



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

Preliminary Plan 4-04118

Application	General Data
Project Name: VIRGINIA LANDING Location: Approximately 100 feet north of the intersection of Saint Barnabas Road and the Capital Beltway. Applicant/Address: Cherrywood Development, LLC. P.O. Box 420 11865 Federal Square, Suite #204 Waldorf, MD. 20602	Date Accepted: 07/13/04
	Planning Board Action Limit: 10/21/04
	Plan Acreage: 10.62
	Zone: R-T
	Parcel: 2
	Election District: 12
	Planning Area: 76A
	Tier: Developed
	Council District: 08
	Municipality: N/A
200-Scale Base Map: 207SE02	

Purpose of Application	Notice Dates
RESIDENTIAL SUBDIVISION TO CONSTRUCT 93 THREE-FAMILY DWELLING UNITS	Adjoining Property Owners Previous Parties of Record Registered Associations: 05/20/04 (CB-58-2003)
	Sign(s) Posted on Site and Notice of Hearing Mailed: 11/09/04

Staff Recommendation		Staff Reviewer: Whitney Chellis	
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 4-04118
Virginia Landing Parcels A and B

OVERVIEW

The subject property consists of 10.60 acres of land in the R-T Zone. It is found on Tax Map 96 in Grid E-2 and is identified as Parcel A (8.1 acres) and Parcel B (2.35 acres) recorded in land records in Plat Book VJ 200@69. The property is improved with several residential structures that are to be razed. The applicant is proposing to develop the property with three-family dwelling units that are permitted in the R-T Zone. This dwelling unit type is defined by the Zoning Ordinance in Section 27-107.01 as follows:

“A ‘Building’ containing three (3) Dwelling Units, with two (2) of the ‘Dwelling Units’ arranged side-by-side and situated either above or below the third ‘Dwelling Unit.’”

The preliminary plan proposes the construction of 93 three-family dwelling units in conformance with the R-T zoning standards on Parcels A and B (10.60 acres). The allowable density in the R-T Zone for the construction of three-family dwelling units is nine dwelling units per net tract acre, or 95 dwelling units.

This site was the subject of Preliminary Plan 4-01098 approved by the Planning Board in 2001, that created Parcels A and B. The Planning Board, in the review of Preliminary Plan 4-01098, required the reservation of Parcel B (2.45 acres) for the construction of a master plan fire station, as discussed further in Finding 8 of this report. Parcel B is the subject of a plat of reservation for public use (VJ 201-18) that will expire on June 10, 2007, unless otherwise extended or purchased by Prince George's County.

Preliminary Plan 4-01098 was approved for the construction of 63 condominium townhouse units on 10.60 acres (Parcels A and B), in conformance with the R-T zoning standards with a maximum allowable density of six dwelling units per net tract acre. Subsequent to that preliminary plan approval the applicant filed a detailed site plan that proposed an alternative dwelling unit product; 63 condominium three-family dwelling units, on Parcel A only. The approved Detailed Site Plan DSP-03001 acknowledged the reservation plat and proposed no development on Parcel B. The detailed site plan shifted all of the density approved with 4-01098 (63 units) onto Parcel A and changed the dwelling unit type from townhouses to three-family dwelling units. Although the dwelling unit type had been changed, the DSP was consistent with the preliminary plan because the plan proposed no alternative in access or density greater than that approved with the preliminary plan and did not jeopardize any findings of the Planning Board's decision for Preliminary Plan 4-01098. A revision to DSP-03001 will be required to reflect the increase in density of 30 dwelling units over that previously approved with DSP-03001. A determination should be made if additional on-site private recreational facilities are necessary to serve the increase in residences.

As indicated, Parcel B is the subject of a plat of reservation (VJ 201-18) and is also the subject of record plat VJ 200@69 for Parcels A and B. The “site” will be made up of more than one record parcel

and should be reflected as Parcels C and D on the new record plat if this application is approved. The record plat for Parcels C and D should provide reference that Parcel D (old Parcel B) is also the subject of the reservation plat (VJ 201-18).

SETTING

The property is located on the northwest quadrant of the intersection of Saint Barnabas Road and Alice Avenue, with additional frontage on Virginia Lane. To the northeast is an existing townhouse development zoned R-M. To the northwest is the existing Dennis Grove apartment building, zoned R-18. Across Saint Barnabas Road from Alice Avenue is the exit ramp serving the southbound lane of the Capital Beltway at Saint Barnabas Road. Abutting the ramp is primarily developed commercially zoned land and a small amount of developed R-80 zoned land.

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-T	R-T
Use(s)	Vacant	Three-Family Dwelling Units
Acreage	10.60	10.60
Parcels	2	2
Dwelling Units:		
Three-Family	0	93 Units

2. **Environmental**—The Environmental Planning Section has reviewed the above-referenced Preliminary Plan of Subdivision, 4-04118, TCPI/37/01-01, and a variation request, stamped as received by the Environmental Planning Section on November 10, 2004. The Environmental Planning Section recommends approval of Preliminary Plan 4-04118 and Type I Tree Conservation Plan TCPI/37/01-01, subject to conditions.

The subject property was previously reviewed by the Environmental Planning Section in conjunction with Preliminary Plan 4-01098 and Type I Tree Conservation Plan TCPI/37/01, under the name of Marjorie R, Perkins. These plans were approved.

This R-T-zoned site is located adjacent to Saint Barnabas Road and Virginia Lane and is primarily wooded. A site visit and review of the information available indicate that streams and wetlands are found to occur on this property. Severe slopes are located on this site, adjacent to the stream and in other areas. The site is located in the Oxon Run watershed, which is a tributary to the Potomac River basin. The soils found to occur on this property, according to the Prince George’s County Soil Survey, include the Sassafras and Beltsville series. The Beltsville soils have a K factor of 0.43 and are considered highly erodible. The Sassafras soils pose no special problems for development. 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. Saint Barnabas Road is a significant noise generator. No historic or scenic roads are affected by this proposal. This property is located in the Developed Tier as delineated on the adopted General Plan.

This site is subject to the provisions of the Woodland Conservation Ordinance because it is larger than 40,000 square feet in size and contains more than 10,000 square feet of woodlands. The Type I tree conservation plan as submitted was reviewed and was found to satisfy the requirements of the Woodland Conservation Ordinance.

This property has a net tract area of 10.50 acres. The TCP I woodland conservation worksheet indicates that the minimum woodland conservation requirement for this site is 2.12 acres (20 percent of the net tract). An additional 2.36 acres are required due to removal of woodland below the threshold level, for a total requirement of 4.50 acres. The plan shows the requirement being met with 1.26 acres of on-site woodland preservation, 0.95 acre of reforestation, and 2.29 acres of off-site mitigation, for a total of 4.50 acres.

Saint Barnabas Road is classified as a four- to six-lane divided arterial, with the 65 dBA Ldn noise contour occurring approximately 830 feet from the centerline of the roadway. This noise contour is based on the ultimate road design and service flow for this road and does not consider existing topography. The 65 dBA noise contour has been indicated on the TCP. At the time of detailed site plan, a Phase II noise study, certified by a professional engineer with competency in acoustical analysis, must be submitted unless sufficient information already exists in the approved DSP-03001 file. The Phase II noise study shall show that noise corridor mitigation measures have been incorporated to attenuate interior noise levels to 45 dBA (Ldn) and exterior (active rear yard) noise levels to 65 dBA (Ldn) or less, based on the revised DSP to reflect the increase in dwelling units.

A stormwater management concept approval letter (34050-20001-03) dated September 16, 2004, has been submitted with the review package. The requirements of the stormwater management concept approval will be met through subsequent reviews by the Department of Environmental Resources.

The site contains significant natural features, which are required to be protected under Section 24-130 of the Subdivision Regulations. The wetlands have been delineated and staff has field checked this delineation and verified it to be correct. A stream is located in the northwest portion of the site. The stream, 50-foot stream buffer, wetlands, wetlands buffers, and severe slopes have been correctly located on the plan.

On the western portion of the site a stormwater management pond is proposed, which encroaches into wetland buffer area. A variation request was submitted with the review package for proposed impacts needed for the purpose of installing a stormwater quality control pond and its associated outfall with a concrete wall.

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, if the impacts are minimized.

Review of the Variation Request Submitted

The proposed impact is for installing a stormwater quality control pond and its associated outfall with impacts of 140 square feet of wetland buffer area that is not currently wooded.

Section 24-130 of the Subdivision Regulations restricts impacts to these buffers unless the Planning Board grants a variation to the Subdivision Regulations in accordance with Section 24-

113. Even if approved by the Planning Board, the applicant will need to obtain federal and state permits prior to the issuance of any grading permit. Each variation is described individually below. However, for purposes of discussion relating to Section 24-113(a) of the Subdivision Regulations, the impacts were discussed collectively.

Section 24-113(a) of the Subdivision Regulations sets forth the required findings for approval of variation requests. Section 24-113(a) reads:

Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon evidence presented to it in each specific case that:

The approval of the applicant's request does not have the effect of nullifying the intent and purpose of the Subdivision Regulations. In fact, strict compliance with the requirements of Section 24-130 could result in practical difficulties to the applicant that could result in the applicant not being able to develop this property.

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

Comment: The variation is required to address the regulations associated with the Stormwater Management Ordinance, which are designed to promote public safety and health and to ensure no off-site properties are damaged.

- (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;**

Comment: The conditions of the property are unique with respect to the placement of the associated wetland buffer and the required placement of the necessary concrete wall and outfall. The property is unique because of the location of the isolated wetland and wetland buffer that appear to have been created due to a pipe inlet that is too small.

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

Comment: No other variances, departures, or waivers are required with regard to the treatment of stormwater. All appropriate local, federal and state permits must be obtained before the construction can proceed.

- (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 strict letter of these regulations is carried out;**

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

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, and the property will be served by public systems.

3. **Community Planning**—The property is located within the limits of the 2000 Heights and Vicinity Master Plan, Planning Area 76A, in the Hillcrest Heights-Marlow Heights Community. The master plan land use recommendation is for residential low urban. The 2002 General Plan locates the property in the Developed Tier. One of the visions for the Developed Tier is to developed medium to high density developments. The proposed preliminary plan is consistent with the recommendations of the master plan and the General Plan.

The master plan recommends a fire station (via a “floating” symbol) on Saint Barnabas Road in this area. The master plan text identifies either the subject site or the undeveloped site directly across Saint Barnabas Road (next to the Beltway off-ramp) as potential sites. This station would be a replacement for the Oxon Hill Station (Company 42) on Marcey Avenue in Glassmanor. With the review and approval of Preliminary Plan 4-01098, the Planning Board required the reservation of appropriate land area (Parcel B) for the construction of this master plan fire station. Plat book REP 201@18 established a plat of reservation for public lands over Parcel B.

4. **Parks and Recreation**—In accordance with Section 24-134 of the Subdivision Regulations, the applicant should provide private on-site recreational facilities for the fulfillment of the mandatory dedication of parkland requirement. The previously approved detailed site plan (DSP-03001) included a recreational facilities package adequate to serve the 63 townhouse dwelling units proposed with that plan. However, with this preliminary plan, the applicant has proposed to increase the number of dwelling units to 93 three-family dwellings. At the time of review of the new and/or revised detailed site to reflect the new dwelling unit type, this increase in density should be taken into consideration when determining the adequacy of recreational facilities. A new recorded recreational facilities and triggers for construction may be required at that time. A loss of dwelling units may be required to accommodate the additional recreational facilities and will be determined at the time of review of the revised DSP.
5. **Trails**—There are no master plan trails issues. However, sidewalks should be provided along the internal roads, as shown on the submitted plan, and should be ramped and ADA-compatible. If road improvements are required by DPW&T or SHA on Virginia Lane, Alice Avenue, or Saint Barnabas Road (MD 414), standard sidewalks are recommended.
6. **Transportation**—The applicant submitted a traffic study dated September 3, 2004. 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 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. Mitigation, as defined by Section 24-124(a)(6) of the Subdivision Ordinance, may be considered 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 August 2004; the counts were adjusted to account for seasonal differences. Staff also made minor adjustments to the AM peak hour volumes on the eastbound approach of St. Barnabas Road. These changes are reflected in the tables below. With the development of the subject property, the traffic consultant concluded that the intersections included in the traffic study would operate at acceptable levels of service. The traffic impact study that was prepared and submitted on behalf of the applicant analyzed the following intersections during weekday peak hours:

- St. Barnabas Road/Wheeler Road/Winston Street (signalized)
- St. Barnabas Road/Capital Beltway Ramp/Virginia Lane (signalized)

The following conditions exist at the critical intersections:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (AM & PM)	
	St. Barnabas Road/Wheeler Road/Winston Street	1,378	1,412	D
St. Barnabas Road/Beltway Ramp/Virginia Lane	761	1,389	A	D
*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.				

Background developments included 15 single-family units and 175,000 square feet of office space. 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:

BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume		Level of Service	
	(AM & PM)		(AM & PM)	
St. Barnabas Road/Wheeler Road/Winston Street	1,393	1,414	D	D
St. Barnabas Road/Beltway Ramp/Virginia Lane	762	1,391	A	D
*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, both intersections would operate at acceptable levels of service.

The site is proposed for development as a residential subdivision, with 93 condominium dwelling units. These would be located along St. Barnabas Road and Virginia Lane, just north of the St. Barnabas Road (MD 414)/Capital Beltway interchange. With site traffic, the following operating conditions were determined:

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume		Level of Service	
	(AM & PM)		(AM & PM)	
St. Barnabas Road/Wheeler Road/Winston Street	1,399	1,420	D	D
St. Barnabas Road/Beltway Ramp/Virginia Lane	779	1,429	A	D
*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 total traffic conditions, both intersections continue to operate at acceptable levels of service.

Site Plan Comments

The proposed condominium dwelling units would have access to Virginia Lane, approximately 200 feet north of Alice Avenue, both county-maintained roadways. Dedication of 30 feet from the centerline of Virginia Lane was required with the recordation of Record Plats VJ 200@69, as was required by DPW&T, and is adequate to serve the proposed development. Internal circulation within the site will be provided by private streets. These are shown with 26 feet of pavement.

The applicant will be required to provide any necessary frontage improvements along Virginia Lane and Alice Avenue as required by DPW&T standards and specifications.

Master Plan Comments

The Heights and Vicinity Master Plan (2000) lists St. Barnabas Road (MD 414) as (A-45), a four-lane arterial roadway with a 120-foot right-of-way. Dedication of 60 feet of right-of-way from the master plan centerline of St. Barnabas Road was required with the recordation of Record Plats VJ 200@69.

Based on the preceding findings, the Transportation Planning Section concludes that 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.

- 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:

Finding

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 7	Middle School Cluster 4	High School Cluster 4
Dwelling Units	93 sfd	93 sfd	93 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	22.32	5.58	11.16
Actual Enrollment	36236	11113	16710
Completion Enrollment	209.04	52.26	95.81
Cumulative Enrollment	350.16	87.54	175.08
Total Enrollment	36817.52	11258.38	16992.05
State-Rated Capacity	38817	10375	14191
Percent Capacity	94.85	108.51	119.74

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

These figures are correct on the day this memo was written. 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 Oxon Hill Fire Station, Company 42, located at 1110 Marcey Avenue has a service travel time of 4.77 minutes, which is within the 5.25-minute travel time guideline.
 - b. The existing ambulance service at Oxon Hill Fire Station, Company 42, located at 1110 Marcey Avenue has a service travel time of 4.77 minutes, which is within the 6.25-minute travel time guideline.
 - c. The existing paramedic service at Silver Hill Fire Station, Company 29, located at 3900 Silver Hill Road has a service travel time of 4.68 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*.

Existing Parcel B was created through the Planning Board's action on Preliminary Plan 4-01098, and is the subject of a plat of reservation for a new fire station (REP 201-18). The reservation plat is valid for three years and will expire on June 10, 2007, unless otherwise extended or purchased by Prince George's County. The preliminary plan should be revised to provide a note to this effect and reflect the limits of existing Parcel B

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 the 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 notes that numerous tires were found on the property. The tires must be hauled away by a licensed scrap tire hauler to a licensed scrap tire disposal/recycling facility and a receipt for tire disposal must be submitted to the Health Department. All other trash should be removed and properly discarded. Any abandoned septic tank or abandoned well should be removed and properly abandoned.
11. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. Stormwater Management Concept Plan # 34050-2002-00 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.

13. **Historic**—The Planning Board has recently identified that the possible existence of prehistoric archeological sites on certain properties must be considered in the review of development applications, and that potential means for preservation of these resources should be considered. Review of Historic Preservation office files indicates that prehistoric archeological sites are known to exist in environmental settings similar to that in the project area and there may be archeological resources of the antebellum period in the area of the subject site.

Prior to the submittal of the required detailed site plan or any grading or clearing on site, the applicant should determine the extent of the land that should be the subject of a Phase I archeological investigation. The applicant's findings should be submitted to the Planning Department staff for review and concurrence. If any portion of the property is determined to be subject, the applicant should complete a Phase I investigation that may include research into the property history and archeological literature, and submit the Phase I investigation with the application for DSP.

At the time of DSP review staff will determine if archeological resources exist in the project area, and if so the applicant will be advised of the requirement of a Phase II or Phase III archeological investigation. The investigation should provide a plan for avoiding and preserving the resource in place, or provide a plan for mitigating the adverse effect upon these resources.

All investigations must be conducted by a qualified archeologist and must follow *The Standards and Guidelines for Archeological Investigations in Maryland* (Schaffer and Cole: 1994) and must be presented in a report following the same guidelines.

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 indicate that the gross tract area is 10.60 acres (Dedication has previously occurred).
 - b. Revise Note 13 to indicate that mandatory dedication is being fulfilled through on-site private recreational facilities.
 - c. Reflect the limits of existing Parcel A and Parcel B and note that Parcel B is the subject of a plat of reservation for public use (REP 201 @ 18) expiring on June 10, 2007, unless otherwise extended by the applicant or purchased by Prince George's County.
 - d. Revise General Note 15 to accurately reflect that the property is Parcel A and B, not Parcel 106.
 - c. Reflect consistently in the general notes that 93 units are proposed.
 - d. Indicate that the property shall be recorded at Parcels C and D.
2. Development of this property shall be in conformance with Stormwater Management Concept Plan #34050-2002-00 and any subsequent revisions.

3. The applicant, his heirs, successors and/or assignees shall file a revision to the approved detailed site plan (DSP-03001) to reflect the increase in density from 63 to 93 three-family dwelling units. That revision shall evaluate the possible increase in the amount of on-site recreational facilities due to the increase in density and a revision to the existing recreational facilities agreement for this property (Liber 19385, Folio 142), if appropriate.
4. The applicant, his heirs, successors and/or assignees shall submit three original recreational facilities agreements (RFAs) to DRD for approval prior to the submission of final plats, for construction of private recreational facilities on site, if determined necessary. Upon approval by DRD, the RFA shall be recorded among the county land records.
5. The applicant, his heirs, successors and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee, if necessary, prior to building permits for the construction of private recreational facilities on site.
6. The applicant shall complete and submit a Phase I investigation with the application for a revision to the DSP (including research into the property history and archeological literature). At the time of review of the DSP, the applicant shall submit Phase II and Phase III investigations if determined by Planning Department staff to be 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 archeologist and must follow *The Standards and Guidelines for Archeological Investigations in Maryland* (Schaffer and Cole 1994) and must be presented in a report following the same guidelines. Grading permits may be issued for areas not subject to a Phase I archeological investigation, subject to the required order of approvals.
7. Prior to issuance of any permits for the subject property, the off-site mitigation location, in conformance with the Woodland Conservation Ordinance, shall be secured and the site location noted on the TCPII for the subject property.
8. Development of this subdivision shall be in compliance with an approved Type I Tree Conservation Plan (TCPI/37/01-01). The following notes shall be placed on the final plat of subdivision:

“This development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/37/01-01), 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.”
9. A Phase II noise study shall be submitted with the detailed site plan and shall be certified by a professional engineer with competency in acoustical analysis, shall be submitted. The Phase II noise study shall show that noise corridor mitigation measures have been incorporated to attenuate interior noise levels to 45 dBA (Ldn) and exterior (active rear yard) noise levels to 65 dBA (Ldn) or less.
10. The approved variation impact to sensitive environmental features for the placement of a stormwater management pond/outfall within the wetland buffer adjacent to Virginia Lane shall be limited and further evaluated at the time of review of the detailed site plan.

11. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the expanded stream buffer in the northern portion of the site and the area of wetlands and wetland buffer adjacent to Virginia Lane, except for the single area of impact approved, 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 trees, limbs, branches, or trunks is allowed.”

12. Prior to the issuance of any permits which impact wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall submit to the M-NCPPC Planning Department copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
13. The applicant shall provide standard sidewalks along Virginia Lane, Alice Avenue, and Saint Barnabas Road (MD 414), with the concurrence of the Department of Public Works and Transportation and the State Highway Administration.
14. 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.
15. Prior to the issuance of grading permits, the applicant shall demonstrate that any abandoned well or septic system has been pumped, backfilled and/or sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative of the Health Department.
16. The applicant will be responsible for any frontage or roadway improvements along Virginia Lane and Alice Avenue as required by DPW&T.

STAFF RECOMMENDS APPROVAL OF THE TYPE I TREE CONSERVATION PLAN TCPI/37/01-01 AND A VARIATION TO SECTION 24-130 OF THE SUBDIVISION REGULATIONS.