



*Note: Staff reports can be accessed at [www.mncppc.org/pgco/planning/plan.htm](http://www.mncppc.org/pgco/planning/plan.htm).*

## Preliminary Plan 4-04033

Application	General Data
<b>Project Name:</b> <b>MANNING OVERLOOK</b>  <b>Location:</b> One-half mile southwest of the intersection of Manning Road and Berry Road.  <b>Applicant/Address:</b> TSC/MUMA MATTAWOMAN 1501 Credit Farm Road, Suite #2500 McLean, VA. 22102	Date Accepted: 04/19/04
	Planning Board Action Limit: 10/06/04
	Plan Acreage: 38.02
	Zone: R-R
	Lots: 48
	Parcels: 2
	Planning Area: 84
	Tier: Developing
	Council District: 09
	Municipality: N/A
200-Scale Base Map: 222SW01	

Purpose of Application	Notice Dates
RESIDENTIAL SUBDIVISION	Adjoining Property Owners Previous Parties of Record Registered Associations: 01/26/04 (CB-58-2003)
	Sign(s) Posted on Site: 06/22/04
Staff Recommendation	Staff Reviewer: 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 4-04033  
Manning Overlook

OVERVIEW

The subject property consists of approximately 38.02 acres of land in the R-R Zone. It is mostly wooded and includes one single-family detached dwelling. The applicant proposes to subdivide the property into 48 lots for single-family detached residential development, 2 parcels for dedication as homeowners association open space, and 1 outparcel (located on the west side of Indian Head Highway).

Originally, the applicant proposed a subdivision of 56 lots using the Lot Size Averaging technique allowed by the Zoning Ordinance and Subdivision Regulations. However, staff did not believe the Lot Size Averaging option was appropriate for this property. Given this information, the applicant revised the plans so that the proposal is now a conventional plan for 48 lots, with all lots meeting the minimum lot size of 20,000 square feet. The plan is superior to the Lot Size Averaging Plan, and staff supports the conventional development of this property with 47 lots; for reasons outline in Finding 14, staff recommends the elimination of one lot.

SETTING

The property is located on the east side of Indian Head Highway, approximately one-half mile southwest of the intersection of Manning and Berry Roads. Undeveloped land in the R-R Zone is to the north. Manokeek, an approved and developing subdivision in the R-A and R-R Zones, is to the east and southeast. A single-family home on a large parcel abuts the property to the south. To the southeast is undeveloped land in the R-R Zone.

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-R	R-R
Uses	Single-family home	Single-family homes
Acreage	38.02	38.02
Lots	0	48
Parcels	4	2
Outparcels	0	1
Detached Dwelling Units	1	48 (1 existing + 47 new)

2. **Environmental**—There are streams, wetlands, and 100-year floodplain on the property associated with Mattawoman Creek in the Potomac River watershed. According to the *Prince George's County Soils Survey* the principal soils on this site are in the Aura, Beltsville, Chillum

and Iuka series. Marlboro clay does not occur in the area. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program publication entitled "Ecologically Significant Areas in Anne Arundel and Prince George's Counties," December 1997, rare, threatened, or endangered species do not occur in the vicinity of this property. No designated historic or scenic roads are affected by this proposal. Indian Head Highway is an adjacent source of traffic-generated noise. The proposal is not expected to be a noise generator. This property is located in the Developing Tier as reflected in the approved General Plan.

### **Floodplain, Streams, Wetlands and Buffers**

This site contains natural features that are required to be protected under Section 24-130 of the Subdivision Regulations. For the purposes of this review, these areas include all of the expanded stream buffer and any isolated sensitive environmental features. The existing streams and minimum 50-foot stream buffers and areas of wetlands with minimum 25-foot wetland buffers are shown on the preliminary plan and the Type I tree conservation plan. A wetland report containing all necessary information was submitted with the application. All sensitive environmental features are correctly shown on all of the plans. Conservation easements should be included on the final plat for areas not to be disturbed.

The plan proposes impacts to stream buffers and wetland buffers. Section 24-130 of the Subdivision Regulations prohibits impacts to these buffers 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. Four variation requests, dated April 5, 2004, have been reviewed.

Request A is for the construction of a sanitary sewer to connect the majority of the proposed development to an existing sewer main and will impact wetlands, floodplain, and expanded stream buffer. Request B is for the construction of an outfall for the stormwater management pond and will impact the expanded stream buffer. Requests C and D are impacts to small isolated wetlands that are required for improvements to existing Manning Road. The variation requests are recommended for approval based on the following findings.

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 the evidence presented to it in each specific case that:**

- (1) 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 stormwater management is required by the Prince George's County Department of Environmental Resources to provide for public safety, health, and welfare. Improvements to Manning Road are required by the Department of Public Works and Transportation to provide access for emergency vehicles and safe travel. All designs of these types of facilities are reviewed by the appropriate agency to ensure compliance with other regulations. These regulations require that the designs are not injurious to other property.

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

Comment: The only available sanitary sewer main to serve development of this property is partially located within an expanded stream buffer. Many other properties can connect to existing sanitary sewer lines without requiring a variation; however, that option is not available for this particular site. The number and placement of sanitary sewer connections is determined by the Washington Suburban Sanitary Commission. The specific topography of the site requires the use a stormwater management pond and an outfall to adequately serve the proposed development. The alignment of Manning Road and the required improvements to bring it up to current standards allow no flexibility. Thus, all of the requested variations are not generally applicable to other properties.

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

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

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

Comment: The topography provides no alternative for the locations of the stormwater outfalls that are required to serve the development. Without the required stormwater management facilities, the property could not be properly developed in accordance with the R-R Zone. The existing sewer main in the western portion of the site is already within the expanded stream buffer and any connection to it would require an impact. The denial of this impact would result in the loss of 37 of the proposed 48 lots. The improvements to Manning Road are required not only for this application but also to serve the neighboring communities.

## **Woodland Conservation**

A detailed forest stand delineation (FSD) was submitted with this application. The FSD, based upon 11 sample points, describes 4 forest stands totaling 31.57 acres and an additional 4.30 acres of woodland on an isolated portion of the project, for a total of 35.87 acres. Three specimen trees were identified and field located. The plan clearly indicates areas of wetlands, all streams, the 100-year floodplain, all areas with severe slopes, all areas with steep slopes containing highly erodible soils, the boundaries of soils, and all required tables of information. The FSD meets the requirements of the Woodland Conservation Ordinance.

This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the gross tract area of the property is greater than 40,000 square feet and there are more than 10,000 square feet of existing woodland.

A Type I tree conservation plan, TCPI/34/04, has been reviewed. The plan proposes clearing 22.04 acres of the existing 30.12 acres of upland woodland and clearing 0.16 acre of the existing 5.36 acres of woodland within the 100-year floodplain. The woodland conservation requirement has been correctly calculated as 12.18 acres. The plan proposes to meet the requirement by providing 8.08 acres of on-site preservation, 0.49 acre of on-site reforestation, and 3.61 acres of off-site conservation, for a total of 12.18 acres.

The design of the proposed woodland conservation areas provide for usable 40-foot rear yards and 20-foot side yards for all of the lots. Most of the stream valley in the western portion of the site will be preserved as a unit. This woodland serves to increase the extent of the stream corridor from the Summerwood development to the south and fulfills a principal goal of the Woodland Conservation Ordinance.

Off-site impacts are reflected on the plan and in the worksheet; however, these impacts will require changes to previously approved Type II tree conservation plans. The sanitary sewer extension in the western portion will impact TCPII/126/03 and DSP-03030 (Summerwood). The sanitary sewer extension in the eastern portion of the site will impact TCPII/121/99.

## **Noise**

Indian Head Highway is an adjacent source of traffic-generated noise. The noise model used by the Environmental Planning Section predicts that the 65 dBA (Ldn) noise contour is 362 feet from the centerline of Indian Head Highway. The preliminary plan and Type I tree conservation plan have 65 dBA lines that scale at 340 feet from the centerline. A noise study was submitted that justifies the noise contour shown on the plans.

The original plans submitted for review had one lot severely impacted by noise. The revised plans have redesigned the layout to ensure that no residential structure or outdoor activity area will be within the areas that have noise levels above the state noise standards.

## **Soils**

According to the Prince George's County Soils Survey, the principal soils on this site are in the Aura, Beltsville, Chillum, and Iuka series. Aura soils are highly erodible and pose problems only when on steep slopes. Beltsville soils are highly erodible, may have a perched water table, and are in the C-hydric group. Chillum soils pose no special problems for development. Iuka soils may have a high water table, impeded drainage, and are often associated with floodplains. None

of the proposed development is in areas with Iuka soils. 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 Water and Sewer Categories are W-4 and S-4 according to water and sewer maps dated June 2003 obtained from the Department of Environmental Resources. The property will be served by public systems.

3. **Community Planning**—This property is located in the Developing Tier as described in the 2002 General Plan. 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 property is in Planning Area 84/Piscataway. The 1993 Subregion V Master Plan recommends residential land use at the Low Suburban Density of up to 2.6 dwelling units per acre. The 1993 Subregion V SMA classified this property in the R-R Zone. The proposed preliminary plan conforms to recommendations of the master plan for Low-Suburban residential land use.

4. **Parks and Recreation**—The property is subject to the mandatory park dedication requirements of Section 24-135 of the Prince George's County Subdivision Regulations. Staff recommends the applicant provide private recreational facilities on the property. The elimination of one lot may be necessary. Staff recommends the applicant convert Proposed Lot 30 into a Parcel for these facilities. It is centrally located and highly visible.
5. **Trails**—There are no master plan trails issues identified in the Adopted and Approved Subregion V Master Plan that impact the subject site. There is a planned M-NCPPC stream valley trail along Mattawoman Creek to the south of the subject site.

There are no existing sidewalks along Manning Road. The issue of sidewalks along Manning Road was not specifically addressed at the time of the approvals for the adjacent Manokeek development. Existing communities in the vicinity of the subject site either have no sidewalks or sidewalks along one side of the road. Sidewalks are recommended along one side of the internal roads for the subject site and along at least one side of Manning Road, subject to the approval of DPW&T. Manning Road will ultimately provide a pedestrian link to the planned Accokeek activity center north of the subject site.

6. **Transportation**—The applicant submitted a traffic study dated January 8, 2003. The findings and recommendations outlined below are based upon a review of these materials and analyses conducted by 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 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.

**Staff Analysis of Traffic Impacts**

The applicant has prepared a traffic impact study in support of the application using counts taken during June 2003. With the development of the subject property, the traffic consultant concluded that the proposed use would not adversely affect traffic conditions if intersection improvements and traffic signal modifications were made at the intersection of MD 228 and Manning Road.

The traffic impact study that was prepared and submitted on behalf of the applicant analyzed the following intersections during weekday peak hours:

- MD 210/MD 228 (signalized)
- MD 228/Manning Road East (signalized)
- MD 210/Manning Road (unsignalized)
- Manning Road/Manning Road East (unsignalized)

The following conditions exist at the critical intersections:

<b>EXISTING TRAFFIC CONDITIONS</b>				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 210/MD 228	981	1,013	A	B
MD 228/Manning Road East	1,047	1,199	B	C
MD 210/Manning Road	18.3*	17.5*	--	--
Manning Road/Manning Road East	8.4*	8.7*	--	--
<p>*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.</p>				

Background developments include 860 single-family units, 800 elderly housing units, 8,500 square feet of retail, 42,400 square feet of office, and two shopping centers of 45,000 square feet and 425,000 square feet. Background traffic along MD 210 and MD 228 were increased by two and one half percent to account for overall growth up to the design year 2005. This is the expected year of full build-out. There are no funded capital improvements in the area, so the resulting transportation network is the same as was assumed under existing traffic. Given these assumptions, background conditions are summarized below:

<b>BACKGROUND TRAFFIC CONDITIONS</b>				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 210/MD 228	1,310	1,269	D	C
MD 228/Manning Road East	1,302	1,694	D	F
MD 210/Manning Road	33.0*	29.0*	--	--
Manning Road/Manning Road East	8.7*	9.0*	--	--
*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.				

Based on background traffic conditions, one of the signalized intersections will operate at LOS F, with a critical lane volume above 1,450. This is the intersection of MD 228 and Manning Road East. The other intersections operate within acceptable standards under background traffic conditions.

The site is proposed for development as a residential subdivision, originally with 56 single-family dwellings. These would be located near the intersection of Clinton Drive and Manning Drive and approximately 2,000 feet south of the intersection of MD 210 and MD 228.

With site traffic, the following operating conditions were determined:

<b>TOTAL TRAFFIC CONDITIONS WITH IMPROVEMENTS</b>				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 210/MD 228	1,327	1,285	D	C
MD 228/Manning Road East	1,304	1,700	D	F
MD 228/Manning Road East**	<b>1,203</b>	<b>1,441</b>	<b>C</b>	<b>D</b>
MD 210/Manning Road	40.1*	29.0*	--	--
Manning Road/Manning Road East	8.9*	10.4*	--	--
<p>*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.</p>				

\*\*This includes the intersection improvements recommended by the applicant. They include eliminating the split phase operation, widening the north leg of Manning Road to four southbound approach lanes, and providing a right turn lane on the westbound leg of MD 228.

Based on total traffic conditions, with site traffic included, the intersection of MD 228 and Manning Road East would operate at LOS D during the AM peak hour and LOS F during the PM peak hour. With the improvements recommended by the applicant’s consultant, this intersection would operate at LOS C and LOS D during the AM and PM peak hours respectively. It would therefore fall within the acceptable standard for intersections within the Developing Tier, operating at a critical lane volume (CLV) of 1,450 or better.

DPW&T did not specifically respond to the improvements recommended by the applicant. They did review the traffic study but did not offer any specific comments. The improvements recommended by the applicant involve an intersection that is maintained by the State Highway Administration. This is the intersection of MD 228 and Manning Road East. Staff notes that Manning Road is a county road.

The State Highway Administration reviewed and provided comments on the traffic study and recommended that the applicant:

- a. Widen the southbound approach of Manning Road East at MD 228 from the existing one left/through lane and one right turn lane to two left turn lanes, one through lane, and one right lane.
- b. Widen the westbound approach of MD 228 to provide an exclusive right turn lane.

The State Highway Administration did not specifically respond to the applicant's recommendation to remove the split phase traffic signal operation at MD 228 and Manning Road East. However, once the southbound shared lane is removed from Manning Road East this will improve the operation and level of service. Staff will therefore recommend that the split phase signal operation be removed.

### **Preliminary Plan Comments**

Most of the proposed residential lots would be accessed by proposed Yarrow Court and Blue Indigo Court on the west side of Manning Road. These would be cul-de-sac residential subdivision streets with 26 feet of pavement. This is acceptable. The site plan shows ten lots fronting Manning Road as well as a small cul-de-sac residential street (Wild Ginger Court) on the east side of Manning Road. These lots will have driveway access to Manning Road.

The applicant may be required to provide frontage improvements along Manning Road to improve safety, if required by the Prince George's County Department of Public Works and Transportation. The applicant may also be required to provide any necessary acceleration and deceleration lanes at the site entrance and make any necessary safety improvements.

### **Master Plan Comments**

MD 210, or Indian Head Highway, is listed in the Subregion V (1993) Master Plan as E-5, an expressway from MD 228 to the Charles County line. It is recommended as a four-lane roadway with a 250-foot right-of-way. No additional right-of-way dedication along MD 210 will be required by the applicant.

It should be noted that a full diamond interchange is planned at MD 228 and Manning Road. Manning Road between Manning Road West and Manning Road East is designated as C-526, a collector roadway with an 80-foot right-of-way and four travel lanes. It would be relocated north of MD 228 to MD 373. This is shown as a later need in the master plan.

Existing Manning Road has a 50-foot right-of-way. The applicant will be required to dedicate 25 feet of right-of-way from the centerline of Manning Road.

### **Transportation Issue Conclusions**

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 a condition requiring the noted improvement.

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 6	Middle School Cluster 3	High School Cluster 3
Dwelling Units	56 sfd	56 sfd	56 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	13.44	3.36	6.72
Actual Enrollment	4,433	4,689	8,654
Completion Enrollment	156.96	86.22	158.07
Cumulative Enrollment	18.24	39.12	78.24
Total Enrollment	4,621.64	4,817.70	8,897.03
State Rated Capacity	4,512	5,114	7,752
Percent Capacity	102.43%	94.21%	114.77%

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

These figures were correct on the day this referral memorandum was written. Other projects that are approved prior to the public hearing on this project will cause changes to these figures. In addition, the number of proposed dwelling units proposed has been reduced. The numbers that will be used in the resolution will be the ones that will 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 public fire and rescue facilities.
  - a. The existing fire engine service at Accokeek Fire Station, Company 24, located at 16111 Livingston Road, has a service travel time of 4.35 minutes, which is within the 5.25-minute travel time guideline.
  - b. The existing ambulance service at Accokeek Fire Station, Company 24, has a service travel time of 4.35 minutes, which is within the 6.25-minute travel time guideline.
  - c. The existing paramedic service at Allentown Road Fire Station, Company 47, located at 10900 Fort Washington Road, has a service travel time of 11.05 minutes, which is beyond the 7.25-minute travel time guideline. The nearest fire station, Accokeek, Company 24, is located at 16111 Livingston Road, which is 4.35 minutes from the

development. This facility would be within the recommended travel time for paramedic service if that service was provided at that facility.

The above 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*.

9. **Police Facilities**—The proposed development is within the service area for Police District IV-Oxon Hill. 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 an additional 57 sworn personnel. This police facility will adequately serve the population generated by the proposed subdivision.
10. **Health Department**—The Health Department noted the presence of domestic trash and scrap tires on the property. 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. The Health Department also noted that wells and septic systems to be abandoned must be pumped, backfilled, and/or sealed in accordance with COMAR 26.04.04.
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, #35761-2003-00, has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. The approval is valid through November 2, 2006. Development must be in accordance with this approved plan, or any revisions thereto.
12. **Cemeteries and Possible Artifacts of Historical Significance**—The property is part of (or adjoining) the area of antebellum plantations of John Manning and J. L. Lederer. Because of this, documentary and archeological investigation should be required to determine whether there exists physical evidence of slave dwellings or burials or other significant archeological resources.
13. **Public Utility Easement**—The preliminary plan includes the required ten-foot-wide public utility easement parallel and contiguous to all public rights-of-way. The easement will be shown on the final plat.
14. **Proposed Lot 11**—Proposed Lot 11 should be eliminated. This lot is 80 feet wide and runs parallel to a SMECO power line easement. The Prince George’s County *Landscape Manual* requires a “C” bufferyard between power lines and single-family detached homes. A “C” bufferyard includes a 30-foot-wide landscaped yard within a 40-foot building setback. For Lot 11, this bufferyard would take up half of the lot. Coupled with the required 8-foot setback on the opposite side of the lot, this leaves only a 32-foot-wide building envelope. This is unacceptable in the R-R Zone.

In addition, the applicant proposes a 350-foot-long cul-de-sac to serve this lot and Parcel B only. It appears that the cul-de-sac would not be necessary if Lot 11 were eliminated; Parcel B could have its frontage on existing Manning Drive.

## RECOMMENDATION

APPROVAL, subject to the following conditions:

1. 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 approval of the final plat. The following note shall be placed on the plat:

“Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.”
2. 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.
3. The Final Plat shall include the following note:

“Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/34/04), 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.”
4. A Type II Tree Conservation Plan shall be approved prior to the issuance of permits on the site.
5. Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction, and (c) have an agreed-upon timetable for construction with SHA:
  - a. Widen the southbound approach of Manning Road East at MD 228 from the existing one left/through lane and one right turn lane to two left turn lanes, one through lane, and one right turn lane.
  - b. Widen the westbound approach of MD 228 to provide an exclusive right turn lane.
  - c. These improvements shall also include any signal, signage, and pavement marking modifications and additions to be determined by SHA.
6. At the time of road construction, the applicant, his heirs, successors, and/or assignees shall construct standard sidewalks along one side of all internal roads, per the concurrence of DPW&T.
7. At the time of road construction, the applicant, his heirs, successors, and/or assignees shall construct a standard sidewalk along at least one side of Manning Road, per the concurrence of DPW&T.
8. At the time of final plat, the applicant, his heirs, successors, and/or assignees shall pay a fee-in-lieu of mandatory park dedication.

9. Prior to signature approval of the preliminary plan, the applicant shall determine the extent of the land that should be the subject of a Phase I archaeological investigation with the concurrence of the Development Review Division (DRD). The applicant shall complete and submit a Phase I investigation (including research into the property history and archaeological literature) for those lands determined to be subject. Prior to approval of final plats, the applicant shall submit Phase II and Phase III investigations as determined by DRD staff as needed. The plan shall provide for the avoidance and preservation of the resources in place or shall provide for mitigating the adverse effect upon these resources. All investigations must be conducted by a qualified archaeologist 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.
10. Development shall be in conformance with the approved stormwater management concept plan, #35761-2003-00, or any approved revisions thereto.
11. Prior to the issuance of permits, the applicant, his heirs, successors and/or assignees shall have the scrap tires hauled by a licensed scrap tire hauler to a licensed scrap tire disposal/recycling facility. A receipt shall be turned in to the Health Department.
12. Prior to signature approval, the preliminary plan shall be revised to eliminate Proposed Lot 11.
13. Prior to signature approval, the preliminary plan shall be revised to convert Proposed Lot 30 into a parcel for private recreational facilities.
14. The applicant, his heirs, successors, and/or assignees shall provide adequate, private recreational facilities in accordance with the standards outlined in the Park and Recreation Facilities Guidelines. These facilities shall be subject to the following:
  - a. Allocation of appropriate and developable areas for the private recreational facilities on homeowners association (HOA) open space land. The private recreational facilities shall be reviewed by the Urban Design Section of the Development Review Division (DRD) of the Prince George's County Planning Department for adequacy and property siting, prior to approval of the final plat by the Planning Board.
  - b. A site plan shall be submitted to the DRD that complies with the standards outlined in the Park and Recreation Facilities Guidelines prior to final plat approval.
  - c. Submission of three original, executed Recreational Facilities Agreements (RFA) to the DRD for their approval, three weeks prior to a submission of a final plat. Upon approval by the DRD, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.
  - d. Submission to the DRD of a performance bond, letter of credit, or other suitable financial guarantee in an amount to be determined by the DRD, within at least two weeks prior to applying for building permits.
  - e. The developer, his heirs, successors and/or assignees shall satisfy the Planning Board that there are adequate provisions to assure retention and a future maintenance of the proposed recreational facilities.

15. The land to be conveyed to a homeowners association shall be subject to the following:
- a. Conveyance shall take place prior to the issuance of building permits.
  - b. A copy of an unrecorded, special warranty deed for the property to be conveyed shall be submitted to the Subdivision Section of the DRD in 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 specific design plan or shall require the written consent of the 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 storm drain 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. Storm drain outfalls shall be designed to avoid adverse impacts on land to be conveyed to a homeowners association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by DRD prior to the issuance of grading or building permits.
  - g. Temporary or permanent use of land to be conveyed to a homeowners association for stormwater management shall be approved by DRD.
  - h. Storm drain outfalls shall be designed to avoid adverse impacts on adjacent land, owned by or to be conveyed to The Maryland-National Capital Park and Planning Commission (M-NCPPC). If the outfalls require drainage improvements on land to be conveyed to or owned by M-NCPPC, the Department of Parks and Recreation (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.
  - i. There shall be no disturbance of any adjacent land that is owned by, or to be conveyed to, M-NCPPC, without the review and approval of DPR.
  - j. The Planning Board, or its designee, shall be satisfied that there are adequate provisions to assure retention and future maintenance of the property to be conveyed.

STAFF RECOMMENDS APPROVAL OF THE TYPE I TREE CONSERVATION PLAN, TCPI/34/04.