are addressed in Finding 6 of this report.

The master plan identifies a floating symbol for a school site in the vicinity of the western portion of the site. The Public Facilities Section has referred this application to the Board of Education, which has indicated a low need for reservation of a school site on the subject property because there are other school properties within the vicinity that can be used to provide future capacity.

The property is affected by air traffic from the Washington Executive Airport (Hyde Filed) as discussed further in Finding 17 of this report.

6. **Parks and Recreation**—The staff of the Department of Parks and Recreation (DPR) has reviewed the preliminary plan application for conformance with the conditions of the Basic Plans A-9967, Comprehensive Design Plan CDP-0504, and 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.

BACKGROUND

The following conditions: 8, 10, and 11 of the approved Basic Plan A-9967 (PGCPB No. 05-223) are applicable to the park and recreation issues:

8. **Specific acreage of parkland dedication shall be determined at time of Comprehensive Design Plan (CDP). The dedicated parkland shall accommodate a baseball field, soccer field, minimum 100- space parking lot, playground, picnic shelter, basketball court, trails, stormwater management pond. The dedicated**

parkland shall be located along the Piscataway Road. The dedicated parkland shall have at least a 500-foot wide frontage and direct access to Piscataway Road.

- 10. The applicant shall construct recreational facilities on dedicated parkland. The “recreational facilities package” shall be reviewed and approved by DPR staff prior to comprehensive design plan (CDP) submission.**
- 11. The public recreational facilities shall be constructed in accordance with the standards outlined in the *Parks and Recreation Facilities Guidelines*. The concept plan for the development of the parks shall be shown on the comprehensive design plan.**

Comprehensive Design Plan CDP-0504 Conditions 2,4,6 and 7 state:

- 2. Prior to signature approval of the CDP, the applicant shall submit a conceptual grading plan including a storm water management pond for the park parcel. If it is determined that the facilities (baseball field, soccer field, 100- space parking lot, playground, picnic shelter, basketball court, trails, storm water management pond) cannot be accommodated on the park parcel, the boundaries of the parcel shall be enlarged. The revised boundaries shall be approved by the Department of Parks and Recreation.**
- 4. Construction drawings for the recreational facilities on public parkland shall be reviewed and approved by the Park Planning and Development staff prior to certificate approval of the first specific design plan.**
- 6. The applicant shall submit to DPR a performance bond, a letter of credit or other suitable financial guarantee, for the construction of the public recreation facilities in the amount to be determined by DPR, at least two weeks prior to issuance of grading permits.**
- 7. The recreational facilities on dedicated parkland shall be constructed prior to issuance of the 50th building permit.**

FINDINGS

The Department of Parks and Recreation staff has reviewed the plan and made the following findings:

The applicant has submitted a “recreational facilities package” including:

- 14 acres of dedicated parkland
- Construction of the recreational facilities on dedicated parkland

- Private recreational facilities on HOA land
- Monetary contribution toward construction of the Southern Area Community Center

The applicant has submitted a preliminary plan, which shows dedication of a 14-acre park parcel. The applicant has located a baseball field, a soccer field, a 100-space parking lot, playground, a picnic shelter, a basketball court and trails on dedicated parkland. Although the preliminary plan demonstrated that the required recreational facilities could be located on dedicated parkland, there is no information provided about the stormwater management facilities on the proposed public park. To address Condition 8 of A-9967, Condition 2 of the CDP-0504 requires that prior to signature approval of the CDP, the applicant should submit a plan showing proposed grading for the construction of the recreational facilities and storm water management pond on dedicated parkland. This plan should be reviewed and approved by DPR staff, prior to signature approval of CDP-0504 and reflected on the preliminary plan prior to signature approval.

The submitted plan also shows on site private recreational facilities that include a community recreation center with swimming pool, tennis courts, multiuse fields, playgrounds and trails.

The applicant has agreed to contribute two million dollars to qualify for density increments associated with the provision of a public benefit feature. This contribution is designated for the design and construction of the Southern Region Community Center to be located at Cosca Regional Park. The community center is planned to be 22,000 square feet in size and will include a gymnasium, fitness room, multipurpose rooms, an office and a pantry.

The DPR staff concludes that the applicant has fully demonstrated that the proposed development addresses the recommendations of the approved master plan for Subregion V Planning Area 81B, and the Prince George's County General Plan which addresses current and future needs for public parks and recreational facilities in this planning area, and Conditions of A-9967 and CDP-0504 with revision as discussed above.

The staff of the Department of Parks and Recreation recommends approval of the preliminary plan with conditions.

7. **Trails**—The subject property consists of 562.85 acres within Subregion V. The property is in the vicinity of Cosca Regional Park and Piscataway Creek stream valley park, both of which contain major existing or planned trail facilities. The subject application includes an extensive network of trails within an open space network. The trails shown on the submitted CDP are extensive, total 11,900 linear feet in length, and connect the isolated southern portion of the development with the recreational facilities and the northern residential areas.

Several trail segments that were shown on the initial CDP submittal have been eliminated, presumably for environmental constraints. However, staff recommends two short connector trails linking adjacent culs-de-sac with the proposed trail system. These connections will provide additional access to the proposed trail network from surrounding residential areas in locations where

direct access is not being proposed. A comprehensive trails map should be provided for the site at the time of SDP. Trail widths and surface types should be indicated for all trail connections.

The following master plan trail facilities impact the subject site:

- A proposed bikeway along Thrift Road
- A proposed trail along A-65
- A proposed trail from A-65 to the planned parkland in the southern portion of the subject site

There is no recommendation for the dedication or reservation of A-65; therefore it will not be constructed under this application. The bikeway along Thrift Road can be accommodated via bicycle-compatible road improvements and “Share the Road with a Bike” signage. If a closed section road is required, a Class II trail should be provided. If an open section road is required, wide asphalt shoulders and bikeway signage is recommended to safely accommodate bicycle traffic.

The trail to the planned parkland will provide access from the site to planned M-NCPPC recreation facilities envisioned in the master plan. The location of this trail is contingent upon the ultimate site layout and the location and type of recreational facilities. However, staff supports the conceptual trail locations shown on the Illustrative Plan for the public park. The SDP should ensure that a trail is provided to connect Block LL to the internal trail system. Standard sidewalks along internal roads, in conjunction with the internal trails, should ensure adequate pedestrian access to the planned parkland.

Staff also supports the trail connections from the proposed public park to the adjacent Mary Catherine Estates community at Roulade Place and Mordente Drive. These pedestrian connections, while not providing for vehicular access, will improve the walkability of the neighborhood and provide needed pedestrian connections from the existing community to the planned parkland.

Due to the density of the proposed development (including townhouses and many single-family lots less than 10,000 square feet), staff recommends the provision of standard sidewalks along both sides of all internal roads, unless modified by DPW&T.

8. **Transportation**—The applicant prepared a traffic impact study dated July 2005, which was prepared 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 county Department of Public Works and Transportation (DPW&T) and the State Highway Administration (SHA). Both agencies provided comments on

the earlier study; SHA 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 and 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 report 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 (unsignalized)
MD 223 and site access (future/unsignalized)
MD 223 and Tippett 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 a long weekend 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:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (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	25.3*	37.6*	--	--
MD 223 and site access	future		--	--
MD 223 and Tippett 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
*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.				

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) will be reviewed prior to consideration of the three Bevard properties. The Silver Farm site provides needed public street access to one of the Bevard sites (not the subject 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:

BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (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	92.6*	116.1*	--	--
MD 223 and site access	future		--	--
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 662 detached and 65 townhouse residences. The proposal would generate 613 AM (123 in, 490 out) and 728 PM (476 in, 252 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 West property is Preliminary Plan of Subdivision 4-05051, and includes 242 detached single-family residences. Trip generation of the three sites is summarized below:

Site Trip Generationx—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
Total Trips	225	741	966	756	415	1,171

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 (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	+999*	+999*	--	--
MD 223 and 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 finds 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 was 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 superseded 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 Section 24-124(a)(6) of the Subdivision Regulations.

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/1970	F/2165		
Total Traffic Conditions	F/2156	F/2165	+186	+0
Total Traffic Conditions w/Mitigation	E/1805	D/1812	-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 accepted that the in-depth analysis shows 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 of the signal. 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 level-of-service (LOS) of this intersection that with a one-lane approach on the eastbound leg of the intersection, 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.

- 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 site access point at MD 223 has not been addressed by the traffic study given that the site access point has been moved to be located opposite the access point to another pending subdivision (Bevard North, Preliminary Plan 4-05049). It is recommended that signal warrants be studied prior to specific design plan in consideration of the development planned on the two sites together. Also, with a signal in place the intersection will not operate adequately in the AM peak hour with the lane configuration shown in the traffic study. It is suggested that a second eastbound through lane be provided at this location; the eastbound approach can operate as an exclusive through and shared through/right-turn approach.

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

TOTAL TRAFFIC CONDITIONS WITH IMPROVEMENTS (Intersections with conditioned improvements are highlighted in bold)				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (AM & PM)	
MD 223 and Old Branch Avenue/Brandywine Road	1,210	1,450	C	D
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*	--	--
MD 223 and Floral Park Road	950	779	A	A
MD 223 and Gallahan Road	14.1*	23.8*	--	--
MD 223 and Windbrook Drive	1,134	921	B	A
MD 223 and site access	996	1,250	A	C
MD 223 and Tippett Road	+999*	721.9*	--	--
MD 223 and Steed Road	1,215	1,420	C	D
MD 223 and Temple Hill Road	1,307	1,388	D	D
Old Fort Road South and Gallahan Road	13.1*	12.1*	--	--
Old Fort Road North and Allentown Road	Adequate per traffic signal warrant study			
MD 210 and Old Fort Road North	1,805	1,812	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.				

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 were 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 Finding. 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 Thrift Road is a planned collector facility. Both facilities will require dedication, and rights-of-way consistent with the master plan recommendations are indicated on the plan and must be reflected on the final plat.

The Subregion V Master Plan includes A-65, a master plan arterial facility that is proposed to cross the subject property across the northeastern quadrant. Although it is not clear that dedication along the entire length through the subject property can be required, the submitted plan does not recognize the right-of-way and suggests no action regarding it. As a matter of course, letters to the implementing agencies regarding potential reservation have been prepared and sent. Comments have been received from DPW&T. Section 24-139 of the Subdivision Regulations requires that potential reservation be referred to any public agency concerned with the possible acquisition of the right-of-way. Section 24-139 further states that “the public agency’s recommendation, if affirmative, shall include a map showing the boundaries and area of the parcel to be reserved, and an estimate of the time required to complete the acquisition.” The comments received from DPW&T stated that the agency “is in support of the proposed land reservation.” No map showing the proposed area of reservation was attached, however, nor did the response provide an estimate of the time required to complete the acquisition. Therefore, the statutory requirement for the Planning Board to require reservation has not been met.

It should be noted that reservation was not undertaken regarding this alignment within the adjacent Wolfe Property during review of 4-04099. This facility was also given much discussion during the review of Preliminary Plan 4-02126 for Saddle Creek Cluster, and that plan made a minimal provision for A-65 by locating an alignment within homeowners’ open space. The area that was ultimately preserved on that plan, however, was not consistent with the master plan, and the construction of a roadway along the preserved alignment was testified by planning staff to have potential environmental impacts. Furthermore, several citizens testified against any provision for A-65 on the Saddle Creek plan. There is value in providing the link of A-65 through another of the Bevard properties to the north of MD 223, and the main access roadway to this site will connect with that link. However, unless SHA or DPW&T moves aggressively to acquire the needed right-of-way along the A-65 alignment through the subject site and the Wolfe Property outside of the development review process, it is very likely that this facility may never be implemented between MD 223 and Brandywine Road.

The circulation plan has been modified several times during review of this subdivision and prior applications. The current plan appropriately proposes an array of primary and secondary streets. A couple of outstanding issues remain; these were identified at the Comprehensive Design Plan stage with a requirement to be addressed at the specific design plan stage:

- At the time of CDP, the plan indicated typical sections for primary and secondary streets within the development. It is noted that the secondary residential street shows a nonstandard typical section. Such a section must be specifically approved by DPW&T prior to implementation.
- DPW&T has issues with maintaining public streets serving townhouse lots. This is mainly due to the number of driveways and the prevalence of on-street parking in townhouse communities. Transportation planning staff believes that by fronting all townhouses on

primary streets, along with the use of private alleys to serve the townhouses from the rear, the number of driveways onto the public streets will be minimized while providing on-street parking opportunities.

At the Planning Board hearing on January 19, 2006 the applicant advised the Planning Board that the proposed extension of an internal public street to the south, into the approved Wolfe Property (4-04099), was no longer proposed and that the preliminary plan and future SDP for that portion of the property would not include that extension. The extension is not necessary for onsite circulation or adequacy of transportation facilities and is to be removed.

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 school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and CB-30-2003 and CR-23-2003 and concluded the following:

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 5	Middle School Cluster 3	High School Cluster 3
Dwelling Units	827 sfd	827 sfd	827 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	198.48	49.62	99.24
Actual Enrollment	4145	5489	9164
Completion Enrollment	97	64	127
Cumulative Enrollment	77.28	21.12	42.24
Total Enrollment	4517.76	5623.74	9432.48
State Rated Capacity	3771	6114	7792
Percent Capacity	119.80%	91.98%	121.05%

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

County Council bill CB-31-2003 establishes a school facilities surcharge in the amount of: \$7,000 per dwelling if a building is located between I 495 and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area

Transit Authority; or \$12,000 per dwelling for all other buildings. Council bill CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts are \$7,412 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 adequate 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)(1)(B)-(E) of the Subdivision Regulations.

Fire Facilities

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 for all Lots except Block KK Lots 1-80 and Block LL Lots 1-8, which are beyond the required 7-minute response time (88 lots).

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 CB-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.

In accordance with CR-78-2005, the applicant has entered into a mitigation agreement and has chosen to pay solely the mitigation fee.

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 preceding 12 months beginning with January 2005.

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

Reporting Cycle	Date	Emergency Calls	Nonemergency
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 4-05050 fails to meet the standards for police emergency response times. 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 has chosen to pay solely the mitigation fee.

12. **Health Department**—The Health Department notes that possible existing buildings are shown on the preliminary plan but were not found on the property during a site investigation conducted August 2, 2005. A raze permit is required prior to the removal of any structures. A raze permit may be obtained from the Department of Environmental Resources. Any hazardous materials located in any structures on the site must be removed and properly stored or discarded prior to the structures being razed.

The Health Department has requested that the applicant submit a detailed summary of the previous sand and gravel operation (years of operation and extent of the excavation/fill) so that a determination can be made as to whether an Environmental Site Assessment and testing will be required, prior to signature approval of the preliminary plan.

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, #25955-2005-00 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. **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, additional work may be required by the Maryland Historical Trust as part of the Section 106 process.

15. **A-9967**—The Prince George’s County Planning Board approved A-9967 on October 27, 2005. The resolution of approval PGCPB No. 05-223 was adopted by the Prince George’s County Planning Board on November 17, 2005. At the writing of this staff report the Zoning Hearing Examiner has not issued a final decision , nor has the rezoning request been heard by the District Council. Prior to the signature approval of the preliminary plan the District Council should issue a notice of final decision. The preliminary plan should be revised in accordance with those recommendations, as appropriate. If the approved zoning necessitates a substantial change to this preliminary plan, a new preliminary plan of subdivision application should be required..

The following are the conditions contained in the resolution of approval of the Planning Board on A-9967, PGCPB No. 05-223. Comments have been provided to address conditions that impact the review of the preliminary plan of subdivision.

The basic plan shall be revised to show the following revisions:

1. Proposed Land Use Types and Quantities:

- **Public Passive Open Space: 50±acres.**
- **Public Active Open Space: 10±acres.**
- **Show right-of-way for A-65 as designated on the Subregion V Master Plan. A determination shall be made at the time of preliminary plan concerning dedication, reservation, or no preservation strategy for the right-of-way for this facility within the subject property.**

Comment: The preliminary plan proposes 249 acres of passive open space and 22 acres of active open space to be conveyed to a homeowners association.

2. Provision of a preliminary plan of subdivision is required for this proposed development.

Comment: The applicant has filed this application for preliminary plan of subdivision that includes the entire land area associated with A-9967.

3. As part of any application for a natural resources inventory, a soils study shall be submitted. The study shall clearly define the limits of past excavation and indicate all areas where fill has been placed. All fill areas shall include borings, test pits, and

logs of the materials found. Borings and test pits in fill areas shall be deep enough to reach undisturbed ground.

Comment: This condition has been addressed in the Environmental Section (Finding 2) of this report.

- 4. The comprehensive design plan shall avoid impacts to sensitive environmental features. If avoidance is not possible, the impacts shall be the minimum necessary to support the development concept as a whole.**

Comment: Impacts to sensitive environmental features are addressed in the Environmental Section (Finding 2) of this report.

- 5. If impacts to regulated environmental features remain after the redesign, variation requests shall be submitted as part of any application for a preliminary plan of subdivision. The variation request must have a separate justification statement for each impact or impact type, in conformance with Section 24-113 of the Subdivision Regulations, a map on 8.5 x 11-inch paper showing each impact, and noting the quantities of impacts proposed for each individual impact.**

Comment: Impacts to sensitive environmental features and the variations required by Section 24-130 of the Subdivision Regulations are addressed in the Environmental Section (Finding 2) of this report.

- 6. A Phase I noise study shall be required as part of any application for a comprehensive design plan. The comprehensive design plan and TCPI shall show all unmitigated 65 dBA Ldn noise contours associated with traffic-generated noise.**

Comment: The preliminary plan demonstrates the unmitigated 65 dBA along Piscataway Road MD 223.

- 7. The comprehensive design plan shall provide for minimum 40-foot scenic easements adjacent and contiguous to the proposed 10-foot public utility easements along the land to be dedicated for Piscataway Road and Thrift Road.**

Comment: The preliminary plan appropriate reflects the required 40-foot scenic easements.

- 8. Specific acreage of parkland dedication shall be determined at time of Comprehensive Design Plan (CDP). The dedicated parkland shall accommodate a baseball field, soccer field, minimum 100- space parking lot, playground, picnic shelter, basketball court, trails, stormwater management pond. The dedicated parkland shall be located along the Piscataway Road. The dedicated parkland shall have at least a 500-foot wide frontage and direct access to Piscataway Road.**

Comment: Condition 2 of the approved CDP requires the submission of a grading concept plan prior to signature approval to ensure that adequate land area has been proposed to accommodate the required facilities. The preliminary plan must conform to that approved plan or any revisions required prior to signature approval.

9. The land to be conveyed to M-NCPPC shall be subject to the conditions of Exhibit B.

Comment: The conditions of Exhibit B have been brought forward with this preliminary plan and are reflected in Condition 8 of this report.

10. The applicant shall construct recreational facilities on dedicated parkland. The “recreational facilities package” shall be reviewed and approved by DPR staff prior to comprehensive design plan (CDP) submission.

Comment: The preliminary plan must conform to the approved comprehensive design plan or any revisions required prior to signature approval.

11. The public recreational facilities shall be constructed in accordance with the standards outlined in the *Parks and Recreation Facilities Guidelines*. The concept plan for the development of the parks shall be shown on the comprehensive design plan.

Comment: The preliminary plan must conform to that approved plan or any revisions required prior to signature approval.

12. The applicant shall execute a large lot component located on approximately 118 acres of land, at the southern portion of the site, south of the tributary and north of Thrift Road. Lot size averaging, in accordance with the R-E Zone, shall be utilized per Section 27-423. The lot size shall not be less than 30,000 square feet for lots bordering Thrift Road and adjoining subdivisions as shown on applicant’s Exhibit A. All other lots shall be a minimum of 20,000 square feet. The layout shall be determined at the time of the CDP and preliminary plan of subdivision approval.

Comment: The layout of the large lot component at the southern portion of the site appears to fulfill the requirements above, however, the plan appears deficient in a number of areas. First, the cul-de-sac located on the east side of the southern portion does not provide for 30,000 square foot lot sizes on Lots 1 and 8, Block LL. This should be added as a condition of approval prior to signature approval and should be shown on any future Specific Design Plans.

Conformance to the condition above is contingent on conformance to Section 27-423, which requires the minimum of 50 percent of the lots to be a minimum lot size. Per the condition above, the minimum lot size should be 30,000 square feet, which allowed for a reduction from 40,000 square feet from the R-E Zone. The remaining lots have a 20,000 square foot lot minimum lot size. In counting the number of lots above 30,000 square feet

it appears that the application depicts a shortage of lot sizes 30,000 square feet or more. This should be added as a condition of approval prior to signature approval and should be shown on any future Specific Design Plans.

13. **The applicant shall contribute as a public benefit feature to the construction of a community center to be located at Cosca Regional Park. The amount of that contribution shall be determined during the Comprehensive Design Plan stage in accordance with Section 27-514.10(b)(5). The minimum contribution shall be \$750K.**

Comment: This condition is addressed in Condition 8 of CDP-0504 and discussed in Finding 16 below.

14. **With the provision of density increments, the applicant shall construct no more than 827 units. This application to rezone the property to the R-L Zone (1.0 base density) will allow for a base density of 551 units (based on the gross tract area subtracting one-half of the floodplain).**

Comment: The preliminary plan proposes 827 dwelling units. Dwelling units in excess of that number would require a new preliminary plan of subdivision.

16. **CDP-0504**—The Comprehensive Design plan reviewed by the Planning Board on December 22, 2005, and the resolution of that action is scheduled to be adopted on January 12, 2006. The following conditions are based on the Planning Board’s decision on that case:

1. **The applicant shall dedicate to M-NCPPC 14±acres of developable land for future parkland as generally shown on attached Exhibit “A” at the time of the first final plat of subdivision.**

Comment: The plans indicate that 14.84 acres of land is proposed to be dedicated to M-NCPPC for public park purposes.

2. **Prior to signature approval of the CDP, the applicant shall submit a conceptual grading plan including a storm water management pond for the park parcel. If it is determined that the facilities (baseball field, soccer field, 100space parking lot, playground, picnic shelter, basketball court, trails, storm water management pond) cannot be accommodated on the park parcel, the boundaries of the parcel shall be enlarged. The revised boundaries shall be approved by the Department of Parks and Recreation.**

Comment: The applicant has not obtained signature approval of the CDP at the writing of this staff report. Prior to signature approval of the preliminary plan, the applicant must obtain signature approval of the CDP. The preliminary is to be revised in accordance with the approved CDP.

3. **The land to be conveyed to M-NCPPC shall be subject to the conditions of the attached Exhibit B.**

Comment: An appropriate condition has been included in this staff recommendation.

4. **Construction drawings for the recreational facilities on public parkland shall be reviewed and approved by the Park Planning and Development staff prior to certificate approval of the first specific design plan.**

Comment: An appropriate condition has been included in this staff recommendation.

5. **Prior to submission of any final plats of subdivision, the applicant shall enter into a public Recreational Facilities Agreement (RFA) with M-NCPPC for the construction of recreation facilities on parkland. The applicant shall submit three original executed RFAs to the Department of Parks and Recreation (DPR) for their approval three weeks prior to the submission of the final plats. Upon approval by DPR, the RFA shall be recorded among the land records of Prince George's County.**

Comment: An appropriate condition has been included in this staff recommendation.

6. **The applicant shall submit to DPR a performance bond, a letter of credit or other suitable financial guarantee, for the construction of the public recreation facilities in the amount to be determined by DPR, at least two weeks prior to issuance of grading permits.**

Comment: An appropriate condition has been included in this staff recommendation.

7. **The recreational facilities on dedicated parkland shall be constructed prior to issuance of the 50th building permit.**

Comment: An appropriate condition has been included in this staff recommendation.

8. **The applicant, his heirs, successors and/or assignees shall make a monetary contribution of a minimum \$2,000,000 toward the construction of the Southern Region Community Center in three phases:**
 - a. **\$200,000.00 for the design and engineering of the community center shall be paid prior to the issuance of the 50th building permit.**
 - b. **\$ 900,000.00 for the construction of the community center shall be paid prior to issuance of the 200th building permit. Beginning from the date of issuance of the 50th building permit, this amount shall be adjusted for inflation on an annual basis using the Consumer Price Index (CPI).**

- c. **\$ 900,000.00 for the construction of the community center shall be paid prior to issuance of the 400th building permit. Beginning from the date of issuance of the 50th building permit, this amount shall be adjusted for inflation on an annual basis using the Consumer Price Index (CPI).**

Comment: An appropriate condition has been included in this staff recommendation

9. **Depending on the type of roadway required by the Department of Public Works and Transportation, one of the following shall be shown on the specific design plan and provided:**

- a. **If a closed section road is required, the applicant shall construct an eight-foot-wide Class II trail along the site's entire road frontage of Thrift Road.**
- b. **If an open section road is required, the applicant shall provide wide asphalt shoulders along the subject site's entire road frontage of Thrift Road and a financial contribution of \$210.00 to the Department of Public Works and Transportation for the placement of one "Share the Road with a Bike" sign. A note shall be placed on the final record plat for payment to be received prior to the issuance of the first building permit.**

Comment: An appropriate condition has been included in this staff recommendation.

10. **Prior to acceptance of the applicable specific design plans, the following shall be shown on the plans:**

- a. **The APA designation area shall be shown.**
- b. **The community building shall be shown as a minimum of 5,000 square feet, in addition to the space proposed to be occupied by the pool facilities.**
- c. **The swimming pool shall be approximately 25 meters long and 40 feet wide with a 30-foot by 30-foot training area.**

Comment: These conditions will be addressed with the review of the SDP, but no conditions are necessary.

11. **On the appropriate specific design plan, the applicant shall provide the following:**

- a. **An eight-foot-wide asphalt HOA trail from the southernmost cul-de-sac to the proposed trail immediately to the north in the vicinity of the stormwater management pond**

- b. An eight-foot-wide asphalt HOA trail from one of the culs-de-sac west of the main stream valley to the main north-south trail that is proposed.**
- c. Trails within and to the proposed public park as generally indicated on the CDP illustrative plan.**
- d. Trail connections from the proposed public park to Roulade Place and Mordente Drive, as indicated on the CDP illustrative plan.**
- e. A wide asphalt shoulder along the subject site's entire road frontage of MD 223 in order to safely accommodate bicycle traffic, unless modified by SHA.**
- f. Standard sidewalks along both sides of all internal roads, unless modified by DPW&T.**

Comment: These conditions should be addressed with the review of the SDP, but no conditions are necessary.

- 12. Prior to certification of the CDP, the approved Natural Resources Inventory, NRI/40/05, shall be submitted to become part of the official record for the comprehensive design plan.**

Comment: This condition should be addressed prior to signature approval of the CDP and no condition is necessary.

- 13. During the review of proposed impacts as part of the preliminary plan review process, impacts to sensitive environmental features shall be avoided. If avoidance is not possible, the impacts shall be the minimum necessary to support the development concept as a whole. All impacts to sensitive environmental features that require mitigation by subsequent state or federal permits shall provide the mitigation using the following priority list:**

- a. On-site**
- b. Within the Piscataway Creek Watershed**
- c. Within the Potomac River watershed.**

Comment: This condition is addressed in the Environmental Section (Finding 2) of this report.

- 14. Prior to certification of the comprehensive design plan, the Type I tree conservation plan shall be revised to:**

- a. **Provide all required woodland conservation on-site**
- b. **Revise the worksheet as needed**
- c. **Have the revised plan signed and dated by the qualified professional who prepared the plan.**

Comment: These conditions should be addressed prior to signature approval of the CDP and no conditions are necessary.

15. **Prior to certification, the comprehensive design plan and TCPI shall be revised to show all unmitigated 65 dBA Ldn noise contours associated with traffic-generated noise.**

Comment: This condition should be addressed prior to signature approval of the CDP and TCPI and no condition is necessary.

16. **The preliminary plan of subdivision shall provide for minimum 40-foot scenic easements adjacent and contiguous to the proposed 10-foot public utility easements along the land to be dedicated for Piscataway Road and Thrift Road. No part of any scenic easement shall be on a lot.**

Comment: The preliminary plan of subdivision conforms to this condition.

17. **Prior to acceptance of each specific design plan the applicant shall submit an overall open space plan with calculations for areas of tree preservation, wetlands, and floodplain, to ensure preservation of areas approved as open space per CDP-0504.**

Comment: This condition should be addressed with the review of each SDP and no condition is necessary.

18. **Prior to signature approval of the CDP, the following revisions shall be made:**

- a. **The plans shall be revised to be in conformance to Condition No. 12 of A-9967.**
- b. **The plans shall be revised to demonstrate that the lots located along the secondary entrance road from Tippet Road shall be a minimum of 20,000 square feet in size and have a frontage width of 80 feet at the front street line.**
- c. **The plan shall be revised to indicate the APA 3M and APA 6.**
- d. **Four copies of the final version of the Phase I archeological investigation**

shall be submitted (with the comments addressed) to the Planning and Preservation Section.

- e. The plans shall be revised to add lots along the main entrance road, across from the park, to be sized in the medium lot size category, have a minimum 80-foot width at the front street line and be served by an alley. Further, the lots continuing along the main road to the first intersection shall be enlarged to the medium lot size and the same 80-foot width at the front street line.**
- f. The green area formed at the intersection of lots on the northwest side of the first circle along the main entrance road shall be designated as a buildable lot.**

Comment: The applicant has not obtained signature approval of the CDP at the writing of this staff report. A condition of the signature approval of the preliminary plan requires revisions in accordance with the signature approved CDP. Prior to signature approval of

the preliminary plan that applicant must obtain signature approval of the CDP. No increase in the number of lots or dwelling units approved with this preliminary plan may result.

19. The recreational facilities shall be bonded and constructed in accordance with the following schedule:

Phasing Of Amenities		
Facility	Bond	Finish construction
Public Park	Prior to the issuance of any building permits	Complete by 50th building permit overall
Recreation center Outdoor recreation facilities	Prior to the issuance of the 200th building permit overall	Complete by 400th building permit overall
Recreation Center Building and pool	Prior to the issuance of the 200th building permit overall	Complete before the 400 th building permit overall
Pocket Parks (including Playgrounds) within each phase	Prior to the issuance of any building permits for that phase	Complete before 50% of the building permits are issued in that phase
Trail system Within each phase	Prior to the issuance of any building permits for that phase	Complete before 50% of the building permits are issued in that phase
<p>It is occasionally necessary to adjust the precise timing of the construction of recreational facilities as more details concerning grading and construction details become available. Phasing of the recreational facilities may be adjusted by written permission of the Planning Board or its designee under certain circumstances, such as the need to modify construction sequence due to exact location of sediment ponds or utilities, or other engineering necessary. The number of permits allowed to be released prior to construction of any given facility shall not be increased by more than 25 percent, and an adequate number of permits shall be withheld to assure completion of all of the facilities prior to completion of all the dwelling units.</p>		

Comment: The triggers for construction of the recreational facilities should be contained in the resolutions for approval for the appropriate SDP and/or included in the recreational facilities agreement that is required as a condition of this recommendation.

20. Prior to the approval of a specific design plan for architectural elevations, the following shall be demonstrated:

- a. The most visible side elevations of single-family detached or attached units on corner lots and other lots whose side elevation is highly visible to significant amounts of passing traffic shall have a minimum of three architectural features such as windows, doors and masonry fireplace chimneys, and these features shall form a reasonably balanced and harmonious composition.**

- b. All single-family detached dwellings shall not be less than 2,200 square feet of finished living area.
- c. No two houses directly adjacent to each other or across the street from one another should have the same elevation.
- d. Brick end walls shall be used on highly visible end units of townhouses, to be determined at the time of the specific design plan.

Comment: These conditions should be addressed with the review of each SDP, no conditions are necessary.

21. The following standards shall apply to the development:

Bevard East Standards Proposed

Lot Size	SFA	SFD		
	1,800 sf	6,000-10,000 sf	10,000-19,999 sf	20,000+ sf
Minimum width at front street R-O-W***	N/A	50 feet*	60 feet*	70 feet*
Minimum frontage on cul-de-sacs	N/A	30 feet*	30 feet*	35 feet*
Maximum lot coverage	400 sf yard area**	60 percent	50 percent	40 percent
Minimum front setback from R-O-W	15 feet	20 feet	25 feet****	25 feet
Minimum side setback	None	5 feet	17/8 feet	17/8 feet
Minimum rear setback	None	20 feet	25 feet	25 feet
Minimum corner setback to side street R-O-W	10 feet	15 feet	15 feet	15 feet
Maximum residential building height	40 feet	35 feet	35 feet	35 feet
Approximate percentage of total lots	20 percent	60 percent	10 percent	10 percent

Variations to the standards may be permitted on a case-by-case basis by the Planning Board at the time of specific design plan if circumstances warrant.

*Except minimum lot frontage for flag lot configurations shall be 25 feet.

**Except that the yard area may be reduced to 300 sf for decks.

***Except that the minimum lot width at the front street line shall be no less than 80 feet for the lots adjacent to Piscataway Road, the main entrance drive from Piscataway Road to the first intersection, and along the secondary entrance from Tippett Road to the second intersection.

******Except that on the lots across from the park, the front yard setback shall be no less than 30 feet.**

Comment: Prior to signature approval the applicant should revise the above table (as shown on the preliminary plan) to correspond to lot numbers, to allow for the verification of conformance to the percentages, and standards proposed.

- 22. Every specific design plan shall include on the cover sheet a clearly legible overall plan of the project on which are shown in their correct relation to one another all phase or section numbers, all approved or submitted specific design plan numbers, all approved or submitted tree conservation plan numbers, and the number and percentage.**

Comment: This condition should be addressed with the review of each SDP and no condition is necessary.

- 23. Prior to the issuance of any building permits within the subject property, the following road improvements associated with the phase 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.**

Comment: Appropriate conditions have been recommended to ensure adequate transportation facilities are provided as discussed further in Finding 6 of this staff report.

- 24. Prior to the approval of the specific design plan 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 specific design plan review that certain geometric modifications are not needed for adequacy, the requirement may be waived by the Planning Board during approval of the specific design plan.**

Comment: Appropriate conditions have been recommended to ensure adequate transportation facilities are provided as discussed further in Finding 6 of this staff report.

- 25. Prior to the approval of the specific design plan 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.**

Comment: Appropriate conditions have been recommended to ensure adequate transportation facilities are provided as discussed further in Finding 6 of this staff report.

- 26. Prior to the approval of the specific design plan 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 the site entrance. 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 minor street approaches to include exclusive right-turn and shared through/left-turn lanes on each, and the modification of the eastbound approach to provide exclusive through and left-turn lanes along with a second through lane that can be shared with right turns. If it is determined at the time of specific design plan review that the second eastbound through lane is not needed for adequacy, the requirement may be waived by the Planning Board during approval of the specific design plan.

Comment: An appropriate condition has been included in this staff recommendation as discussed further in Finding 6 of this staff report.

- 27. The Comprehensive Design Plan shall be modified to note that the A-65 facility, as shown on the Subregion V Master Plan, crosses the subject property. A determination shall be made at the time of preliminary plan of subdivision regarding the appropriateness of potential reservation strategies.**

Comment: Reservation of A-65 is not recommended and is discussed further in Finding 6 of this staff report.

- 28. The non-standard typical section shown for secondary public streets within the subject property shall be specifically approved by DPW&T in writing prior to specific design plan approval.**

Comment: An appropriate condition has been included in this staff recommendation.

- 29. The Comprehensive Design Plan shall be modified to show that following streets as primary streets, with a final determination of function (i.e., primary or secondary) to be made during review of the preliminary plan of subdivision:**

- A. The street that is proposed to stub into the adjacent Wolfe Farm property.**
- B. The street that serves approximately 80 townhouse lots and several single family lots in the south central section of the site.**

Comment: The first condition relates to the proposal to stub a 60-foot wide right-of-way known as Public Road Z into development immediately south, known as the Wolfe Property (4-04099). The stub street is proposed in an area where the previously approved preliminary plan for the Wolfe property did not propose a street, and in fact that area was shown as homeowners open space. The preliminary plan resolution for the Wolfe property was adopted on January 6, 2005, and the preliminary plan remains valid until January 6, 2007. Unless a new preliminary plan for the Wolfe property is approved to

show a public street extension into the subject property that corresponds with Public Road Z, this plan should be revised to eliminate the stubbed roadway. However, if the Wolfe property is revised to show a future street extension, then the lots in Blocks GG, FF and HH should be revised to be compatible in unit type and size to future lots within the Wolfe property. This issue should be addressed further at the time of the specific design plan review.

Prior to the approval of the specific design plan for this portion of the property a new preliminary plan should be approved by the Planning Board with the reorientation of the internal street layout within the Wolfe property subdivision. However, if the Wolfe property is revised to show a future street extension, then the lots within Blocks GG, FF, HH should be revised to be compatible in unit type and size to future lots within the Wolfe property.

Public Road Z and the townhouse street are both proposed as a 60-foot-wide primary residential street on the preliminary plan.

- 30. The arrangement of townhouses fronting on public streets shall be reviewed with DPW&T and M-NCPPC staff prior to the approval of the preliminary plan. Such an arrangement may not receive preliminary plan approval without the concurrence of DPW&T.**

Comment: Prior to signature approval of the preliminary plan it should be revised in accordance with the DPW&T memorandum of September 19, 2005, which requires minor revisions to accommodate larger rights-of-way (50 foot to 60 foot) on portions of Public Roads V, Z and L, which are public streets on which townhouses front. Direct vehicular access to the public street should be restricted if alleys are to be provided to serve the townhouses dwellings. This will be reviewed with the appropriate SDP.

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 northern portion of the property is impacted by the APA areas for the Washington Executive Airport (Hyde Field), APA 3 and 6, which is within one-mile of the property. 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 which 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 the APA 3 requires the review of a Detailed Site Plan. In the case of the subject property, it would be a Specific Design Plan. The applicant is not proposing any structures within the APA 3. Development within APA 6 is permitted with the same densities as the underlying zones.

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 the specific design plan.

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 Squire, seconded by Commissioner Eley, with Commissioners Squire, Eley 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

Case No.: SDP 0516

Applicant: Washington Park Estates, LLC
(Bevard East, Phase 4)

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND,
SITTING AS THE DISTRICT COUNCIL

ORDER AFFIRMING PLANNING BOARD DECISION

IT IS HEREBY ORDERED, after review of the administrative record, that the Planning Board's decision in Resolution PGCPB No. 06-191, approving with conditions a specific design plan for construction of a residential subdivision (Bevard East, Phase 4) consisting of 293 single-family detached dwellings and 100 single-family attached dwelling units, on property described as approximately 195.97 acres in the R-L Zone, located on the southeast side of Piscataway Road, north of Elizabeth Ida Drive and south of Delaney Street, Clinton, is hereby:

AFFIRMED, for the reasons stated by the Planning Board in its resolution, which are hereby adopted as the findings of fact and conclusions of law of the District Council.

Affirmance of the Planning Board's decision is subject to the following conditions.

1. Prior to signature approval, the following revisions to the plans shall be made:
 - a. Identify on the coversheet that all single-family detached units on corner lots shall be constructed having a minimum of three end-wall features on the end wall visible from the street.
 - b. Identify on the coversheet that all highly visible townhouse units shall be constructed with a minimum of three end-wall features and that the end wall shall be brick. Where a brick end-wall is required, the front façade shall also be brick.
 - c. The coversheet shall be revised to include all of the information listed in the CDP development standards.

- d. The template sheet shall be revised to include the height and number of stories for each model type (not to exceed the CDP maximum height of 40 feet) and the dimensions and all the options for each model.
- e. Provide legible lot sizes, bearings and distances, and all dimensions of site improvements.
- f. Identify all garages and number of spaces.
- g. Provide a parking schedule on the cover sheet listing all required and proposed parking for the townhouse portion of development, and adjust the plan accordingly.
- h. Identify all handicap accessible parking.
- i. The alley rights-of-way shall be separated from open space parcels between sticks of townhouses.
- j. The ten-foot-wide public utility easement should be labeled on all sheets along all public and private rights-of-way, as required by the public utility company.
- k. Demonstrate all floodplain areas on the site plan.
- l. Demonstrate the 25-foot setback from the floodplain on the site plan.
- m. The plans shall provide for additional landscaping around storm water management facilities.
- n. The landscape plans shall be revised so that the orchard-like planting along Piscataway Road is continuous and in a grid pattern.
- o. Provide Section 4.1 landscape schedules on the landscape plans.
- p. The landscape plans shall be revised to replace the Malus “Spring Snow” with a variety less susceptible to disease.
- q. Add a note stating that development of this property shall conform to A-9967 and CDP-0504.
- r. Each sheet of the SDP shall label the parcel and lot numbers shown on that sheet and provide the acreage including the HOA parcels.

- s. The font size shall be increased to ensure that site plans that are microfilmed and copied are legible.
 - t. The “M-NCPPC Approval” box shall be removed from the approval sheet; these plans will be affixed with a certificate of approval.
 - u. The approval sheet shall include the conditions of the Basic Plan, A-9967.
2. Prior to the issuance of any building permits:
- a. A detailed site plan revision shall be submitted for the central recreational area, which includes the architectural elevations and floor plans, and all of the recreational facilities demonstrating conformance to the Parks and Recreation Guidelines.
 - b. Each lot should be reviewed to ensure conformance to the development standards established by the approved CDP.
 - c. For the single-family detached dwellings, the architectural elevations shall be approved by the Planning Board in a separate umbrella architecture specific design plan (SDP-0605).
 - d. The plans shall be revised to add a tracking chart that demonstrates 60 percent of the townhouses and the single-family detached units will have brick fronts.
 - e. For the single-family attached units, the permit drawings shall include the proposed front elevations for each building stick for review and approval by the Urban Design Section, as designee of the Planning Board. The plans shall demonstrate a variety of model types sufficient to define each unit individually through the use of variation in roofline, window and door treatment.
 - f. Provide a chart to demonstrate the percentage of lot coverage on the site plans and a chart for yard area for the single-family attached lots.
 - g. Provide all the setbacks and distances from the dwellings to the property lines for the single-family detached units.

3. Prior to signature approval of this SDP and final plat, the feasibility of installing traffic calming measures and crosswalks at the following locations shall be determined in consultation between the applicant and the appropriate transportation agency, either SHA or DPW&T:

MD 223/Windbrook Drive
 MD 223/Mary Catherine Drive
 MD 223/entrance to Bevard North/Bevard East

The applicant shall be required to install any traffic calming measures and crosswalks that are deemed to be feasible and appropriate by the operating agencies. The result of such discussions shall be provided to planning staff in writing, and any required improvements shall be added as a note on any final plat.

4. The applicant shall dedicate to M-NCPPC 14± acres of developable land for future parkland at the time of the first final plat of subdivision for the overall project.
5. Prior to final plat, the applicant shall obtain signature approval of the specific design plan, signature approval of the basic plan, and signature approval of the comprehensive design plan.
6. Prior to signature approval of the plans, construction drawings for the recreational facilities on public parkland shall be reviewed and approved by the Park Planning and Development Division.
7. Prior to submission of any final plats of subdivision:
 - a. The applicant shall enter into a public Recreational Facilities Agreement (RFA) with M-NCPPC for the construction of recreation facilities on parkland. The applicant shall submit three original executed RFAs to the Department of Parks and Recreation (DPR) for their approval three weeks prior to the submission of the final plats. Upon approval by DPR, the RFA shall be recorded among the land records of Prince George's County.
 - b. The applicant shall enter into a private RFA with M-NCPPC for the construction of recreation facilities on HOA lands. The applicant shall submit three original executed RFAs to the Department of Parks and Recreation (DPR) for their approval three weeks prior to the submission of the final plats. Upon approval by DPR, the RFA shall be recorded among the land records of Prince George's County.

8. The applicant shall submit to DPR or DRD a performance bond, a letter of credit, or other suitable financial guarantee for the construction of the public and private recreation facilities, as appropriate, in the amount to be determined by DPR or DRD, at least two weeks prior to issuance of grading permits, for either the public or private lands.
9. The recreational facilities on dedicated parkland shall be constructed prior to the issuance of the 50th building permit for the overall site.
10. The applicant, his heirs, successors and/or assignees shall make a monetary contribution of a minimum \$2,000,000 toward the construction of the Southern Region Community Center in three phases:
 - a. \$200,000.00 for the design and engineering of the community center shall be paid prior to the issuance of the 50th building permit.
 - b. \$900,000.00 for the construction of the community center shall be paid prior to issuance of the 200th building permit. Beginning from the date of issuance of the 50th building permit, this amount shall be adjusted for inflation on an annual basis using the Consumer Price Index (CPI).
 - c. \$900,000.00 for the construction of the community center shall be paid prior to issuance of the 400th building permit. Beginning from the date of issuance of the 50th building permit, this amount shall be adjusted for inflation on an annual basis using the Consumer Price Index (CPI).
11. Prior to signature approval, the architectural elevations for the townhouses shall be modified as follows:
 - a. Each model shall be revised so that the end wall will have a minimum of three architectural features such as windows, doors or masonry fireplace chimneys, and these features shall form a reasonably balanced and harmonious composition and shall have front facades and the end wall with brick.
 - b. A standard deck shall be provided on all rear load garage townhouse units.
12. In conformance with the approved Subregion V Master Plan, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following:

- a. Provide a wide shoulder along the subject site's entire road frontage of MD 223 in order to safely accommodate bicycle traffic, unless modified by SHA.
 - b. Provide standard sidewalks along both sides of all internal roads, unless modified by DPW&T. All trails shown on Sheet 1 (cover sheet) of the subject application shall be marked and labeled on all 30- and 100-scale sheets in the approved SDP.
13. Prior to certification of the SDP, the coversheet shall be amended to include the TCPII numbers for each companion SDP: SDP-0504, TCP II/71/06; SDP-0514, TCP II/72/06; SDP-0515, TCP II/73/06; SDP-0516, TCP II/74/06 and SDP-0517, TCP II/75/06.
 14. Prior to certification of the SDP or TCPII, a revision to Stormwater Management Concept Plan #25955-2005-00, allowing for the proposed changes, must be obtained from the Prince George's Department of Environmental Resources.
 15. The following note shall be placed on each final plat:

"Prior to the issuance of any permits that impact 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. All impacts to sensitive environmental features that require mitigation by state or federal permits shall provide the mitigation using the following priority list: (1) on-site, (2) within the Piscataway Creek Watershed and/or (3) within the Potomac River watershed."
 16. Prior to certification of the Specific Design Plan, the SDP and Type II Tree Conservation Plan shall be revised to eliminate all impacts not approved during the review and approval of Preliminary Plan 4-05050.
 17. Prior to certification of the SDP, the SDP and TCPII shall be revised to revise all lots less than 20,000 square feet in area to ensure that no portion of any of the lots would be encumbered by a conservation easement.
 18. Prior to certification of the Specific Design Plan, the Type II Tree Conservation Plan shall be revised to:
 - a. Ensure that all tree protection fences are located only where appropriate.

- b. Show the permanent fencing for planting areas in the legend and on the plans.
- c. Ensure that the limits of disturbance are correctly shown on all sheets.
- d. Include all off-site clearing in the worksheet.
- e. Substitute a suitable evergreen for eastern hemlock in the planting tables.
- f. Provide minimum 40-foot cleared areas at the rear of every structure.
- g. Calculate all woodlands on lots less than 20,000 square feet in area as cleared.
- h. Calculate all woodland within the land to be dedicated for Piscataway Road as cleared.
- i. Add a pattern to the legend and the plan to indicate all areas of woodland retained but calculated as cleared.
- j. Revise the boundary of woodland conservation area E on sheet 11 to follow the limits of disturbance.
- k. Revise the worksheet as needed.
- l. Add the following note to each sheet of the TCPII that show reforestation/afforestation areas:

“All reforestation/afforestation areas adjacent to lots and split rail fencing along the outer edge of all reforestation/afforestation areas shall be installed prior to the Building Permits for the adjacent lots. A certification prepared by a qualified professional may be used to provide verification that the afforestation has been completed. It must include, at a minimum, photos of the afforestation areas and the associated fencing for each lot, with labels on the photos identifying the locations and a plan showing the locations where the photos were taken.”
- m. Have the revised plan signed and dated by the qualified professional who prepared the plan.

19. At the time of purchase contract with homebuyers, the contract purchaser shall sign an acknowledgment of receipt of the airport disclosure.
20. No structure within APA 6 shall be higher than 50 feet.
21. No two houses directly adjacent to each other or across the street from one another shall have the same elevation.
22. No single-family detached dwellings shall have less than 2,400 square feet of finished living area, and no single-family attached units may have less than 1,800 square feet of finished living area.
23. Prior to signature approval, the plans shall be revised to conform to the conceptual stormwater management approval, or the stormwater management plan shall be revised to conform to the subject plan.

Ordered this 31st day of October, 2006, by the following vote:

In Favor: Council Members Dernoga, Bland, Dean, Exum, Hendershot, Knotts and Peters

Opposed:

Abstained:

Absent: Council Members Campos and Harrington

Vote: 7-0

COUNTY COUNCIL OF PRINCE GEORGE'S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART OF
THE MARYLAND-WASHINGTON REGIONAL
DISTRICT IN PRINCE GEORGE'S COUNTY,
MARYLAND

By: _____
Thomas E. Dernoga, Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council

September 4, 2019

MEMORANDUM

TO: Thomas Burke, Urban Design Review Section, Development Review Division
FROM:  Tom Masog, Transportation Planning Section, Countywide Planning Division
SUBJECT: **SDP-0516-02: Bevard East**

Proposal

The applicant is proposing to modify an approved specific design plan (SDP) for the purposes of incorporating stormwater management facilities that meet current regulations.

Background

There are no transportation-related findings related to traffic or adequacy associated with a specific design plan. There is a requirement to demonstrate that the development proposal will be adequately served within a reasonable period of time with existing or programmed public facilities either shown in the appropriate Capital Improvement Program or provided as part of the private development. There are several off-site transportation improvements associated with this site that will be required at the time of permit; these are conditions associated with Preliminary Plan of Subdivision (PPS) 4-05050.

Review Comments

This plan includes minor modifications to accommodate stormwater facilities that meet current regulations. This has resulted in slight changes to lot sizes and patterns. The plan proposes a minor change in circulation by eliminating a portion of Parsley Sprig Road between Baroque Boulevard and Basil View Way. This connection would have directly served approximately 10 lots, and the loss of this connection would have a minimal effect on overall circulation. All remaining lots are served by public streets.

The site is within or adjacent to MD 223, an arterial facility on the Master Plan. Likewise, the planned A-65 arterial facility passes through the site. Dedication in accordance with Master Plan requirements has occurred along both facilities with the platting of the site.

Conformance to Section 24-124 of the Subdivision Regulations was found with the approval of PPS 4-05050, and it is noted that this application will not change that prior finding. As noted above, several off-site transportation improvements are included as conditions of that approved plan and these conditions will need to be met at the time of building permit. Therefore, it is determined that the development will be adequately served within a reasonable period of time with existing or programmed transportation facilities.

Conclusion

From the standpoint of transportation, it is determined that this plan is acceptable and meets the findings required for a specific design plan as described in the Zoning Ordinance.

Countywide Planning Division
Environmental Planning Section

301-952-3650

August 19, 2019

MEMORANDUM

TO: Thomas Burke, Planner Coordinator, Urban Design Section

VIA: Megan Reiser, Acting Supervisor, Environmental Planning Section *MKR*

FROM: Chuck Schneider, Planner Coordinator, Environmental Planning Section *MKR for CS*

SUBJECT: **Bevard East, Phase 4; SDP-0516-02 and TCP2-074-06-02**

The Environmental Planning Section (EPS) has reviewed the above referenced Specific Design Plan (SDP) and Type 2 Tree Conservation Plan (TCP2) stamped as received on June 25, 2019 and revised plans were submitted on August 9, 2019. Verbal comments were provided in a Subdivision Development Review Committee (SDRC) meeting on July 13, 2019. The Environmental Planning Section recommends approval of SDP-0516-02 and TCP2-074-06-02 subject to the conditions listed at the end of this memorandum.

Background

The Environmental Planning Section previously reviewed the following applications and associated plans for the subject site:

Development Review Case #	Associated Tree Conservation Plan #	Authority	Status	Action Date	Resolution Number
SE-1823	N/A	District Council	Approved	2/11/1969	68-1969
SE-3266	N/A	District Council	Approved	7/19/1982	
SE-3755	N/A	District Council	Approved	5/11/1987	
4-04063	N/A	N/A	Withdrawn	N/A	N/A
CDP-0504	TCP1-077-04	District Council	Approved	6/6/2006	05-269
4-05050	TCP1-077-04-01	Planning Board	Approved	1/19/2006	06-16
A-9967	N/A	District Council	Approved	2/27/2006	05-233
SDP-0605	N/A		Dormant		
SDP-0514	N/A	District Council	Approved	7/11/2006	
SDP-0504	N/A	District Council	Approved	12/18/2006	
SDP-1801	N/A	Pending	Pending	Pending	Pending
SDP-0517	N/A	District Council	Approved	12/27/2006	

SDP-0515	N/A		Withdrawn		
SDP-0516	TCP2-074-06	District Council	Approved	10/31/2006	06-191
SDP-0516-01	TCP2-074-06-01	Planning Director	Approved	10/5/2007	
SDP-0516-02	TCP2-074-06-02	Pending	Pending	Pending	Pending
NRI-040-05	N/A	Staff	Approved	Expires 10/4/2019	N/A

Proposed Activity

This SDP proposes to revise Phase 4 of the Bevard East subdivision to conform to the current stormwater management (SWM) standards. Phase 4 of the subdivision consist of 290 single family lots and 103 townhouse units with interior roads, SWM and a club house facility.

Grandfathering

This project is grandfathered with respect to the environmental regulations contained in Subtitles 24, 25, and 27 that came into effect on September 1, 2010 because the site has a preliminary plan (4-050500) that was approved prior to September 1, 2010. This project is subject to the woodland conservation regulations adopted in 1993 and contained in the Woodland Conservation and Tree Preservation Policy Document.

Site Description

This phase contains 181.91 acres of the 562.85-acre property in the R-L zone and is located between Piscataway Road and Thrift Road, north of Windbrook Drive. There are streams, wetlands, and their associated buffers and areas of steep slopes on the property. The predominant soils found to occur according to the United States Department of Agriculture, Natural Resources Conservation Services (USDA NRCS) Web Soil Survey (WSS) are Beltsville silt loam, Croom gravelly silt loam, Croom-Marr complex, Grosstown gravelly silt loam and Sassafras sandy loam. Marlboro clay and Christiana clay are not found to occur in the vicinity of this property. According to the Sensitive Species Project Review Area (SSPRA) map received from the Maryland Department of Natural Resources Natural Heritage Program (DNR NHP), there are no rare, threatened, or endangered (RTE) species found to occur on or near this property. Piscataway Road and Thrift Road are designated scenic roads. This property is located in the Piscataway Creek watershed in the Potomac River basin. The site has frontage on Piscataway Road, an arterial roadway, which is identified as a traffic noise generator. The site is located within the Environmental Strategy Area 2 (formerly the Developing Tier) of the Regulated Environmental Protection Areas Map as designated by *Plan Prince George's 2035 Approved General Plan (2014)*. According to the *Countywide Green Infrastructure Plan of the Approved Prince George's County Resource Conservation Plan, (May 2017)*, the site does contain Regulated and Evaluation Areas within the network areas.

Review of Previously Approved Conditions

The environmental conditions associated with the following previously approved cases have been addressed or are not applicable to the current application.

- Specific Design Plan, SDP-0516, PGCPB No 06-191
- Zoning Map Amendment, A-9967, PGCPB. No. 05-233

- Comprehensive Design Plan, CDP-0504, PGCPB No. 05-269
- Preliminary Plan of Subdivision, 4-05050, PGCPB No. 06-16

Environmental Review

As revisions are made to the plans submitted, the revision boxes on each plan sheet shall be used to describe what revisions were made, when, and by whom.

Natural Resources Inventory/Existing Conditions

An approved Natural Resources Inventory, NRI-040-05-01, was submitted with the application. The NRI indicates that streams, wetlands, associated buffers, and areas of steep slopes are found to occur within the limits of the SDP and comprise the Primary Management Area (PMA). The existing features of the site as shown on the TCP2 and the SDP are in conformance with the NRI.

No revisions are required for conformance to the NRI.

Woodland Conservation Plan

This property is subject to the provisions of the WCO adopted in 1993 and contained in the Woodland Conservation and Tree Preservation Policy Document, also referred to as the WCO for the purposes of this review. The Bevard East project consists of five phases of development. The subject area has no specimen trees that are proposed to be removed with this application. The TCP2 associated with this DSP is the -02 revision to TCP2-074-06.

The current application is for Phase 4 of the overall project. The Woodland Conservation Threshold (WCT) for the overall 562.85-acre property is 25 percent of the net tract area or 134.92 acres. The overall woodland conservation requirement based on the amount of clearing proposed on the entire site is 178.26 acres. This overall requirement is proposed to be met with 159.84 acres of preservation, 14.92 acres of reforestation and 3.50 acres of off-site woodland conservation. The current application is for Phase 4 which consists of 181.87 acres gross tract area and proposes 40.98 acres of net tract clearing, 0.14-acres of floodplain clearing, and 0.92 acres off-site clearing. Phase 4 shows 24.60-acres of on-site preservation, and 6.93- acres of reforestation plantings.

Recommended Conditions: Prior to signature approval of the SDP, the TCP2 shall be revised as follows:

- a. Revise the key plan view on Sheet 1 to add the sheet numbers to the delineated page areas
- b. Revise the approval blocks on Sheets 4, 16, and 17 to conform to the other approval blocks
- c. Add the noise contour to the plan view and legend to the appropriate sheets
- d. Show all stormwater outfall structures and impact area on Sheets 12, 19 and 22
- e. Show limit of disturbance of stormwater outfall structure on Sheet 16
- f. Have the revised plan signed and dated by the qualified professional who prepared the plans

Soils/Unsafe land

The predominant soils found to occur according to the United States Department of Agriculture, Natural Resources Conservation Services (USDA NRCS) Web Soil Survey are Beltsville silt loam, Croom gravelly silt loam, Croom-Marr complex, Grosstown gravelly silt loam and Sassafras sandy loam. Marlboro clay and Christiana clay are not found to occur in the vicinity of this property.

Portions of this site have been mined for sand and gravel as approved by applications SE-1823, SE-3266 and SE-3755. These gravel pit areas are areas of concern. A soils report investigating these areas was previously submitted and approved detailing the limitations associated with these areas, the soil structure, soil characteristics and foundation stability. The limits of previous mining were shown on the approved Natural Resources Inventory.

As mentioned during the review of previous development applications for the subject site, the site is generally suitable for the proposed development. Specific mitigation measures will be further analyzed during the development process by the Washington Suburban Sanitary Commission (WSSC) for installation of water and sewer lines, by the Department of Permits, Inspection and Enforcement (DPIE) for the installation of streets, stormwater management (SWM) facilities, general site grading and foundations. An updated geotechnical study may be required by DPIE prior to the issuance of a permit.

Stormwater Management

A Stormwater Management Concept Approval Letter (# 328-2018-00) and associated plan were submitted with the application for this site. The approval was issued on August 21, 2018 with this project from the DPIE. The concept plan shows the entire Phase 4 development and proposes to construct two micro-bioretention ponds, three submerged gravel wetlands, rainwater harvesting and one wet pond. A SWM fee of \$284,917.00 for on-site attenuation/quality control measures is required.

No further action regarding stormwater management is required with regard to this SDP.

Noise

Piscataway Road is the nearest source of traffic-generated noise and is designated as an arterial in the Subregion V Master Plan. Section 24-121(a)(4) requires that residential lots adjacent to existing or planned roadways of arterial classification or higher be platted to a minimum depth of one hundred and fifty feet and that adequate protection and screening from traffic nuisances be provided by earthen berms, plant materials, fencing, and/or the establishment of a building restriction line for new residential structures.

The noise model used by the Environmental Planning Section predicts that the unmitigated 65 dBA Ldn noise contour will be about 168 feet from the centerline of Piscataway Road in ten years. Based upon dedication of 60 feet from the centerline of existing Piscataway Road, the predicted 65 dBA Ldn contour is approximately 118 feet from the edge of the proposed right-of-way and clearly not impacting any proposed lot within the phase of the development.

No further action regarding traffic-generated noise is required with regard to this SDP.

Scenic and Historic Roadways

Piscataway Road and Thrift Road are designated scenic roads. Phase 4 is not adjacent to Thrift Road and will not be affected by this application. Phase 4 is adjacent to Piscataway Road and the Landscape plan shows a 40-foot scenic easement.

No further action regarding scenic roads is required with regard to this SDP.

Summary of Recommended Conditions

The Environmental Planning Section recommends approval of SDP-0516-02 and TCP2-074-06-02 subject to the following conditions:

1. Prior to signature approval of the SDP, the TCP2 shall be revised as follows:
 - a. Revise the key plan view on Sheet 1 to add the sheet numbers to the delineated page areas
 - b. Revise the approval blocks on Sheets 4, 16, and 17 to conform to the other approval blocks
 - c. Add the noise contour to the plan view and legend to the appropriate sheets
 - d. Show all stormwater outfall structures and impact area on Sheets 12, 19 and 22
 - e. Show limit of disturbance of stormwater outfall structure on Sheet 16
 - f. Have the revised plan signed and dated by the qualified professional who prepared the plans

If you have any questions concerning these comments, please contact me at 301-883-3240 or by e-mail at alwin.schneider@ppd.mncppc.org.

August 22, 2019

MEMORANDUM

TO: Thomas Burke, Planner Coordinator, Urban Design Section
VIA: Sherri Conner, Supervisor, Subdivision and Zoning Section *SC*
FROM: Christopher Davis, Senior Planner, Subdivision and Zoning Section *CD*
SUBJECT: SDP-0516-02, Bevard East

The subject site is located on Tax Map 133 in Grids B-1, C-1, and D-1 and Tax Map 124 in Grids C-4 and D-4, and includes the 393 lots and 6 parcels known as Phase 4 of the Bevard East Subdivision, all of which have been recorded in several plat books beginning with Plat Book PM 225-19, recorded on January 4, 2008. The subject site is approximately 195.97 acres, within the Residential Low Development (R-L) Zone. The site is located on the east side of Piscataway Road, in the northeast quadrant of its intersection with Baroque Boulevard.

The applicant has submitted this instant specific design plan (SDP) revision of Phase 4 of Bevard East to convert the stormwater management ponds previously approved into submerged gravel wetlands. To pursue the changes to the stormwater facilities, the applicant has proposed the vacation of a platted segment of the public right-of-way of Parsley Sprig Road and adjustment of Lots 1-6 and 10 of Block D, Lots 1-3 of Block C and Parcel EE adjacent to Parsley Sprig Road. The aforementioned road, Lots, and Parcel are found in Plat Books PM 221-94, PM 227-18, and PM 227-16.

Preliminary Plan of Subdivision (PPS) 4-05050 (PGCPB No. 06-16(C)) was approved for the subject site by the Prince George's County Planning Board on January 19, 2006 for 827 lots and 33 parcels, subject to 36 conditions. This SDP application proposes no net increase in the number of lots previously approved for the site. The following conditions of PPS 4-05050 are applicable to the review of the instant SDP:

2. **A Type II Tree Conservation Plan shall be approved with the specific design plan.**
3. **Development of this site shall be in conformance with the Stormwater Management Concept Plan #25955-2005-00 and any subsequent revisions.**

A Type II Tree Conservation Plan and an approved revision to the Stormwater Management Concept Plan has been submitted, which both show the lotting pattern and the location of stormwater management facilities consistent with what is shown on the instant SDP.

Conformance to Condition 2 and 3 should be reviewed and determined by the Environmental Planning Section.

- 10. The applicant, his heirs, successors and/or assignees shall submit three original recreational facilities agreements (RFAs) to DRD for construction of recreational facilities on homeowners land, for approval prior to the submission of final plats. Upon approval by DRD, the RFA shall be recorded among the county land records.**

A private RFA was recorded in the county land records in Liber 27606 at folio 522. Per this RFA, Phase 4 is to include the provision of 1 open play area, 1 community building, 1 community pool, 1 soccer field, 1 tot lot and 1 pre-teen lot (combined), 2 double tennis courts, and private trails. These recreational facilities are shown on HOA Parcel HH, on sheets 10, 11, and 16 of the SDP. The arrangement and location of stormwater and recreational facilities on Parcel HH differs from the previously approved SDP-0516 to accommodate the modifications to stormwater facilities. Conformance to Condition 10 should be reviewed and determined by the Urban Design Section to ensure that all recreational facilities established in the recorded RFA will be able to be provided with the changes proposed to the stormwater management facilities.

This site was also the subject of comprehensive design plan CDP-0504 (PGCPB No. 05-269), approved by the Planning Board on December 22, 2005, for 393 single-family dwelling units on 195.97 acres in the R-L Zone, subject to 30 conditions. Condition 21 is relevant to the review of the instant SDP, which states:

- 21. The following standards shall apply to the development:**

Bevard East Standards Proposed

Lot Size	SFA	SFD		
	1,800 sf	6,000-10,000 sf	10,000-19,999 sf	20,000+ sf
Minimum width at front street R-O-W***	N/A	50 feet*	60 feet*	70 feet*
Minimum frontage on cul-de-sacs	N/A	30 feet*	30 feet*	35 feet*
Maximum lot coverage	400 sf yard area**	60%	50%	40%
Minimum front setback from R-O-W	15 feet	20 feet	25 feet****	25 feet
Minimum side setback	None	5 feet	17/8 feet	17/8 feet
Minimum rear setback	None	20 feet	25 feet	25 feet
Minimum corner setback to side street R-O-W	10 feet	15 feet	15 feet	15 feet
Maximum residential building height	40 feet	35 feet	35 feet	35 feet
Approximate percentage of total lots	20 percent	60 percent	10 percent	10 percent

Variations to the standards may be permitted on a case-by-case basis by the Planning Board at the time of specific design plan if circumstances warrant.

*Except minimum lot frontage for flag lot configurations shall be 25 feet.

**Except that the yard area may be reduced to 300 sf for decks.

***Except that the minimum lot width at the front street line shall be no less than 80 feet for the lots adjacent to Piscataway Road, the main entrance drive from Piscataway Road to the first intersection, and along the secondary entrance from Tippet Road to the second intersection.

****Except that on the lots across from the park, the front yard setback shall be no less than 30 feet.

The applicant proposes the adjustment of 10 lots and 1 parcel (Parcel EE) with this SDP and has provided a table on sheet 1 of the SDP to demonstrate that the lots, indicated as proposed Lots 1-4 of Block C and Lots 1-6 and 10 of Block D, will meet the standards of this condition. Further conformance to Condition 21 should be reviewed and determined by the Urban Design Section.

Plan Comments

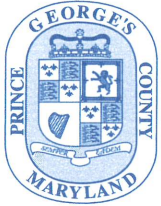
1. The proposed removal of portion of Parsley Spring Road will require the approval of a Vacation Petition, an application which must be approved prior to the approval of a new final plat.
2. The proposed adjustments to lots and parcels as shown on the SDP will require the approval of a new final plat to reflect the proposed changes to the lotting pattern and road network.
3. The SDP labels the lots and parcels to be adjusted as Lots 1-4 of Block C, Lots 1-6 and 10 of Block D, and Parcel EE. The SDP must be revised to designate these lots with the next available consecutive lot or parcel designations from that which currently exists; Lots 4-8 of Block C, Lots 7-12 of Block D and Parcel KK.
4. Parcel HH is shown on sheets 7, 8, 10, 11, 15, and 16 of the SDP, but is only labeled on sheet 11. Each applicable sheet of the SDP should clearly label Parcel HH and its acreage.

Recommended Conditions

1. Prior to certification of specific design plan SDP-0516-02, the SDP shall be revised to re-label Lots 1-3 of Block C, Lots 1-6 and 10 of Block D, and Parcel EE to Lots 4-7 of Block C, Lots 7-12 of Block D, and Parcel KK respectively.
2. Prior to the approval of permits for lots in Block C and Block D for Phase 4, the applicant, heirs, successor and/or assigns shall obtain approval of a Vacation petition to vacate a segment of Parsley Sprig Road and obtain approval of a final plat to reflect the revised lotting pattern, as shown on SDP-0516-02.

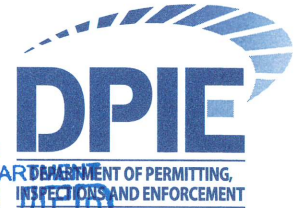
This referral is provided for the purposes of determining conformance with any underlying subdivision approvals on the subject property and Subtitle 24. The SDP has been found to be in

substantial conformance with the approved preliminary plan of subdivision and record plat if the recommended conditions are implemented. All bearings and distances must be clearly shown on the SDP and be consistent with the record plat. There are no other subdivision issues at this time.



Angela D. Alsobrooks
County Executive


THE PRINCE GEORGE'S COUNTY GOVERNMENT
Department of Permitting, Inspections and Enforcement
Site/Road Plan Review Division



MEMORANDUM

July 15, 2019

TO: Thomas Burke, Urban Design
Development Review Division, M-NCPPC

FROM:  Mary C. Giles, P.E., Associate Director
Site/Road Plan Review Division, DPIE

RE: Bevard East
Specific Design Plan SDP-0516-02

CR: Piscataway Road (MD 223)

In response to the Specific Design Plan SDP-0516-02 referral, the Department of Permitting, Inspections and Enforcement (DPIE) offers the following:

- The subject site is zoned R-L, located on the east side of Piscataway Road (MD 223), roughly 4 miles southwest of its intersection with Branch Avenue (MD 5).
- The subject request is for the revision to the Phase 4 residential subdivision development to allow changes to stormwater management facilities.
- MD 223 is a State-maintained roadway; therefore, coordination with the Maryland State Highway Administration (SHA) is necessary.
- All storm drainage systems and facilities are to be in accordance with the Department of Public Works and Transportation (DPW&T) Specifications and Standards.
- Both existing and proposed culvert will be designed to convey the 100-year storm event.
- A soil investigation report, which includes subsurface exploration and geotechnical engineering evaluation for the proposed buildings and stormwater system, is required.

9400 Peppercorn Place, Suite 230, Largo, Maryland 20774
Phone: 301.636.2060 ♦ <http://dpi.e.mypgc.us> ♦ FAX: 301.925.8510

- A floodplain study is required for areas with greater than 50 acres of drainage. Confirm floodplain delineation and record floodplain easements at the time of grading permit. No structures are to be built within 25 feet of the 100-year floodplain.
- All sidewalks, ramps, and trails must meet the Americans with Disabilities Act (ADA) requirements.
- The proposed SDP-0516-02 is consistent with the intent of the approved Site Development Concept Plan No. 328-2018, dated August 21, 2018.
- Engineering Site Design (ESD) to the Maximum Extent Possible (MEP) is handled via submerged gravel wetlands, micro bioretention and rainwater harvesting with two rain barrels to be provided for every lot. Additional micro-bioretention or other appropriate micro-scale practices for the Community Recreation Facility shall be proposed at the time of fine grading permit. ESD to the MEP in the SHA right-of-way is required to treat new paving in MD 223 at the time of site development fine grading.
- The grade establishment plan for several roadways do not meet County minimum standards; either secure a waiver or revise the roadway prior to approval of street grade establishment plans and grading permit.
- Master-Planned roadway A-65 (Silken Way) is to be constructed in accordance with built to the arterial roadway standard. Plans are required to be revised to meet County standards.
- The proposed elbow cul-de-sac requires DPIE approval at time of street grade establishment and grading permit.
- DPIE has no objection to SDP-0516-02, which allows changes to stormwater management (SWM) facilities.

Thomas Burke
July 15, 2019
Page 3

If you have any questions or need additional information, please contact Mr. Nanji Formukong, District Engineer for the area, at 301.636.2060.

MCG:NF:csw

cc: Rene Lord-Attivor, Chief, Traffic Engineering, DPIE
Nanji Formukong, District Engineer, S/RPRD, DPIE
Salman Babar, CFM, Engineer, S/RPRD, DPIE
Yonas Tesfai, P.E., Engineer, S/RPRD, DPIE
Soltesz, 4300 Forbes Boulevard, Suite 230, Lanham,
Maryland 20706
Lennar Bevard, LLC, 7035 Albert Einstein Drive,
Columbia, Maryland 21046



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION


**Prince George's County Planning Department
Countywide Planning Division
Special Projects Sections**

**(301) 952-3650
www.mncppc.org**

September 3, 2019

MEMORANDUM

TO: Thomas F. Burke, Planner Coordinator, Urban Design Section, Development Review Division

FROM:  Crystal Saunders Hancock, Acting Planning Supervisor, Special Projects Section, Countywide Planning Division

SUBJECT: **SDP-0516-02: Brevard East – Phase 4**

The Special Projects Section, Countywide Planning Division has reviewed this Specific Design Plan (SDP) in accordance with Section 27-528(a)(2) of the Zoning Ordinance which states:

“The development will be adequately served within a reasonable period with existing or programmed public facilities either shown in the appropriate Capital Improvement Program or provided as part of the private development...”

To determine adequacy, staff has elected to use the adequacy test contained in the Subdivision Ordinance.

Fire and Rescue

The Special Projects Section has reviewed this Specific Design Plan for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(C) and (E) of the Subdivision Regulations. Section 24-122.01(e)(1)(E) states that “A statement by the Fire Chief that the response time for the first due station in the vicinity of the property proposed for subdivision is a maximum of seven-minutes travel time.”

The proposed project is served by Clinton Fire/EMS Station 825, located at 9025 Woodyard Road. The Fire Chief, as of May 16, 2016, has outlined the adequacy of personnel and equipment as required by Section 24-122.01 (e). The Assistant Fire Chief James V. Reilly, Emergency Services Command of the Prince George's County Fire/EMS Department, has reaffirmed in writing (see Attachment 1 (pages 1 & 2)) that as of September 3, 2019 *only a portion* (see Attachment 2) of the project is within a seven-minute travel time from the first due station. The applicant may offer to mitigate for the failed portion.

Planning Department Mitigation Recommendations

The Public Safety Mitigation Fee will be assessed when the applicant applies for grading permits with the Department of Permitting, Inspections, and Enforcement. CR-078-2005 states the following:

A. PUBLIC SAFETY MITIGATION FEE

- i. The fees per dwelling unit would consist of \$3,780 per unit if the test has failed in any of the police districts. This number was derived from the costs associated with building and equipping police stations to house the police officers that are necessary to help meet the response times associated with CB-56-2005.*
- ii. If the application fails in a fire service area, the fee per dwelling unit would consist of \$1,320 per unit. This number was derived from the costs associated with building and equipping fire stations to house the fire and EMS personnel that are necessary to help meet the response times associated with CB-56-2005.*
- iii. If the application fails both the police and fire test, the applicant shall pay the combined fee of \$5,100 per dwelling unit.*
- iv. The Public Safety Surcharge shall not be reduced by the payment of any Public Safety Mitigation Fee.*

Beginning in Fiscal Year 2007, the fee shall be adjusted by July 1 of each year by the percentage change in the Consumer Price Index for All Urban Consumers published by the United States Department of Labor from the previous fiscal year. The fee shall be paid at the time of issuance of a grading permit for development.

B. IN KIND SERVICES

An applicant may offer to provide equipment and or facilities that equal or exceed the cost of the Public Safety Mitigation Fee or offer a combination of in kind services and supplemental payment of the Public Safety Mitigation Fee. Acceptance of in kind services are at the discretion of the County based on the public safety infrastructure required to bring the subdivision in conformance with the standards mandated by CB-56-2005.

C. POOLING RESOURCES

Applicants may pool together with other applicants to purchase equipment or build facilities that would equal or exceed the cost of paying the Public Safety Mitigation Fee. Acceptance of pooled resources to provide in kind services are at the discretion of the County based on the public safety infrastructure required to bring the subdivision in conformance with the standards mandated by CB-56-2005.

5. **USE OF FUNDS**

The Public Safety Mitigation Fee shall be used in the police districts or fire service areas that are failing the response time requirements of CB-56-2005.

For example, guidance provided by the Approved Operating Expense and Capital Budgets, Tri Data Final Report dated May 2004, the Maryland-National Capital Park and Planning Commission, and the Approved Public Safety Master Plan will be considered.

The Planning Department has established a practice regarding the designation of lots that are split by the seven-minute travel time response line. If any portion of a proposed lot is beyond the response time, the lot will be considered as beyond the response time and mitigation will be required. At the time of the Preliminary Plan (4-05050), 827 lots were identified and required to pay Safety Mitigation Fees. Specifically, 88 lots in Phase 4 are required to pay both the police and fire fee while 305 are required to pay the police fee because they are considered beyond the seven-minute response time line and the fee per dwelling unit would consist of either \$4,968 and/or \$1,736 per unit for a total of \$6,704. This fee is adjusted by July 1 of each year by the percentage change in the Consumer Price Index for All Urban Consumers published by the U.S. Department of Labor from the previous fiscal year. The fee will be paid at the time of issuance of a grading permit for development. The fee was derived from the costs associated with building and equipping fire stations to house Fire and EMS personnel that are necessary to help meet response times associated with CB-56-2005.

Capital Improvement Program (CIP)

Based on the Prince George's County FY 2019-2024 CIP, there are no projects for public safety facilities proposed near the subject site.

Police Facilities

The Prince George's County Planning Department has determined that the subject property is located in the service area of District 7, in Fort Washington. Police facilities have been determined to be adequate.

Schools

Single Family Attached and Two-Family Attached

Affected School Clusters #	Elementary School Cluster 6	Middle School Cluster 6	High School Cluster 6
Dwelling Units	103	103	103
Pupil Yield Factor	.145	.076	.108
Subdivision Enrollment	15	8	11
Actual Enrollment 2018	4,795	1,923	2,471
Total Enrollment	4,801	1,917	2,478
State Rated Capacity	6,401	2,490	3,754
Percent Capacity	75%	77%	66%

Single-Family Detached

Affected School Clusters #	Elementary School Cluster 6	Middle School Cluster 6	High School Cluster 6
Dwelling Units	290	290	290
Pupil Yield Factor	.177	.095	.137
Subdivision Enrollment	51	28	40
Actual Enrollment 2018	4,795	1,923	2,471
Total Enrollment	4,801	1,917	2,478
State Rated Capacity	6,401	2,490	3,754
Percent Capacity	75%	77%	66%

County Council Bill CB-31-2003 established a school facilities surcharge in the amounts of: \$7,000 per dwelling if a building is located between Interstate 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.

CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts are \$9,741 and \$ 16,698 to be paid at time of issuance of each building permit. The school facilities surcharge may be used for the construction of additional or expanded school facilities and renovations to existing school buildings or other systemic changes.

Water and Sewerage

Section 24-122.01(b)(1) states that “the location of the property within the appropriate service area of the Ten-Year Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for preliminary or final plat approval.”

Based on the 2008 *Approved Water and Sewer Plan*, the subject property is in Water and Sewer Category 3, Community System.

Attachments:

- Attachment 1
- Attachment 2

Hancock, Crystal

From: Reilly, James V <JVReilly@co.pg.md.us>
Sent: Tuesday, September 03, 2019 11:08 AM
To: Hancock, Crystal
Subject: RE: REVISED... EPlan Referral for SDP-0516-02, BEVARD EAST via DROPBOX
Attachments: SDP-0516 Bevard Seven Minute Travel Time 090319.PNG

OK... See attached graphic. It appears that some of the proposed development associated with SDP-0516-02 falls outside of the 7 minute travel time from the closest or "first due" station, Station 825 – Clinton. Since some of the property falls outside of the travel time, all of the property is considered to fail the test. Regards. J.

James V. Reilly

Assistant Fire Chief



Office of the Fire Marshal
 Division of Fire Prevention and Life Safety
 Prince George's County Fire and EMS Department
 6820 Webster Street, Landover Hills, MD 20784
 Office: 301-583-1830
 Direct: 301-583-1838
 Cell: 240-508-4931
 Fax: 301-583-1945
 Email: jvreilly@co.pg.md.us

From: Hancock, Crystal [<mailto:crystal.hancock@ppd.mncppc.org>]
Sent: Tuesday, September 3, 2019 10:42 AM
To: Reilly, James V
Subject: RE: REVISED... EPlan Referral for SDP-0516-02, BEVARD EAST via DROPBOX

CAUTION: This email originated from an external email domain which carries the additional risk that it may be a phishing email and/or contain malware.

Yes please, sorry for the miscommunication.

From: Reilly, James V <JVReilly@co.pg.md.us>
Sent: Tuesday, September 03, 2019 10:39 AM
To: Hancock, Crystal <crystal.hancock@ppd.mncppc.org>
Subject: RE: REVISED... EPlan Referral for SDP-0516-02, BEVARD EAST via DROPBOX

Hey Crystal.... Do you just need the 7 minute travel time? Thanks. J.

From: Hancock, Crystal [<mailto:crystal.hancock@ppd.mncppc.org>]
Sent: Tuesday, September 3, 2019 8:29 AM
To: Reilly, James V
Subject: FW: REVISED... EPlan Referral for SDP-0516-02, BEVARD EAST via DROPBOX
Importance: High

CAUTION: This email originated from an external email domain which carries the additional risk that it may be a phishing email and/or contain malware.

Morning Jim,

Hoping that all is well. Can you please review this quickly as it's due today and yes, we just got it on Friday.

Thanks,
Crystal

From: Burke, Thomas <thomas.burke@ppd.mncppc.org>
Sent: Friday, August 30, 2019 3:53 PM
To: Hancock, Crystal <crystal.hancock@ppd.mncppc.org>
Subject: FW: REVISED... EPlan Referral for SDP-0516-02, BEVARD EAST via DROPBOX
Importance: High

Thank you Crystal.

From: ePlan <ePlan@ppd.mncppc.org>
Sent: Friday, August 09, 2019 3:26 PM
To: Fields, Ernest <Ernest.Fields@ppd.mncppc.org>; Schneider, Alwin <Alwin.Schneider@ppd.mncppc.org>; Davis, Christopher <Christopher.Davis@ppd.mncppc.org>; 'DARichards@co.pg.md.us' <DARichards@co.pg.md.us>; mcgiles@co.pg.md.us
Cc: Burke, Thomas <thomas.burke@ppd.mncppc.org>; Summerlin, Cheryl <Cheryl.Summerlin@ppd.mncppc.org>; Grigsby, Martin <Martin.Grigsby@ppd.mncppc.org>; Kosack, Jill <Jill.Kosack@ppd.mncppc.org>
Subject: REVISED... EPlan Referral for SDP-0516-02, BEVARD EAST via DROPBOX
Importance: High

All,

This is a REVISED EPlan referral for SDP-0516-02, Bevard East. The **DUE DATE** for this REVISED referral is: **AUGUST 23rd 2019.**

Please submit ALL comments to Thomas Burke(email attached). Click on the hyperlink to view case:
<https://www.dropbox.com/sh/hcnog32kssxuff4/AAAEQ-H0PTP9VnhpSGChR-LZa?dl=0> .

Thank you,

Donald Townsend
Maryland National Capital Park & Planning Commission
Senior Planning Technician
Urban Design Application Section
Development Review Division
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