



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

Preliminary Plan 4-04008

| Application | General Data |
|---|---|
| Project Name: DODGE PARK Location: Northeast quadrant of Dodge Park and Hubbard Roads. Applicant/Address: BGR L.L.C. 2721 Briggs Chaney Road Silver Spring, MD 20705 | Date Accepted: 04/07/2004 |
| | Planning Board Action Limit: 09/25/2004 |
| | Plan Acreage: 4.05 |
| | Zone: R-T |
| | Lots: 17 |
| | Parcels: 1 |
| | Planning Area: 72 |
| | Tier: Developed |
| | Council District: 5 |
| | Municipality: N/A |
| 200-Scale Base Map: 204NE07 | |

| Purpose of Application | Notice Dates |
|--------------------------------|--|
| RESIDENTIAL SUBDIVISION | Adjoining Property Owners Previous Parties of Record 01/20/2004 Registered Associations: (CB-58-2003) |
| | Sign(s) Posted on Site: 08/09/04 |
| Staff Recommendation | Staff Reviewer: Whitney Chellis |
| APPROVAL | APPROVAL WITH CONDITIONS |
| | X |
| | DISAPPROVAL |
| | DISCUSSION |

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Preliminary Plan of Subdivision 4-04008
Dodge Park, Lots 1-8, Block A, and Lots 1-9, Block B and Parcel A

OVERVIEW

The subject property is located on Tax Map 51, Gird F-4, and is known as Outlot A. The property is approximately 4.05 acres and is zoned R-T. The property was subdivided into an outlot pursuant to record plat NLP 131@54, recorded in land records in 1987. The applicant is proposing to subdivide the property into eight single-family semidetached lots and nine townhouse lots. Development of this property is subject to the review and approval of a detailed site plan (DSP) in accordance with Part 3 Division 9 of the Zoning Ordinance. The property is a corner lot with frontage to the west on Hubbard Drive and to the south on a nonexclusive 60-foot-wide access easement (Liber 2912, Folio 482) that serves as sole vehicular access to the Dodge Park Elementary School abutting to the east and encumbers the subject property.

The 60-foot access easement was granted to the Board of Education (BOE) at the time that Parcel A (10 acres) was conveyed fee-simple to BOE for the Dodge Park Elementary School site. The easement is improved to public street standards with a sidewalk on the south side that provides pedestrian access onto the school property. The easement is nearly indistinguishable from the Dodge Park Road to the southwest. The applicant is proposing to convey the area of the easement to public use with this application (.45 acres). The Department of Public Works and Transportation has verified that the access is not dedicated to public use at this time and recommends the dedication with this subdivision as proposed on the preliminary plan.

The developable area of this tract of land is severely restricted by an environmental feature that includes 100-year floodplain and a stream with associated buffers. This feature extends from the north onto the property and generally severs the property into two distinctive areas. The property to the west of the environmental feature fronts Hubbard Drive. The applicant is proposing to construct eight semi-detached units on this portion of the property. The area to the east of the feature abuts the Dodge Park Elementary School site and will front onto Dodge Park Road extended. The applicant is proposing to construct nine townhouse units on this portion of the property. These areas are severely restricted. Careful site planning considering visual barriers, noise, landscaping, architecture and pedestrian movement is essential to create a good environment for the future residence of the community.

The applicant has proposed density in conformance with the standards of the Zoning Ordinance. In the R-T Zone, the maximum density for the development of townhouse is six dwelling units per net acre. The maximum density for the development of single-family semidetached dwelling units is eight dwelling units per net acre. The net tract area as defined by Section 24-107.01(163) of the Zoning Ordinance is 3.12 acres, gross tract area (4.05 acres) minus the access easement (.45 acre) and 100-year floodplain (.48 acre). The applicant has proposed eight single-family semidetached dwellings (1 acre), leaving 2.12 acres of net tract for the construction of townhouses. At six dwelling units per acre, 12

townhouse units would be permitted; the applicant has proposed 9.

The entire development will be under one homeowners association (HOA). Common open space (Parcel A) will be conveyed to the HOA for maintenance. On-site access is proposed via private internal streets to be conveyed to the HOA. The applicant has proposed private on-site recreational facilities at the intersection of Dodge Park Road and Hubbard Road. This intersection is not an appropriate location for private recreational facilities due to the close proximity to the intersection and the inability to provide adequate setback from the intersection. Staff recommends that landscaping and an entrance feature be placed at this intersection. Staff is recommending that the recreational facilities be relocated south of Lot 2 on the townhouse portion of the development. Staff is recommending the deletion of Lot 1 in accordance with staff Exhibit A, to provide adequate area and setback from Dodge Park Road for the placement of the recreational facilities and appropriate buffering from the dwelling unit on Lot 2 and Dodge Park Road extended.

While this property is not within the limits of the Town of Glenarden, staff of the town has indicated a desire to annex this property in the future and has had discussions with the applicant’s representative to this end. The town has voiced its support for this development and is encouraged by the possibility that this development may provide greater opportunity for homeownership in this area. However, of concern is ensuring a high quality development because of its highly visible location. Views of this site should be carefully evaluated as well as ensuring safe pedestrian movements in and around the site. Staff is convinced that without sidewalks along the property’s frontage, the concept of this development should be reevaluated. Staff recommends at the time of DSP that the applicant provide evidence from the Department of Public Works and Transportation (DPW&T) that sidewalks will be required. If sidewalks are not planned within the public right-of-way, the site layout should be changed to provide an on-site pedestrian path to connect all of the semi-detached units with the townhouse units and the proposed private recreational facilities in the vicinity of Lot 2. Careful placement of a crosswalk in the vicinity of the entrance drive to the townhouse units should be considered at that time to provide access to the sidewalk located on the south side of Dodge Park Road extended onto the elementary school site.

SETTING

The subject property is located in the northeast quadrant of the intersection of Hubbard Drive and Dodge Park Road, outside the Town of Glenarden. The property abutting to the north is zoned I-1 and is undeveloped. The property to the west across Hubbard Road is zoned R-18 and is developed with multifamily housing. The property to the south is zoned R-T and is owned by the State Highway Administration and contains a regional stormwater management facility. The Dodge Park Elementary School is abutting to the east.

FINDINGS AND REASONS FOR STAFF RECOMMENDATION

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

| | EXISTING | PROPOSED |
|---------|-----------------|---------------------------------------|
| Zone | R-T | R-T |
| Use(s) | Vacant | Townhouses (9) SF Semidetached (8) |
| Acreage | 4.05 | 4.05 |
| Lots | 0 | 17 |
| Outlots | 1 | 0 |
| Parcels | 0 | 1 |

Dwelling Units:

0

17

2. **Environmental**—A review of the information available indicates that the site is wooded, relatively flat to the west, and contains steep and severe slopes on the eastern portion of the property. The site is located in the Beaverdam Creek watershed, which drains into the Anacostia River basin. The soils found to occur on this property, according to the Prince George’s County Soil Survey, include the Sunnyside and Bibb series. The Sunnyside series exhibits slight to moderate limitations to development due to steep slopes. The Bibb series is in Hydrologic Group D and may exhibit characteristics of high water table, flood hazard, and poor drainage. A soils study may be required by the Department of Environmental Resources prior to the issuance of permits.

A stream traverses the entire subject property. A 100-year floodplain easement line is shown on the plan to encumber 0.56 acre of the site. There are no rare, threatened, or endangered species located in the vicinity of this property based on information provided by the Maryland Department of Natural Resources, Natural Heritage Program. There is no Marlboro clay or historic or scenic roads located on or adjacent to the subject property. There may be adverse noise impacts from off-site sources or activities. The proposed use is not anticipated to be a noise generator.

A forest stand delineation (FSD) has been submitted for this proposal and was generally found to address the requirements for detailed FSD in compliance with the Woodland Conservation Ordinance. This site is subject to the provisions of the Woodland Conservation Ordinance because it is more than 40,000 square feet in size and contains more than 10,000 square feet of woodlands. The minimum woodland conservation requirement for the site is 0.63 acre of the net tract. An additional 0.62 acre is required due to the removal of woodlands, for a total woodland conservation requirement of 1.25 acres. The plan shows the requirement being met with 0.97 acre of on-site preservation, 0.08 acre of reforestation, and 0.20 acre of off-site mitigation, for a total of 1.25 acres of woodland conservation provided. However, several minor amendments should be required on the tree conservation plan and are contained in the recommendation section of this report.

A stream labeled as Waters of the U.S., and its associated floodplain, bisects the site. This existing feature results in constraints on the property that separate it into two halves. The stream and a 50-foot-wide stream buffer, the 100-year floodplain, adjacent severe slopes (25 percent or greater) and steep slopes (15 percent or greater) on highly erodible soils, compose the expanded stream buffer in accordance with Section 24-130 of the Subdivision Ordinance. These features are required to be preserved unless the Planning Board grants a variation to the requirements. Variation requests are generally supported for impacts that are essential to the development, such as road connections to isolated portions of a parcel or impacts for the construction and installation of necessary public utilities.

The expanded buffer as shown is in conformance with Section 24-130 of the Subdivision Ordinance and the townhouse units and single-family/semidetached unit could be constructed without impacts to the stream, stream buffer, and 100-year floodplain for buildings.

The plan submitted shows one impact for a stormwater management outfall and three other impacts for the connection of public utilities. These applications propose disturbances to an existing stream and stream buffer to permit construction of sewer and stormwater management outfalls.

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.

Review of Variation Requests

Impact Area # 1: Stormwater Management Outfall.

Location of Impact Area: This area is the site of a proposed stormwater management outfall, which is located in the northwest portion of the subject property. It is within the stream buffer.

The proposed impact consists of minimal clearing (approximately 1,000 square feet) and excavation within the 50-foot stream buffer to construct the outfall for the proposed stormwater management facility.

Impact Area #2: Sewer Line Connection.

Location of Impact Area: There are three necessary connections to the existing sewer line located within the stream buffer. Two connections serve the single-family semidetached units and one serves the townhouse units.

The proposed impact consists of minimal clearing (approximately 2,310 square feet) and excavation within the 50-foot stream buffer to connect the development to the existing sewer.

The following is an analysis of the variations requested. The text in bold represents the text from the Subdivision Ordinance. 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:

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

The variations requested are associated with cleaning and grading within the 50-foot stream buffer to construct the outfall of the proposed stormwater management pond and to connect the development to existing sewer lines. The approval of these impacts will not create conditions detrimental to the public safety, health, or welfare, or injurious to other property and will provide the necessary utilities and structures to protect public safety, health and welfare. Design requirements ensure that the proposed work will not be injurious to other properties.

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

The conditions of the property are unique with respect to the placement of the existing stream (causing narrow strips of developable land), the associated buffer, and the required placement of the necessary stormdrain outfall and sewer connection. The construction proposed does not serve other properties.

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

No other variances, departures, or waivers are required. All appropriate federal and state permits must be obtained before the construction can proceed. Because there are other permitting processes to review the proposed impacts to nontidal wetlands, wetland buffers and Waters of the U.S., the construction proposed does not constitute a violation.

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

Due to the configuration of this site, the location of the stream and the 100-year floodplain, and the fact that no other reasonable options are possible that would further reduce or eliminate the number and extent of the proposed impacts while allowing for the development of the property under its existing zoning, staff recommends approval of the variation.

Staff recommends approval of the variation requests.

Staff is concerned about the close proximity of the proposed lots to the conservation easement. In some places the units are within three feet of the protected stream buffer. To ensure permanent preservation of the conservation easement, a two-rail, split-rail fence or equivalent should be installed along the entire western boundary of the conservation easement. Further review of this issue should occur at the time of review of the detailed site plan (DSP).

Water and Sewer Categories

The water and sewer service categories are W-3 and S-3 according to water and sewer maps obtained from the Department of Environmental Resources dated June 2003. Therefore, the property will be served by public systems.

3. **Community Planning**—The property is located within the limits of the 1993 approved Landover and Vicinity Master Plan, Planning Area 72 in the Kent Community. The recommended land use for the property is low urban residential. The 2002 General Plan locates this property in the Developed Tier. One of the visions for the Developed Tier is to create a network of sustainable, transit supporting, mixed-use, pedestrian-oriented neighborhoods. The proposed plan is consistent with the recommendations of the master plan and the General Plan. The 1993 sectional map amendment retained the property in the R-T Zone.
4. **Parks and Recreation**—In accordance with Section 24-134 of the Subdivision Regulations the staff recommends that the applicant provide private on-site recreational facilities for the fulfillment of the requirements of the mandatory dedication of parkland. The on-site facilities should complement existing facilities in the area.

The Dodge Park Elementary School site is abutting to the east and contains a number of open play fields. Abutting to the north of the school site is the 13-acre Dodge Park Neighborhood Park developed with a basketball court and picnic area. The Neighborhood Park (M-NCPPC) has a pedestrian connection to the school site. Staff is recommending private on-site recreational amenities to compliment complement those facilities on the abutting school site, primarily in the form of a tot-lot and/or sitting area within the community.

5. **Trails**— The adopted and approved Landover and Vicinity Master Plan recommends that Hubbard Road be designated as a Class III bikeway with appropriate signage. Because Hubbard Road is a county right-of-way, the applicant should provide a financial contribution to the Department of Public Works and Transportation for the placement of this signage. A note should be placed on the final plat for payment to be received prior to the issuance of the first building permit.

The applicant should construct standard sidewalks along the subject site’s frontages of Hubbard Road and Dodge Park Road, per the concurrence of DPW&T. These sidewalks are essential to accommodate safe pedestrian travel to the adjacent Dodge Park Elementary School. If the Department of Public Works and Transportation determines that sidewalks are not required, significant modifications may be required at the detailed site plan stage to provide on-site pedestrian movements to the school site from all of the proposed lots.

6. **Transportation**—The application is a preliminary plan of subdivision for a residential development consisting of eight semidetached dwelling units and nine townhouses. The proposed development would generate 11 AM (2 in, 9 out) and 13 PM (9 in, 4 out) peak-hour vehicle trips as determined using *The Guidelines for the Analysis of the Traffic Impact of Development Proposals*.

The traffic generated by the proposed preliminary plan would impact the intersection of Dodge Park Road and Landover Road (MD 202). This intersection is not programmed for improvement with 100 percent construction funding within the next six years in the current Maryland Department of Transportation’s Consolidated Transportation Program or the Prince George's County Capital Improvement Program.

The subject property is located within the Developed 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) E, with signalized intersections operating at a critical lane volume (CLV) of 1,600 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 warranted traffic controls) if deemed warranted by the appropriate operating agency.

The Dodge Park Road and Landover Road intersection, when analyzed with existing traffic, was found to be operating with a LOS/CLV of C/1245 during the AM peak hour, and A/974 during the PM peak hour. With the inclusion of the proposed 11 AM and 13 PM trips from the site, the new LOS/CLV would be C/1251 during the AM peak hour, and A/976 during the PM peak hour. Both results are well within the acceptable limits.

Regarding on-site circulation of traffic, staff found the layout to be acceptable.

The Transportation Planning Section concludes that adequate access roads will exist as required by Section 24-124 of the Prince George's County Code if the application is approved.

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 and concluded the following:

Impact on Affected Public School Clusters

| Affected School Clusters # | Elementary School Cluster 7 | Middle School Cluster 4 | High School Cluster 4 |
|----------------------------|-----------------------------|-------------------------|-----------------------|
| Dwelling Units | 18 sfd | 18 sfd | 18 sfd |
| Pupil Yield Factor | 0.24 | 0.06 | 0.12 |
| Subdivision Enrollment | 4.32 | 1.08 | 2.16 |
| Actual Enrollment | 36236 | 11113 | 16710 |
| Completion Enrollment | 209.04 | 52.26 | 95.81 |
| Cumulative Enrollment | 201.12 | 50.26 | 100.56 |
| Total Enrollment | 36650.48 | 11216.60 | 16908.53 |
| State Rated Capacity | 38817 | 10375 | 14191 |
| Percent Capacity | 94.42 | 108.11 | 119.15 |

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

These figures are correct on the day the referral memo was written and the applicant was proposing 18 lots. They are subject to change under the provisions of CB-30-2003 and CR-23-2003. 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 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.

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.

The Historic Preservation and Public Facilities Planning Section staff finds that 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.

8. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of public facilities and concluded the following:
 - a. The existing fire engine service at Kentland Fire Station, Company 33, located at 7701 Landover Road has a service travel time of 1.42 minutes, which is within the 5.25-minute travel time guideline.
 - b. The existing ambulance service at Landover Fire Station, Company 30, located at 68th Street and Annapolis Road has a service travel time of 4.69 minutes, which is within the 6.25-minute travel time guideline.
 - c. The existing paramedic service at Landover Fire Station, Company 30, located at 68th Street and Annapolis Road has a service travel time of 4.69 minutes, which is within the 7.25-minute travel time guideline.

The proposed subdivision will be within the adequate coverage area of the nearest existing fire/rescue facilities for fire engine, ambulance and paramedic service.

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

9. **Police Facilities**—The proposed development is within the service area for Police District III-Landover. 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 January 2, 2004, the county had 823 sworn staff and a total of 101,303 square feet of station space. Based on available space, there is capacity for additional 57 sworn personnel. This police facility will adequately serve the population generated by the proposed subdivision
10. **Health Department**—The Health Department has indicated that the site is littered with hundreds of tires. The tires must be hauled away by a licensed scrap tire hauler to a licensed scrap tire disposal/recycling facilities and a receipt for the tire disposal submitted to the Health Department prior to approval of grading permits.
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, # 39594-2003-00, 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.

12. **Urban Design**—The application proposes to subdivide the subject site of 4.05 acres of land into eight semidetached units and nine townhouse units in the R-T Zone. The Urban Design Section has commented twice on the preliminary plan. This analysis has been generated based on the review of the third revision to the proposed site plan, which focuses on the location of open space and recreational facilities on site. Based on the Urban Design Section’s review of the revised preliminary plan stamped as received on June 30, 2004, staff offer the following supplemental comments of issues that should be further evaluated at the time of review of the required detailed site plan:
 1. The proposed open space at the intersection of Dodge Park Road and Hubbard Road includes a monumental sign, a tot lot, three benches and a walking path. Because of the size constraint of the site and the setback requirements for a tot lot, it is not viable to locate all above-mentioned elements at this location. The Urban Design Section recommends that the sign and walking path remain at the current location and the tot lot and benches be relocated to the entrance area of the townhouse section. In order to accommodate the tot lot and sitting area, one townhouse unit should be removed.
 2. Pedestrian circulation is essential to future residents to enjoy their home environment in this subdivision because of various site constraints. A sidewalk system proposed with this preliminary plan is located within the public right-of-way that will be subject to approval by the Department of Public Works and Transportation (DPW&T). If the proposed sidewalks are not installed within the public right-of-way, the applicant should provide the sidewalks on the property.
 3. The eight semidetached units are fronting onto Hubbard Road, which is a heavily traveled roadway. Prior to issuance of any building permits, the architectural plans of the semidetached units should be certified by an acoustical professional to ensure that the interior sound levels are below 45 dBA (Ldn).
13. **Cemeteries**—There are no known cemeteries on or adjoining the subject property. However, the applicant should be aware that if burials are found during any phase of the development process, development activity must cease in accordance with state law.

RECOMMENDATION

APPROVAL, subject to the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision the plan shall be revised as follows:
 - a. To revise the General Notes to accurately reflect that the net tract area is 2.69.
 - b. To revise the development standards table to accurately reflect townhouse and single-family semidetached units are proposed and the different requirements for lot sizes (1,800 verses 1,500 square feet respectively).
 - c. To accurately indicate that there is no lot coverage requirement, but a maximum building

coverage of 35 percent and a minimum yard area of 800 square feet (500 for the provision of decks) to be determined at the time of review of the DSP.

- d. To provide the area of Parcel A (HOA).
 - e. To reflect staff Exhibit A.
 - f. To accurately reflect that the street dedication is .45 acre.
2. A Type II tree conservation plan shall be approved at the time of approval of the DSP.
3. A detailed site plan (DSP) is required pursuant to Section 27-433 of the Zoning Ordinance and in accordance with Part 3, Division 9, prior to the approval of the final plat of subdivision and the issuance of any permits for disturbance of the site. Review of the DSP shall include but not be limited to the following:
- a. Ensuring full pedestrian connections from all of the lots with the private on-site recreational facilities and the sidewalk on the south side of Dodge Park Road extended for ultimate access to the school site. Connections shall be either on a public sidewalk within the public rights-of-way or on-site hard surface trails. If sidewalks are not required on Hubbard Drive and Dodge Park Road by DPW&T, the site plan must accommodate on-site hard surface trails that may result in a loss of lots.
 - b. Interior noise levels not to exceed 45 dBA for all dwelling units. A Phase II noise study may be required.
 - c. Because of the close proximity of the dwellings to the street, natural material barriers (stone, brick, etc.) should be provided along the public street frontages to define the residential edge.
 - d. Entrance feature and landscaping at the intersection of Hubbard Drive and Dodge Park Road.
 - e. Private on-site recreational facilities to complement those amenities found on the abutting Dodge Park Elementary School site and the abutting Dodge Park Neighborhood Park.
 - f. To ensure permanent preservation of the conservation easement, a two-rail, split-rail fence or equivalent should be installed along the entire western boundary of the conservation easement. The Type II tree conservation plan shall reflect the placement of the fence or equivalent along the western boundary of the conservation easement and will provide a detail for the fence. The timing for installation and the exact location of the fence shall be determined with the review of the DSP.
4. Prior to 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.
5. At the time of final plat, the applicant, his heirs, successors and/or assignees shall convey to the homeowners association (HOA) the open space land (Parcel A). 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.
6. The applicant, his heirs, successors and/or assignees shall submit three original Recreational Facilities Agreements (RFA) to DRD for approval prior to the submission of final plats, for construction of recreational facilities on homeowners land. Upon approval by DRD, the RFA shall be recorded among the county land records.
 7. The applicant, his heirs, successors and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee prior to building permits for the construction of recreational facilities on homeowners land.
 8. Development shall be in conformance with the approved Stormwater Management Concept Plan #39594-2003-00, and any subsequent revisions.
 9. Prior to the issuance of building permits, the applicant, his heirs, successors and/or assignees shall provide a financial contribution of \$210.00 to the Department of Public Works and Transportation for the placement of a bikeway sign(s) along Hubbard Road, designated a Class III bikeway. A note shall be placed on the final plat for payment to be received prior to the issuance of the first building permit. If the Department of Public Works and Transportation declines the signage, this condition shall be void.
 10. Prior to the issuance of grading permits the applicant shall submit evidence from the Health

Department that the tires found on the property have been hauled away by a licensed scrap tire hauler to a licensed scrap tire disposal/recycling facility.

11. Prior to signature approval of the Type I Tree Conservation Plan, TCPI/30/04 shall be revised as follows:
 - a. Revise the plan to clearly show a limit of disturbance and eliminate the use of a proposed tree line.
 - b. Revise the worksheet as needed to reflect all woodland cleared.
 - c. Revise the plan to show woodland retained and not part of requirements.
 - d. Revise the legend to reflect all symbols used in the plan.
 - e. Revise the plan to include signature block.
 - g. Have the revised plan signed and dated by the qualified professional who prepared the plan
12. Development of this subdivision shall be in compliance with the approved Type I Tree Conservation Plan (TCP I/30/04). 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 (TCP I/30/04), 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."
13. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the delineated expanded stream buffer area and shall be reviewed by the Environmental Planning Section prior to approval of the final plat. The following note shall be placed on the plat:

"Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous tree, limbs, branches, or trunks is allowed."
14. Prior to the issuance of any permits that impact wetlands, wetland buffers, streams or Waters of the U.S., copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans shall be submitted to the M-NCPPC, Planning Department.

STAFF RECOMMENDS APPROVAL OF TREE CONSERVATION PLAN TCPI/30/04 AND A VARIATION TO SECTION 24-130 OF THE SUBDIVISION REGULATIONS.