



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

Preliminary Plan 4-03126

Application	General Data
Project Name: PISCATAWAY HEIGHTS Location: North side of Floral Park Road, approximately ½ mile west of intersection of Floral Park Road and Brandywine Road. Applicant/Address: Balian, Sevag Floral Park, LLC. 14145 Brandywine Road Brandywine, MD. 20613-3003	Date Accepted: 12/15/03
	Planning Board Action Limit: 05/17/04
	Plan Acreage: 297.43
	Zone: R-A
	Lots: 110
	Parcels: 6
	Planning Area: 85A
	Tier: Developing
	Council District: 09
	Municipality: N/A
	200-Scale Base Map: 217SE05

Purpose of Application	Notice Dates
RESIDENTIAL SUBDIVISION	Adjoining Property Owners: (CB-15-1998) N/A
	Previous Parties of Record: (CB-13-1997) N/A
	Sign(s) Posted on Site: 02/25/04

Staff Recommendation		Staff Reviewer: Joe Del Balzo	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Preliminary Plan of Subdivision 4-03126
Piscataway Heights, 110 Lots and 6 Parcels

OVERVIEW

The subject property consists of approximately 297.43 acres of land in the R-A Zone. It is undeveloped, partly wooded, and partly cleared land. The applicant proposes to subdivide the property into 110 lots for development with single-family, detached homes and six parcels.

Floral Park Road is a historic road and classified as a collector in the Subregion V master plan. As such, it is important to limit access points. To accomplish this, access easements are proposed to serve lots that will front Floral Park Road. These easements are further discussed in the Environmental Issues and Access Easement findings of this report.

SETTING

The property is located on the north and south sides of Floral Park Road east of Springfield Road. It is surrounded by single-family homes on very large parcels in the R-A Zone to the east, south and west. To the north is the Piscataway Creek Stream Valley Park.

FINDINGS AND REASONS FOR STAFF RECOMMENDATION

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

	EXISTING	PROPOSED
Zone	R-A	R-A
Uses	Vacant	Single-family homes and Stream Valley Park
Acreage	297.43	297.43
Lots	0	110
Parcels	3	6
Detached Dwelling Units	0	110

2. **Environmental**—The subject property has streams, wetlands, and 100-year floodplain associated with Piscataway Creek in the Potomac River watershed. Current air photos indicate that about

two-thirds of the site is forested. The Subregion V master plan indicates that there is a significant area of Natural Reserve on the site. Floral Park Road is a designated historic road. There are no nearby sources of traffic-generated noise. The proposed use is not expected to be a noise generator. 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. The *Prince George's County Soils Survey* indicates that the principal soils on the site are in the Adelpia, Aura, Beltsville, Bibb, Chillum, Collington, Croom, Galestown, Iuka, Magnolia, Mattapex, Othello, Sassafra, Westphalia and Woodstown series. Marlboro Clay does not occur in this area. The site is in the Developing Tier according to the adopted General Plan.

Woodland Preservation

This site is subject to the provisions of the Woodland Conservation Ordinance because the entire site is more than 40,000 square feet in size and has more than 10,000 square feet of woodland.

The forest stand delineation (FSD) has been reviewed. The FSD notes 32 sample areas, describes six forest stands containing a total of 235.20 acres of woodland, and notes 84 specimen trees. The plan shows soils boundaries, all severe slopes, steep slopes with highly erodible soils, streams, wetlands, and the 100-year floodplain. The soils chart contains the correct information. The FSD meets the requirements of the Woodland Conservation Ordinance.

The Type I Tree Conservation Plan has been reviewed. The plan proposes clearing 88.37 acres of the existing 203.94 acres of upland woodland and clearing of 0.37 acre of the existing 31.30 acres of woodland within the 100-year floodplain. The woodland conservation requirement has been correctly calculated as 168.65 acres. The plan proposes to meet the requirement by providing 115.57 acres of on-site preservation, 18.66 acres of on-site planting, and 34.42 acres of off-site mitigation for a total of 168.65 acres.

The plan shows woodland conservation in priority areas that include the expanded stream buffer and scenic woodlands along Floral Park Road. Additionally, the plan avoids the creation of forest fragments. The plan provides at least 40 feet of unencumbered rear yard and allows room for construction of the homes, ensures the long-term protection of the preserved woodland, and allows for future changes in house types that may impact the clearing and grading around each house. The woodland conservation threshold for the project is proposed to be met on-site.

The plan proposes extensive plantings that require special attention to ensure their survival. Additionally, woodland conservation is proposed on lands to be dedicated to the Department of Park and Recreation.

Floodplain, Streams, Wetlands and Buffers

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, these areas include the expanded stream buffer and any isolated sensitive environmental features.

The Preliminary Plan and the Type I Tree Conservation Plan show the streams on the site, the required minimum 50-foot stream buffers, the wetlands on the site, the required minimum 25-foot wetland buffers, a 100-year floodplain, all slopes exceeding 25 percent, all slopes between 15 and 25 percent with highly erodible soils, and an expanded stream buffer. The delineation of the expanded steam buffer meets the requirements of the Subdivision Regulations. A conservation easement placed on the final plat is appropriate.

The plan proposes impacts to stream buffers. Impacts to these buffers are prohibited 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. Staff notes that the existing sanitary sewer main is entirely within the expanded stream buffer, and that the topography of the site controls stormwater drainage patterns. Five revised variation requests, dated February 19, 2004, have been submitted in conformance with Section 24-113 of the Subdivision Regulations.

Impacts #1, #2, #3 and #5 are to an expanded stream buffer for the construction of sanitary sewer connections to serve the proposed development. These will disturb a total of 80,884 square feet of the expanded stream buffer. The alignment of the sewer is constrained by the topography of the site. A required connection is to the existing sewer main that is wholly within the expanded stream buffer. The details of construction will be reevaluated by the Washington Suburban Sanitary Commission during the review of the construction permits to further reduce impacts.

Impact #4 is for the installation of a water main required by the Washington Suburban Sanitary Commission to provide adequate water for the eastern half of the development. The location of the water main has been determined after conducting a hydraulic analysis of the site.

Section 24-113(a) of the Subdivision Regulations sets forth the required findings for approval of variation requests. Staff supports the variation requests based on the following findings found in Section 24-113:

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 the evidence presented to it in each specific case that:

- a. **The granting of the variation request would not be detrimental to public**

safety, health or welfare and does not injure other property. *Comment:* The installation of sanitary sewer lines and the water main are required by other regulations to provide for public safety, health and welfare. All designs of these types of facilities are reviewed by the appropriate agency to ensure compliance with the regulations. These regulations require that the designs are not injurious to other property.

- b. 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.** *Comment:* The only available sanitary sewer main to serve development of this property is wholly located within an expanded stream buffer. Many other properties can connect to an existing sanitary sewer without requiring a variance; however, that option is not available for this particular site. The specific topography of the site requires the use of two sanitary sewer connections to adequately serve the proposed development. The location of the water main has been determined after conducting a hydraulic analysis of the site that takes into account the particular topography of the area.
- c. The variation does not constitute a violation of any other applicable law, ordinance or regulation.** *Comment:* The installation of sanitary sewer lines and water mains is required by other regulations. The proposed impacts are not a violation of any other applicable law, ordinance or regulation because state and federal permits are required prior to construction.
- d. 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.** *Comment:* The location of the existing sewer main provides no alternative for the connections of the sanitary sewer lines that are required to serve the development. It appears that a substantial number of the proposed lots would have to be removed if one of the connections was denied and only two lots could be created if both sanitary sewer connections were denied. The failure to provide the water main would require a complete redesign of the site with the probable loss of a substantial numbers of lots.

Floral Park Road

Floral Park Road is designated in the Subregion V master plan as a historic road. There are historic characteristics that should be identified in a site features inventory and preserved as part of the proposed subdivision.

The *Design Guidelines and Standards for Scenic and Historic Roads* provides guidance for the review of applications that could result in the need for roadway improvements. The manual currently states that when a scenic or historic road is adjacent to a proposed subdivision "...a team [to include M-NCPPC staff] will complete a study of the scenic or historic roads around or within the subject site which will include an inventory of scenic and historic features and an evaluation of features most worthy of preservation." A visual inventory prepared by the applicant was received on February 19, 2004. The inventory shows that the length of the property is wooded with man-made features restricted to a few telephone poles.

On the south side of Floral Park Road, the plan provides three well-spaced entrances to serve 17 lots on shared driveways and a 40-foot-wide landscape buffer adjacent to the 10-foot public utility easement parallel to the land to be dedicated for Floral Park Road. On the north side of Floral Park Road, the plan provides two well-spaced entrances to serve the major portion of the development, shared driveways with two entrances to serve six lots, and a 40-foot-wide landscape buffer adjacent to the 10-foot-wide public utility easement parallel to the land to be dedicated for Floral Park Road. These features serve to retain the historic character of Floral Park Road.

Soils

The *Prince George's County Soils Survey* indicates that the principal soils on the site are in the Adelphia, Aura, Beltsville, Bibb, Chillum, Collington, Croom, Galestown, Iuka, Magnolia, Mattapex, Othello, Sassafras, Westphalia and Woodstown series. Collington, Galestown, Magnolia and Sassafras soils pose no special problems for development. Beltsville, Iuka, Mattapex, Othello and Woodstown soils are subject to perched water tables, impeded drainage, and poor drainage. Aura, Beltsville, Croom and Westphalia soils are highly erodible and pose problems when associated with steep slopes. This information is provided for the applicant's benefit. A soils report may be required by the Prince George's County Department of Environmental Resources during the permit process review.

Water and Sewer Categories

The property is in Water Category W-4 and Sewer Category S-4; it will be served by public systems.

3. **Community Planning**—The property is in Planning Area 85A/Brandywine. The 2002 General Plan places the property 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. This application is not inconsistent with the 2002 General Plan Development Pattern policies for the Developing Tier.

The 1993 Subregion V master plan recommends large-lot, alternative low-density development at 0.5 to 0.9 dwelling units per acre for the majority of the property. An M-NCPPC stream valley park and community park is proposed for the northwest part of the property. This preliminary subdivision application conforms to the recommendations of the master plan for large-lot, alternative low-density development in this part of the Brandywine community. The 1993 Subregion V master plan classified this property in the R-A Zone.

4. **Parks and Recreation**—The proposed residential development is located in the Brandywine/Cedarville Area of Subregion V. The subject property is bordered by Piscataway Creek on the north. The adopted and approved Subregion V master plan identifies Piscataway Creek Stream Valley Park on the north of the property as a stream valley park and shows a master-planned hiker/biker/equestrian trail along the Piscataway Creek. A portion of a 70-acre community park floating symbol is also shown on the subject property.

The applicant met with Department of Parks and Recreation (DPR) and agreed to dedicate 25 acres of the 100-year floodplain to the Commission for addition to the Piscataway Creek Stream Valley Park. This dedication will connect the existing parkland along the stream on the east and west of subdivision and will provide the land for the construction of the master-planned trail

along the creek. The master-planned trail will provide an important recreational link between the communities and parks in southern Prince George's County.

The subject park symbol had been addressed in the Saddle Creek and Heritage Reserve subdivisions, where a total of 35 acres of the usable parkland has been contributed.

5. **Trails**—Two master plan trails are in the vicinity of the property. The adopted and approved Subregion V master plan recommends a stream valley trail along Piscataway Creek. The master plan also proposes a trail connecting the parkland with Floral Park Road. The applicant will be dedicating the land to accommodate these trails on park property. If road improvements are required along Floral Park Road, staff recommends wide shoulders to accommodate bicycle traffic, per the concurrence of the Department of Public Works and Transportation.
6. **Transportation**—The transportation staff determined that a traffic study detailing weekday analyses was needed. In response, the applicant submitted a traffic study dated December 2003 that was referred for comment; comments from State Highway Administration (SHA) are in the file. The findings and recommendations outlined below are based upon a review of these materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*.

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. Mitigation, as defined by Section 24-124(a)(6) of the Subdivision Ordinance, is permitted at signalized intersections within any tier subject to meeting the geographical criteria in the guidelines.

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 warranted traffic controls) if deemed warranted by the appropriate operating agency.

Analysis of Traffic Impacts

The traffic study for this site examined the site impact at four intersections:

- Brandywine Road/Floral Park Road (unsignalized)
- Floral Park Road/Windbrook Drive (unsignalized)
- MD 223/Windbrook Drive (unsignalized)

The existing conditions at the study intersections are summarized below:

EXISTING TRAFFIC CONDITIONS			
Intersection	Vehicle Delay (AM & PM)		Level of Service (LOS, AM & PM)
Brandywine Road and Floral Park Road	14.4	16.3	-- --
Floral Park Road and Windbrook Drive	9.9	10.9	-- --
MD 223 and Windbrook Drive	30.6	13.8	-- --
*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, an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are outside of the normal range of the procedure and should be interpreted as a severe inadequacy. This criterion is applicable to roundabouts as well as standard four-way or three-way intersections.			

The area of background development includes 10 properties in the vicinity of the subject property. Background conditions also assume through traffic growth along MD 223. There are no programmed improvements in the county Capital Improvement Program (CIP) or the state Consolidated Transportation Program (CTP). It is noted that background conditions do not include the Saddle Creek (4-02126) and the Heritage Preserve (4-03072) developments. Both of these developments were approved after the subject study had been scoped. Background conditions are summarized below:

BACKGROUND TRAFFIC CONDITIONS			
Intersection	Vehicle Delay (AM & PM)		Level of Service (LOS, AM & PM)
Brandywine Road and Floral Park Road	45.0	201.6	-- --
Floral Park Road and Windbrook Drive	19.4	22.0	-- --
MD 223 and Windbrook Drive	30.6	13.8	-- --
*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, an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are outside of the normal range of the procedure and should be interpreted as a severe inadequacy. This criterion is applicable to roundabouts as well as standard four-way or three-way intersections.			

The site is proposed for development as a residential subdivision. The site is proposed to be developed with 110 single-family detached residences, which would generate 83 (17 in, 66 out) AM peak-hour vehicle trips and 99 (66 in, 33 out) PM peak-hour vehicle trips. With the trip distribution and assignment as assumed, the following results are obtained under total traffic:

TOTAL TRAFFIC CONDITIONS			
Intersection	Vehicle Delay (AM & PM)		Level of Service (LOS, AM & PM)
Brandywine Road and Floral Park Road	53.6	234.3	-- --
Floral Park Road and Windbrook Drive	21.0	24.1	-- --
MD 223 and Windbrook Drive	69.2	15.3	-- --
*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, an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are outside of the normal range of the procedure and should be interpreted as a severe inadequacy. This criterion is applicable to roundabouts as well as standard four-way or three-way intersections.			

The traffic study identifies an inadequacy at the unsignalized intersection of MD 223/Windbrook Drive. In response to the inadequacy, the applicant recommends that a signal be studied and installed if warranted at this location. This is acceptable and would resolve the inadequacy noted.

At the Brandywine Road/Floral Park Road, past traffic studies done for the Saddle Creek and Heritage Reserve cases recommended that the eastbound approach of this intersection be restriped to provide separate right-turn and left-turn lanes. This recommendation was carried forward into the list of conditions for each case, and it should likewise be carried forward for the subject case. However, it should be noted that the operating agencies did believe that a minor widening would be required to accomplish the improvement.

SHA concurred with the results of the traffic study, except to suggest that the existing lane geometry at the MD 223/Windbrook Drive intersection was operationally sufficient and that it did not appear that current projected traffic volumes would meet even minimal warrants for signalization. Nonetheless, it is noted that there is considerable development activity in the area, with more proposals under consideration. Therefore, this recommendation will include the proffered traffic signal warrant study at this location prior to building permit, with a provision that the requirement can be waived by SHA in the event that SHA determines in writing that traffic volumes are insufficient to meet minimum warrants.

The master plan indicates that Floral Park Road is a master plan collector facility, and the plan reflects adequate right-of-way dedication of 40 feet from centerline along this roadway.

Based on these findings, adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code if the application is approved with conditions requiring certain road improvements outlined in the Recommendation section of this report.

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

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 5	Middle School Cluster 3	High School Cluster 3
Dwelling Units	110 sfd	110 sfd	110 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	26.40	6.60	13.20
Actual Enrollment	4,096	4,689	8,654
Completion Enrollment	180.48	86.22	158.07
Cumulative Enrollment	0	0	0
Total Enrollment	4,302.88	4,781.82	8,825.27
State Rated Capacity	4,214	5,114	7,752
Percent Capacity	102.11%	93.50%	113.85%
Funded School	N/A	N/A	N/A

Source: Prince George's County Planning Department, M-NCPPC, December 2003

These figures are correct on the day this memo was written. Other projects that are approved prior to the public hearing on this project will cause changes to these figures. The numbers shown in the resolution of approval will be the ones that apply to this project.

County Council bill CB-31-2003 establishes a school facilities surcharge in the amounts of: \$7,000 per dwelling if a building is located between I-495 and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts on 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.

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. 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.

8. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of fire and rescue facilities.
 - a. The existing fire engine service at Brandywine Fire Station, Company 40, located at 14201 Brandywine Road, has a service travel time of 7.25 minutes, which is beyond the 5.25-minute travel time guideline.
 - b. The existing ambulance service Brandywine Fire Station, Company 40, has a service travel time of 7.25 minutes, which is beyond the 6.25-minute travel time guideline.
 - c. The existing paramedic service at Brandywine Fire Station, Company 40, has a service travel time of 7.25 minutes, which is within the 7.25-minute travel time guideline for Block A, Lots 15-20; Block C, Lots 1-32; Block D, Lots 1-17. All other lots are beyond.

These findings are in conformance with the standards and guidelines contained in the *Adopted and Approved Public Safety Master Plan 1990* and the *Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities*.

To alleviate the negative impact on fire and rescue services due to the inadequate service discussed, an automatic fire suppression system shall be provided in all new buildings proposed in this subdivision, unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate. Because all residential structures are required to have sprinklers by law, no condition is necessary.

The entire development is beyond the recommended response times from existing facilities that provide ambulance and paramedic service. This finding is based on using the existing road system and existing stations. The planned Brandywine Special Study Area Emergency Services Facility will be the first due station that will provide ambulance and paramedic service to this development. To mitigate the ambulance and paramedic response time deficiencies the staff recommends that the applicant participate in providing a fair share contribution toward the construction of the Brandywine Special Study Area Emergency Services Facility.

The fee amount is based on the construction cost of the facility (\$1,275,000), ambulance (\$131,000), and paramedic unit (\$131,000) divided by the total amount of residential and employment population within the entire service area in 2006 (10,024). The service area includes those areas that will be served by the planned facility. The fair share fee is \$479 per dwelling unit for the 54 units that are beyond response time for ambulance and paramedic service. The fair share fee is \$438 per dwelling unit for the 56 dwelling units that are beyond response time standards for ambulance standards only.

Ambulance and Paramedic

2006 service area population/workers 10,024

Station Cost 1,537,000/10,024= \$153.13 per person x 3.13 (household size)= \$479 per dwelling unit for ambulance and paramedic

\$479 x 54 dwelling units = \$25,866

Ambulance only

Station Cost 1,405,000/10,024 = \$140.16 per person x 3.13 household size)= \$438 per dwelling unit for ambulance only

\$438 x 56 dwelling units = \$24,567

9. **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 for square footage in police stations relative to the number of sworn duty staff assigned. The standard is 115 square feet per officer. As of June 30, 2002, the county had 874 sworn staff and a total of 101,303 square feet of station space. Based on available space, there is capacity for an additional 69 sworn personnel. Therefore, in accordance with Section 24-122.01(c) of the Subdivision Regulations, existing county police facilities will be adequate to serve the proposed Piscataway Heights development.

10. **Health Department**—The Health Department noted that there is a possibly abandoned shallow well on the property that must be backfilled and sealed in accordance with COMAR 26.04.04. The Health Department also observed domestic trash (including a refrigerator), drums, abandoned vehicles, and farm equipment on the site, along with scrap tires. The trash and debris must be disposed of properly. The tires must be hauled by a licensed scrap tire hauler to a licensed scrap tire disposal/recycling facility. A receipt must be turned in to the Health Department. The Health Department reminds the applicant that raze permits are required prior to demolition of any structure on the site.
11. **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, #39570-2003-00, has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. The plan proposes the use of individual bioretention areas for lots, infiltration trenches, and a rural road section with grass swales for all streets. Development must be in accordance with this approved plan or any revisions thereto.
12. **Cemeteries**—Although there are no known specific burials on the subject property, it is part of a larger property long farmed by the Coe, Townshend, Gwynn and Marbury families. Several family cemeteries (of the Coe and Townshend families) have been identified and documented east of the subject property, so developers should be especially alert to the possibility of disturbing burials as yet unidentified/undiscovered, and should be aware that if burials are found during any phase of the development process, development activity must cease in accordance with state law.
13. **Public Utility Easement**—The required ten-foot-wide public utility easement is shown on the preliminary plan. This easement will be included on the final plat.
14. **Varying Lot Sizes**—The applicant is proposing to use varying lot sizes as permitted by the Prince George’s County Zoning Ordinance. Unlike the provision for the use of lot size averaging (R-55, R-80, R-R and R-E Zones), the use of varying lot sizes in the R-A and O-S Zones does not require specific findings for approval. Only the minimum standards outlined in the Zoning Ordinance must be met.

Section 27-442(b) (Table I) of the Zoning Ordinance sets the minimum standards for varying lot sizes. In the R-A Zone, the creation of varying lot sizes is permitted as long as the total tract being subdivided is at least 25 acres in size. In this case the total tract area is 297.43 acres. Further, at least 60 percent of the lots created using varying lot sizes must meet or exceed the minimum lot size in the zone: two acres in the R-A Zone. This requirement has been met with the submitted preliminary plan: 67 of the 110 lots (or 60.9 percent) are a minimum of two acres on this subdivision.

The Zoning Ordinance allows one 1-acre lot for every 25 acres of land in the tract. With 297.43 acres of land in the R-A tract, a maximum of ten 1-acre lots is permitted. The remaining lots are required to exceed 50,000 square feet. The submitted preliminary plan includes no lots between one acre and 50,000 square feet in size, with the remaining 43 lots exceeding 50,000 square feet. This arrangement meets the minimum standards set forth in Section 27-442(b) (Table I) of the Zoning Ordinance for the use of varying lot sizes.

15. **Access Easements**—As discussed in the Environmental issues section of this report, the applicant proposes the use of access easements in accordance with Section 24-128(b)(1) of the

Subdivision Regulations to serve all lots that have frontage on Floral Park Road. No lot will have direct access to Floral Park Road, but each lot will use an access easement to gain access to the roadway. Easements are allowed to serve only four lots. The applicant's proposal, first suggested by staff, abuts two access easements, each serving four lots; therefore, one curb cut can serve up to eight lots. By doing this, the number of curb cuts necessary on the south side of Floral Park Road is reduced from 17 to 3. An equivalent application of the access easements is applied on the north side of Floral Park Road with equally beneficial results. This increases safety on the collector roadway and helps protect the rural character of the road. A note should appear on the final plat referencing that access is provided to these lots in accordance with Section 24-128(b)(1) of the Subdivision Regulations.

RECOMMENDATION

APPROVAL, subject to the following conditions:

1. Prior to signature approval of the preliminary plan, the Type I Tree Conservation Plan shall be revised to:
 - a. Add the following notes:
 - (1) "Reforestation and afforestation areas shall be planted prior to the occupancy of the nearest building or residence. If planting cannot occur due to planting conditions, the developer or property owner shall install the fencing and signage in accordance with the approved Type II Tree Conservation Plan prior to occupancy. Planting shall then be accomplished during the next planting season. If planting is delayed beyond the transfer of the property title to the homeowner, the developer shall obtain a signed statement from the purchaser indicating that they understand that the reforestation area is located on their property and that reforestation will occur during the next planting season. A copy of that document shall be presented to the Grading Inspector and the Environmental Planning Section."
 - (2) "All areas of afforestation/reforestation on or adjacent to lots shall have split rail fencing or equivalent placed at the boundaries. Placement and details of the fencing will be provided on the TCPII."
 - (3) "Reforestation fencing and signage shall remain in place in accordance with the approved Type II Tree Conservation Plan or until the trees have grown sufficiently to have crown closure."
 - b. Remove woodland conservation on lands proposed to be dedicated to M-NCPPC or obtain a written consent from the Department of Parks and Recreation allowing woodland conservation on that property.
 - c. Revise the worksheet as required by Finding 2.
 - d. Have the revised plan signed and dated by the qualified professional who prepared the plan.
2. The following notes shall be placed on the Final Plat of Subdivision:

“Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/79/03), 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.”

“Access to proposed Lots 1-17, Block D, and Lots 2-5, 9 and 10, Block C, along Floral Park Road is provided pursuant to Section 24-128(b)(1) of the Subdivision Regulations.”

3. A Type II Tree Conservation Plan shall be approved prior to the issuance of permits for the site.
4. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the expanded stream buffer, excluding those areas where variation requests have been approved, and be reviewed by the Environmental Planning Section prior to certification. The following note shall be placed on the plat:

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

5. Prior to the issuance of any permits which impact jurisdictional wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
6. The 40-foot-wide landscape buffer adjacent to both sides of Floral Park Road shall be shown on the final plats as a scenic easement 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."

7. At the time of final plat, the applicant, his heirs, successors and/or assignees shall convey to M-NCPPC 25± acres of parkland as shown on the Department of Parks and Recreation (DPR) Exhibit “A.” Land to be conveyed shall be subject to the following:
 - a. 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.
 - b. M-NCPPC shall be held harmless for the cost of public improvements associated with land to be conveyed, including but not limited to, sewer extensions, adjacent road improvements, drains, sidewalks, curbs and gutters, and front-foot benefit charges prior to and subsequent to final plat.
 - c. The boundaries and acreage of land to be conveyed to M-NCPPC shall be indicated on all development plans and permits, which include such property.

- d. The land to be conveyed shall not be disturbed or filled in any way without the prior written consent of the Department of Parks and Recreation (DPR). If the land is to be disturbed, DPR shall require that a performance bond be posted to warrant restoration, repair or improvements made necessary or required by the M-NCPPC development approval process. The bond or other suitable financial guarantee (suitability to be judged by the General Counsel's Office, M-NCPPC) shall be submitted to DPR within two weeks prior to applying for grading permits.
 - e. Storm drain 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.
 - 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.
8. Development of the property shall be in conformance with the approved stormwater management concept plan, Concept #39570-2003-00, or any approved revisions thereto.
9. Prior to the issuance of each building permit, the applicant, his heirs, successors and/or assignees shall pay fee to Prince George's County, which shall serve as a fair share contribution toward the construction of the Brandywine Special Study Area Station and acquisition of an ambulance and paramedic vehicle. The fair share fee for Block A, Lots 15-20; Block C, Lots 1-32; Block D, Lots 1-17 is \$479 per dwelling unit. The fair share on all other lots shall be \$438 per dwelling unit.
10. **Brandywine Road at Floral Park Road:** Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances through either private money or full funding in the county's capital program, (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: restriping and minor widening along the eastbound approach to the intersection to provide separate left-turn and right-turn lanes.
11. At the time of final plat approval, the applicant shall dedicate a right-of-way along Floral Park Road of 40 feet from centerline, as shown on the submitted plan.

12. **MD 223 at Windbrook Drive:** Prior to the issuance of any building permits within the subject property, the applicant shall submit an acceptable traffic signal warrant study to SHA and DPW&T for a possible signal 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 SHA. If a signal is deemed warranted by the responsible agency at that time, the applicant shall bond the signal prior to the release of any building permits within the subject property and install it at a time when directed by the appropriate permitting agency. The requirement for this study shall be waived upon a future determination by SHA in writing that peak-hour volumes are insufficient to meet minimum signal warrants. Such determination shall not be made more than three months prior to issuance of the initial building permit.
13. If road improvements are required along Floral Park Road, wide asphalt shoulders to accommodate bicycle traffic shall be provided, unless declined by the Department of Public Works and Transportation.

STAFF RECOMMENDS APPROVAL OF THE TYPE I TREE CONSERVATION PLAN, TCPI/79/03, AND VARIATIONS TO SECTION 24-130 OF THE SUBDIVISION REGULATIONS.