



Note: Staff reports can be accessed at www.mncppc.org/pgco/planning/plan.htm.

DETAILED SITE PLAN (INFRASTRUCTURE)

DSP-03070

Application	General Data
Project Name: Fairwood, Phase II, Part 1-C and Phase I, Part 3 Location: North side of John Hanson Highway (US 50), both the east and west of the PEPCO easement Applicant/Address: Rouse-Fairwood, LP C/o The Rouse Company 10275 Little Patuxent Parkway Columbia, MD 21044	Date Accepted: 11/26/03
	Planning Board Action Limit: Waived
	Plan Acreage: 260.1
	Zone: M-X-C
	Dwelling Units: 189
	Square Footage: NA
	Planning Area: 71A
	Tier: Developing
	Council District: 6
	Municipality: NA
200-Scale Base Map: 207NE11	
Purpose of Application	Notice Dates
INFRASTRUCTURE DETAILED SITE PLAN FOR HOUSE SITING, GRADING, ROAD CONSTRUCTION, AND STORMWATER MANAGEMENT FACILITIES.	Adjoining Property Owners Previous Parties of Record Registered Associations: (CB-12-2003) 9/24/2003
	Sign(s) Posted on Site: 02/11/2004

Staff Recommendation		Staff Reviewer: H. Zhang, AICP	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		

February 12, 2004

MEMORANDUM

TO: Prince George's County Planning Board

VIA: Steve Adams, Urban Design Supervisor

FROM: Henry Zhang, Senior Planner, Urban Design Section, Development Review Division

SUBJECT: Infrastructure Detailed Site Plan DSP-03070 and TCPII/186/03
Fairwood, Phase II, Part 1-C, and Phase I, Part 3

The Urban Design staff has completed its review of the subject application and appropriate referrals. The following evaluation and findings lead to a recommendation of APPROVAL with conditions, as described in the Recommendation section of this report.

EVALUATION

This Detailed Site Plan was reviewed and evaluated for compliance with the following criteria:

- a. The requirements of Zoning Map Amendment A-9894-C
- b. The requirements of Comprehensive Sketch Plan CP-9504
- c. The requirements of Comprehensive Sketch Plan CP-0101
- d. The requirements of the Zoning Ordinance in the M-X-C Zone
- e. The requirements of Preliminary Plan of Subdivision 4-02023
- f. The requirements of Final Development Plan FDP-0201
- g. The requirements of CB-51-2002, an ordinance concerning general aviation airports and aviation policy areas
- h. The requirements of the Woodland Conservation and Tree Preservation Ordinance
- i. Referral comments

FINDINGS

Based upon the evaluation and analysis of the subject detailed site plan, the Urban Design Review staff recommends the following findings:

1. **Request:** The subject application is for approval of an infrastructure detailed site plan for house sitings of 189 single-family residential dwelling units and grading, road improvement as well as stormwater management improvement in the M-X-C Zone.

2. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	M-X-C	M-X-C
Use(s)	Agriculture	Single-family residential
Acreage	260.1	260.1
Lots	0	189
Parcels	0	Various

3. **Location:** The subject detailed site plan (DSP) covers a portion of land within Phase II, Part 1; portions of Phase II, Part 2; and Phase I, Part 3, of the Fairwood project, which is located both east and west of the PEPCO easement and north of John Hanson Highway (US 50).
4. **Surroundings and Use:** The subject site consists of two distinct parts, a 189-unit, single-family housing portion (Phase II, Part 1-C) west of the PEPCO easement and the remaining portion of the Fairwood project east of the PEPCO easement. For the western part of this DSP, the site is bounded to the north by the property in Phase I, Part 2-B; to the east by the PEPCO easement; to the south by the right-of-way of John Hanson Highway (US 50); and to the west by the properties in Phase II, Part 1-A (DSP-03015) and Phase II, Part 1-B (DSP-03068). For the eastern part of this DSP, the site is bounded to the west by the PEPCO easement; to the north and east by existing single-family houses in the R-E and R-R Zones; and to the south by the right-of-way of John Hanson Highway (US 50).
5. **Previous Approvals:** The subject site covers Phase II, Part 1-C; Phase II, Part 2; and Phase I, Part 3, of a larger development with a total of 1,057.69 acres known as Fairwood, which was rezoned from R-E to M-X-C through Zoning Map Amendment **A-9894-C**, for 1,799 dwelling units, 100,000 square feet of retail space, and 250,000 square feet of office/service/institutional uses, and some other “community space,” approved by the District Council on May 9, 1994. The M-X-C Zone requires multistep review and approval. On September 5, 1996, a Comprehensive Sketch Plan, **CP-9504**, for Phase I of the Fairwood development was approved by the Planning Board (Resolution PGCPB No. 96-241), consisting of 471 acres of land and approximately 1,000 units and 100,000 square feet of retail space and 250,000 square feet of office/service/institutional uses. On January 17, 2002, a Comprehensive Sketch Plan, **CP-0101**, was approved by the Planning Board (Resolution PGCPB No. 02-17(C)) for Phase II of the Fairwood development, consisting of 586.69 acres of land and approximately 1,000 units. On June 6, 2002, a Final Development Plan, **FDP-0201**, was approved by the Planning Board (Resolution PGCPB No. 02-128) for Phase II, Part 1, consisting of 254.55 acres of land, and Phase I, Part 3, consisting of 8.7 acres of land. On June 6, 2002, a Preliminary Plan, **4-02023**, including Type I Tree Conservation Plan TCPI/19/02, was approved by the Planning Board (Resolution PGCPB No. 02-126) for 266.33 acres of land known as Fairwood, Phase II, Part 1; Phase I, Part 3; and a portion of Part 2; with a total of 292 single-family lots and 25 parcels.

In addition, two previous approvals that cover the entire Fairwood site are still valid, but are not readily applicable to the review of this case because this application is for an infrastructure detailed site plan. The approvals are DSP-01046 (an umbrella architecture scheme), which was approved by the Planning Board on December 20, 2001 (Resolution PGCPB No. 01-258), and DSP-99034 (a comprehensive signage plan), which was approved by the Planning Board (Resolution PGCPB No. 99-243) on January 6, 2000. The site has also two approved Stormwater Management Concept Plans #11337-2002-01 and 37109-2003-00.

6. **Design Features:** This limited detailed site plan for infrastructure encompasses a 260.1-acre of Fairwood development and shows lot lines for 189 single-family lots in Phase II, Part 1-C, west of the PEPCO easement. The plan also shows graphically the leftover Fairwood project east of the PEPCO easement, but only a very small portion of the eastern part is proposed to be covered by this DSP. For the western part, the 189 single-family units are divided into two clusters on both the north and south sides of Fairview Vista Drive. Each cluster is organized along one major internal curvilinear street connecting to various cul-de-sacs and loop streets. The DSP also has a graphic detail of the proposed lot design standards for the 189 single-family units.

For the eastern part, improvements are proposed along the major planned roads, trails and stormwater management facilities. In addition, three berms are also shown along the right-of-way of John Hanson Highway (US 50) as a noise mitigation measure.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Map Amendment A-9894-C and the accompanying Preliminary Development Plan:** Zoning Map Amendment A-9894-C and the accompanying preliminary development plan were approved by the District Council on May 9, 1994, subject to 22 conditions. None of the conditions is specifically applicable to the review of this infrastructure detailed site plan.
8. **Comprehensive Sketch Plan CP-9504:** Comprehensive Sketch Plan CP-9504 was approved by the Planning Board on September 5, 1996, subject to eight conditions, of which Condition 8 is applicable to this DSP review and discussed as follows:

8. **To the extent possible, the existing gravel lanes shall be utilized as part of overall trail network.**

Comment: The site plan shows the proposed trails, but does not have any information on the existing gravel lanes. The plans should be revised to show the existing gravel lanes and the proposed trails. A condition of approval has been proposed in the Recommendation section of this report.

9. **Comprehensive Sketch Plan CP-0101:** Comprehensive Sketch Plan CP-0101 was approved by the Planning Board on January 24, 2002, subject to 15 conditions, of which the following conditions are pertinent to the review of this DSP:

6. **At the time of the applicable Detailed Site Plans, brick or stamped asphalt crosswalks, raised pavement markings, and/or other strategies which are appropriate to the function of the roadway shall be considered at two or three key locations along Church Road within the Fairwood property subject to approval of the Department of Public Works and Transportation and acceptance of maintenance responsibility by the Department of Public Works and Transportation.**

Comment: The Church Road improvement is located in the eastern portion of the DSP. This condition is not applicable. See Finding 15(b) for a detailed discussion.

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

Comment: The Historic Preservation Commission approved Historic Area Work Permit HAWP #12-01 in July 2001 with regarding to Fairview and Cemetery (Historic Site 71A-013), which is located adjacent to Phase II, Part 1-B (DSP-03068). The subject application covers Phase II, Part 1-C, which is located east of Phase II, Part 1-B, and will not have any direct effect on the Historic Site.

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

Comment: The applicant submitted sight-line drawings from the cemetery to the house during the review of Preliminary Plan 4-02023 that demonstrate conformance with this condition. This condition is not applicable to this DSP.

- 11. At the time of the appropriate Detailed Site Plan, should it be determined that landscaping or fencing is required to protect the Environmental Setting, the applicant shall provide historically-compatible landscaping or fencing to be approved by HPC or staff through the HAWP process.**

Comment: This condition is not applicable to this DSP because the site in this application is away from the Environmental Setting of the Historic Site.

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

Comment: This condition has been addressed in DSP-03068 and is not applicable to this DSP because the site in this application is not directly adjacent to the Historic Site.

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

Comment: This condition has been addressed in DSP-03068 and is not applicable to this DSP because the site in this application is not directly adjacent to the Historic Site.

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

Comment: The southern portion of the residential areas within the limits of this infrastructure detailed site plan are located within the 65 dBA Ldn noise corridor associated with John Hanson Highway (US 50). According to the review by the Environmental Planning Section (Markovich to Zhang, February 17, 2004), a Phase II Noise Study is required and mitigation measures are required, too. A condition of approval has been proposed in the recommendation section of this report.

10. **The Requirements of M-X-C Zone (Section 27-546.07(b)):** In addition to the findings required for the Planning Board to approve a detailed site plan (Zoning Ordinance, Part 3, Division 9), the Planning Board shall also find:

- (1) **The proposed development is in conformance with the purposes and other provisions of the M-X-C Zone;**
- (2) **The arrangement and design of buildings and other improvements and the mix of uses reflect a cohesive development capable of sustaining an independent environment of continuing quality and stability;**
- (3) **The pedestrian system is convenient and is comprehensively designed to encourage pedestrian activity within the development;**
- (4) **In areas of the development which are to be used for pedestrian activities or as gathering places for people, adequate attention has been paid to human scale, the quality of urban design, and other amenities, such as the types and textures of materials, landscaping and screening, street furniture, and lighting, both natural and artificial.**
- (5) **The Detailed Site Plan is in general conformance with the approved Final Development Plan. Where not defined in an approved Development Plan, the design standards of the zone most compatible with the M-X-C Zone shall be applicable.**

Comment: The subject application is an infrastructure DSP for 189 single-family lots in Phase II, Part 1-C. The proposed development is in conformance with the purposes and other provisions of the M-X-C Zone. The proposed development is also in general conformance with the approved final development plan as discussion in Finding 12.

The plan shows the trail system, which is a portion of a comprehensively designed pedestrian system for the entire Fairwood project, that is convenient and encourages pedestrian activity within the development. The trail system also makes use of the existing gravel lanes to the extent possible. Since this application is for an infrastructure DSP limited to house sitings, grading, SWM facilities and road improvement, no specific urban design issues are involved in this DSP.

11. **Preliminary Plan of Subdivision 4-02023:** The Planning Board approved Preliminary Plan of Subdivision 4-02023 on July 11, 2002, subject to 26 conditions, of which the following are applicable to this DSP review:

4. **Prior to approval of the final plat(s) of subdivision or the Detailed Site Plan, whichever occurs first, which includes the following street(s) the applicant shall:**
 - a. **Show Lees Progress Drive as a 60-foot right-of-way between Fairview Vista Drive and Hatties Progress Drive.**
 - b. **Show Hatties Progress Drive as a 60-foot right-of-way between Lees Progress Drive and Lockwoods Progress Drive. This requirement will be revised or waived with the approval by DPW&T of a revised cross-section which will allow safe two-way vehicular access along this section. This may be incorporated with a different pavement width or a partial prohibition of on-street parking, or other means which may be determined in consultation between the applicant and DPW&T.**

Comment: The DSP shows conformance with the width requirement. As the condition indicates, this requirement will be subject to the final approval of DPW&T at time of the permit.

5. **Access to Parcels F, G, and H shall be via one ingress/egress easement provided pursuant to Section 24-128(b)(9) of the Subdivision Regulations rather than by means of separate driveways for each parcel. A final plat shall be filed pursuant to Section 24-108 of the Subdivision Regulations to establish said easement at the time of submittal of the first Detailed Site Plan submittal for Parcel F, G, or H, or once the final configurations of Parcels F, G and H are established by the applicant. The location of the access easement shall be established at the time of the first Detailed Site Plan for Parcel F, G, or H.**

Comment: Parcels F, G, and H, also known as Area B in Final Development Plan FDP-0201, were approved as an "Other Residential Use" area for 300 units at the time of preliminary plan. According to the definition as recorded in final development plan criteria (Sheet 5 of 6) Item 7, Permitted Uses, this area can be developed for a maximum of 300 single-family attached or multifamily or a **smaller number** of single-family detached dwelling units. The subject application shows lot lines for 87 single-family detached dwelling units accessed by a curvilinear street branching into six cul-de-sacs. The DSP complies with the condition.

9. **At the time of the applicable Detailed Site Plans, brick or stamped asphalt crosswalks, raised pavement markings, and/or other strategies which are appropriate to the function of the roadway should be considered at two or three key locations along Church Road within the Fairwood property subject to the approval of the county Department of Public Works and Transportation and acceptance of maintenance responsibility by the same agency.**

Comment: See Finding 9 above.

10. **Development of this subdivision shall be in accordance with the approved Stormwater Management Concept Plan, #11337-2002-00 as revised and approved from time to time.**

Comment: The DSP complies with the Stormwater Management Concept Approval #11337-2002-0, which is a revision to #11337-2002-00 and #37109-2003-00 for Phase II.

11. **Prior to signature approval, the preliminary plan shall be revised:**

- f. To provide a note that access easements to stormwater management facilities features shall be located on the Detailed Site Plan.**

Comment: The DSP shows the easements graphically without any descriptions. A condition of approval has been proposed in the Recommendation section of this report.

- 23. As part of the Detailed Site Plan application a Phase II Noise Study shall be submitted to address noise from US 50. The Phase II Noise Study may contain supporting documentation to revise the location of the 65 dBA contour and shall contain mitigation measures to reduce noise levels to below 45 dBA Ldn for interior noise and 65 dBA Ldn for exterior noise on residential lots.**

Comment: Compliance with this condition is addressed in Finding 9 above.

- 25. Prior to the submittal of the Detailed Site Plan for Phase II, Part One of Fairwood the applicant shall examine alternative alignments for the sewer outfalls and provide documentation to the Environmental Planning Section that the PMA impacts identified as Impacts 2, 5, and 8 have been minimized.**

Comment: Per a review by the Environmental Planning Section (Markovich to Zhang, February 17, 2004), the proposed PMA impacts identified by this condition were evaluated per this condition during the review of DSP-03015. At that time some of the impacts were minimized to the fullest extent possible, and other impacts were eliminated by using boring equipment for the construction of sewer and water outfalls through an area identified as part of the PMA. No further information is required with respect to the proposed PMA impacts associated with this application.

- 12. Final Development Plan, FDP-0201:** Final Development Plan FDP-0201 was approved by the Planning Board on June 27, 2002, subject to seven conditions. The following conditions are pertinent to the review of this DSP.

- 2. At the time of submittal of any Detailed Site Plan that impacts the historic site the applicant shall identify the lots that are directly contiguous to the Fairview Parcel of the Community Use areas surrounding the Fairview parcel which may impact the sight lines from Fairview.**

Comment: This condition has been addressed in DSP-03068 (Phase II, Part 1-B) and is not applicable to this application.

- 4. Access to the Aother residential@ area which is Area B within Phase II, Part 1 of the FDP and Parcels F, G, and H on the preliminary plan shall be accomplished through joint-use easements or roadways rather than by means of separate driveways within a short distance. Access to this area shall be reviewed further at the time of Detailed Site Plan.**

Comment: See above Finding 9 for a discussion on Condition 5 of Preliminary Plan of Subdivision 4-02023.

- 7. At the time of the applicable Detailed Site Plans, brick or stamped asphalt crosswalks, raised pavement markings, and/or other strategies which are**

appropriate to the function of the roadway shall be considered at two or three key locations along Church Road within the Fairwood property subject to the approval of the County Department of Public Works and Transportation and acceptance of maintenance responsibility by the same agency.

Comment: See above Finding 9 for a discussion on Condition 6 of Comprehensive Sketch Plan CP-0101.

13. **CB-51-2002:** CB-51-2002, which was adopted on July 23, 2002, by the District Council, is an ordinance concerning General Aviation Airports and Aviation Policy (APA) Areas. The major portion of this DSP east of the PEPCO easement is covered in APA 2, APA 3, APA 4, and APA 6. Since no specific lot is proposed east of the PEPCO easement in this DSP, the applicability of this Council bill is limited to the proposed grading improvements around the road and SWM facilities. Per the review by the Environmental Planning, the proposed grading is acceptable.
14. **Woodland Conservation Ordinance:** This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the gross tract area is in excess of 40,000 square feet, there are more than 10,000 square feet of existing woodland on site, and there are previously approved Type I Tree Conservation Plans TCPI/19/02 and TCPI/8/01.
 - a. The Detailed Forest Stand Delineation (FSD) was submitted and approved during the review of the Preliminary Plan of Subdivision, 4-02023. No further information is required with this DSP application.
 - b. The Type II Tree Conservation Plan, TCPII/186/03, submitted with this application has been reviewed and was found to require significant revisions. A review by the Environmental Planning Section of the revised plans indicates that the TCPII is in general conformance with the requirements of the Woodland Conservation Ordinance.
15. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:
 - a. In a memorandum dated February 13, 2004, the Community Planning Division noted that there are no master plan or general plan issues related to this detailed site plan application. Staff also noted that this application is located in Aviation Policy Areas pursuant to Sections 27-548.32 to 27-548.49 of the Zoning Ordinance.
 - b. In a memorandum dated December 23, 2003, the Subdivision Section staff indicated that the detailed site plan is subject to the conditions of approval of Preliminary Plan 4-02023. Staff listed each condition applicable to this DSP review. See Finding 9 for a detailed discussion.

Staff noted that the application has proposed single-family units on the properties that were identified in Preliminary Plan of Subdivision 4-02023 as multifamily residential use and concluded that the single-family residential is consistent with the preliminary plan.

Staff also noted that this application does not follow the order of approvals set forth in the Zoning Ordinance for development in the M-X-C Zone. A preliminary plan of subdivision has not been approved for that portion of Phase II east of the PEPCO right-of-way with the exception of review of several rights-of-way.

Comment: Per Section 27-546.08, Order of Approvals, in the M-X-C Zone, a detailed site plan should be approved after the approvals of the preliminary development plan, comprehensive sketch plan, preliminary plan of subdivision and final development plan. The subject site has an approved preliminary development plan and comprehensive sketch plan. The western portion of the site has an approved Preliminary Plan of Subdivision 4-02023. Currently for the eastern portion, a preliminary plan of subdivision and a final development plan are under review but not yet approved. Therefore, the eastern portion of the site cannot be included in the subject detailed site plan. A condition of approval is proposed below to exclude the portion of Phase II, Part 2, east of the PEPCO right-of-way from the subject approval.

- c. The subject application was also referred to the Department of Environmental Resources. In a memorandum dated December 19, 2003, the staff noted that the site plan is consistent with approved stormwater management concept plans# 34115-2003, 7979-2001 and 27471-2003.
- d. The Transportation Planning Section in a memorandum dated February 17, 2004, provided a comprehensive review of the status of the transportation-related conditions attached to the previous approvals. No additional conditions have been proposed.

In a separate memorandum from the Transportation Planning Section dated January 29, 2003, on detailed site plan review for master plan trail compliance, the trails planner made four recommendations regarding trail networks that will facilitate nonvehicular circulation within the subject site and connection with other parts of the Fairwood project. The four conditions have been incorporated into the recommendation section of this report.

- e. The Environmental Planning Section, in a memorandum dated February 17, 2004, indicated that the plans as submitted have been found to address the environmental constraints for the site and the requirements of the Prince George's County Woodland Conservation Ordinance. The staff recommended approval of this application subject to three conditions.
- f. The Historic Preservation and Public Facilities Planning Section, in a memorandum dated January 7, 2004, indicated that the subject application is not adjacent to the Fairview and Cemetery Historic Site (#71A-013) and will have no direct impact on the Historic Site. However, pursuant to the recent Planning Board directive that the question of potential slave quarters and slave graves be considered in the review of development applications, the staff review of Maryland Historical Trust's archeological sites files and of *The Prince George's County Historic Sites and Districts Plan* files for Fairview indicates that there may be archeological resources of the antebellum period in the area of the subject DSP. Development activities may have an adverse effect on these archaeological resources. The applicant has verbally indicated that Phase I archeology was required in other areas of Fairwood by the Corps of Engineers through the Section 106 process. Since archeology has not been previously required in this part of the Fairwood project, staff makes the following recommendation:

“Prior to the issuance of grading permits for the portion of Fairwood covered by this DSP, the applicant shall determine the extent of the land area covered by this DSP which should be the subject of a Phase I archeological investigation. The

applicant's findings shall be submitted to the staff of M-NCPPC for review and approval. Upon approval of this determination, grading and building permits may be issued for any portion of the property excluded from the scope of the Phase I investigation. No grading permits shall be issued for the area subject to the Phase I investigation until after satisfactory completion of the following:

- (1) The Phase I investigation is completed and a determination is made by staff of M-NCPPC that no further investigation is needed; or
- (2) It is determined that archeological resources exist in the project area, the applicant shall provide a plan for:
 - (a) Avoiding and preserving the resource in place, or
 - (b) Devising a plan to mitigate the disturbance of the resource by conducting Phase II and Phase III investigations as needed. Evidence of M-NCPPC staff concurrence with the investigations and/or report must be provided.

“All investigations must be conducted by a qualified archeologist and must follow *The Standards and Guidelines for Archeological Investigations in Maryland (Schaffer and Cole: 1994)* and must be presented in a report following the same guidelines. Two copies of this report must be delivered to M-NCPPC for review: one to Historic Preservation staff of the Planning Department, and one to the Archaeology Program of the Department of Parks and Recreation.”

- g. The City of Bowie, in a memorandum dated January 28, 2004, asked questions regarding berms, Church Road, hiker/biker trails, stormwater management ponds and wildlife habitat. All the questions have either been answered or been incorporated into the conditions of approval except for the wildlife habitat issue. At this time, Prince George's County does not have any requirements for a habitat conservation plan.
- h. The Permit Review Section, in a memorandum dated December 24, 2003, noted that there are no zoning issues with this DSP.
- i. The Maryland Aviation Administration (MAA), in a memorandum dated January 7, 2004, stated that MAA has not found any violation to the provisions of the Code of Maryland Regulations, 11.03.05 as the development relates to Freeway Airport in this DSP. The staff also noted that:

“The planned Wetland ‘E’ and Storm Water Management No.9A has potential to attract birds and create a wildlife hazard. The MAA recommends mitigating the wildlife hazard close to Freeway Airport. The Federal Aviation Administration Advisory Circular No. 150/5200-32, Airport Wildlife Hazard Management, provides valuable insight in reducing any large congregation of bird near airports. Land developers and landowners should be informed of their liability associated with these wildlife hazards.”

Comment: The Urban Design staff has sent the MAA comments to the applicant. The applicant is fully informed about this potential hazard associated with congregation of birds near airports.

- j. The Department of Parks and Recreation (DPR), in a memorandum dated February 11, 2004, noted that the application has proposed improvements on the property that will be dedicated to DPR. Per the current regulation on conveyance of parkland to M-NCPPC, the land to be conveyed shall not be disturbed or filled in any way without the prior written consent of DPR. The staff proposed two conditions that have been incorporated into the Recommendation section of this report.
 - k. The Department of Public Works and Transportation (DPW&T) had not responded to the referral request at the time the staff report was written.
16. This limited detailed site plan for infrastructure satisfies the site design guidelines as contained in Section 27-274, prevents off-site property damage, and prevents environmental degradation to safeguard the public's health, safety, welfare, and economic well-being for grading, reforestation, woodland conservation, drainage, erosion, and pollution discharge.

RECOMMENDATION

Based upon the foregoing evaluation, analysis and findings, the Urban Design staff recommends that the Planning Board adopt the findings of this report and APPROVE infrastructure Detailed Site Plan DSP-03070 for Fairwood and Type II Tree Conservation Plan TCPII/186/03, subject to the following conditions:

- 1. Prior to certificate approval of this detailed site plan, the applicant shall do the following:
 - a. The plan shall be revised to exclude Phase II, Part 2 from the DSP. It shall be labeled "not included in DSP" and shall be subject to a new DSP subsequent to approval of a Preliminary Plan of Subdivision for the affected area. All necessary revisions to the TCPII shall also be made as indicated below or as otherwise required by the Environmental Planning Section to accommodate removal of Phase II, Part 2, for the DSP.
 - b. Provide notes regarding the total development cap including the subject detailed site plan for Phase I and Phase II established by CP-0101.
 - c. Show the existing gravel lanes graphically within the boundary of this DSP.
 - d. Extend the eight-foot-wide trail parallel to the south side of Fairview Vista Drive to Lees Progress Drive.
 - e. Extend the eight-foot-wide trail parallel to the north side of Fairview Vista Drive to Cimmaron Greenfields Drive.
 - f. Include the ten-foot-wide, paved access roads as part of the internal pedestrian/trail network to allow for additional recreational opportunities within the community.
 - g. Revise the plans to show the location of protective fencing and signs for all preservation areas, protective fencing, and signs as appropriate for reforestation areas not adjacent to lots and protective fencing and signs for each lot where the reforestation areas abut lots.
 - h. Add the following note to each sheet of the TCPII.

“This plan is for infrastructure only and will be further revised in conjunction with subsequent Detailed Site Plans.”

- i. Modify reforestation areas (RA) 73, 74, 76 and 77 to ensure compliance with Section 27-548.39(a)(2) of the Zoning Ordinance that requires natural vegetation not to interfere with the safe operation of aircraft.
 - j. Provide afforestation on each of the noise attenuation berms including the berm adjacent to woodland preservation area #47 and the berm on the parcel to be dedicated to M-NCPPC. All afforestation done on the berm on the M-NCPPC parcel shall include a planting schedule approved by the Department of Parks and Recreation and the Environmental Planning Section.
 - k. Provide a single worksheet on the TCPII that includes each previously approved phase of the overall Fairwood development in a format that is the same as the EPS phased worksheet as last revised on 7/18/03.
 - l. Revise the tables for reforestation areas, woodland preservation areas, and woodland removal areas as necessary after other revisions have been completed.
 - m. Eliminate proposed woodland removal area #40 or provide justification indicating the need for that proposed impact.
 - n. The plans shall be sealed, signed and dated by the licensed landscape architect, licensed forester, or other qualified professional who prepared the plan.
2. Prior to submission of any detailed site plan for the portion of the property east of Church Road, the applicant shall submit to DPR construction drawings for the area of the proposed park to be disturbed for construction of the berm. The construction drawings shall include a grading plan, a landscaping plan, a planting schedule, and any other details associated with the berm construction.
 3. The 10-foot gravel access road on dedicated parkland shall be removed after completion of the berm construction, and the land shall be restored to preconstruction condition, unless otherwise agreed to by DPR.
 4. Prior to the issuance of grading permits for the portion of Fairwood covered by this DSP, the applicant shall determine the extent of the land area covered by this DSP, which should be the subject of a Phase I archeological investigation. The applicant’s findings shall be submitted to the staff of M-NCPPC for review and approval. Upon approval of this determination, grading and building permits may be issued for any portion of the property excluded from the scope of the Phase I investigation. No grading permits shall be issued for the area subject to the Phase I investigation until after satisfactory completion of the following:
 - a. The Phase I investigation is completed and a determination is made by staff of M-NCPPC that no further investigation is needed.
 - b. It is determined that archeological resources exist in the project area, the applicant shall provide a plan for:
 - (1) Avoiding and preserving the resource in place.

- (2) Devising a plan to mitigate the disturbance of the resource by conducting Phase II and Phase III investigations as needed. Evidence of M-NCPPC staff concurrence with the investigations and/or report must be provided.

All investigations must be conducted by a qualified archeologist and must follow *The Standards and Guidelines for Archeological Investigations in Maryland (Schaffer and Cole: 1994)* and must be presented in a report following the same guidelines. Two copies of this report must be delivered to M-NCPPC for review: one to Historic Preservation staff of the Planning Department, and one to the archaeology program of the Department of Parks and Recreation.

5. All subsequent Detailed Site Plans that provide house pad locations and/or house types shall clearly show the locations of the unmitigated and mitigated 65 dBA Ldn noise contours. Any house sites located within the mitigated 65 dBA Ldn noise contour shall provide specific structural data indicating how the interior noise levels will be mitigated so as not to exceed 45 dBA Ldn.
6. Prior to the issuance of any permits that impact wetlands, wetland buffers, streams, or Waters of the U.S., the applicant shall submit to the M-NCPPC Planning Department copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.