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## Preliminary Plan 4-05081

Application	General Data
<b>Project Name:</b> <b>PRESERVE AT WOODMORE ESTATES</b>  <b>Location:</b> North side of Mount Oak Road, approximately 1,090 linear feet east of Church Road.  <b>Applicant/Address:</b> Preserve at Woodmore Estates, LLC. 3723 Old Court Road Baltimore, MD. 21208	Date Accepted: 09/16/05
	Planning Board Action Limit: 11/25/05
	Plan Acreage: 18.42
	Zone: R-E
	Lots: 16
	Outlot: 1
	Planning Area: 74A
	Tier: Developing
	Council District: 04
	Municipality: N/A
200-Scale Base Map: 204NE12	

Purpose of Application	Notice Dates
RESIDENTIAL SUBDIVISION	Adjoining Property Owners Previous Parties of Record Registered Associations: (CB-58-2003)
	Sign(s) Posted on Site and Notice of Hearing Mailed:
	08/15/05
	10/17/05

Staff Recommendation		Staff Reviewer: Tom Lockard	
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 4-05081  
The Preserve at Woodmore Estates, Lots 1-16

OVERVIEW

The subject property is located on Tax Map 62, Grid E-1. It consists of a deed parcel (Parcel 43) comprising approximately 18.42 acres of land in the R-E Zone in the Developing Tier. The applicant is proposing to subdivide the parcel into 16 lots for single-family residences. This site was the subject of Preliminary Plan of Subdivision 4-05001, which was denied due to inadequacies in police, fire and rescue facilities.

SETTING

The site is located on the north side of Mount Oak Road, approximately 1,000 feet east of its intersection with Church Road. The site is cleared and developed with a single-family residence, several barns, sheds and other buildings supporting a horse farm operating on the site. All of the existing buildings are proposed to be removed.

FINDINGS AND REASONS FOR STAFF RECOMMENDATION

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

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone	R-E	R-E
Use(s)	Single Family Residence, Horse Farm	Single Family Residences
Acreage	18.42	18.42
Lots	0	16
Outlots	0	0
Parcels	1	0
Dwelling Units	1 (to be removed)	16

2. **Environmental**—There are no regulated environmental features associated with the site such as a stream, 100-year floodplain, steep and severe slopes and wetlands. According to the Prince George’s County Soils Survey, two soil series are associated with the site (five types in the Collington fine sandy loam series and two types in the Ochlocknee sandy loam series). These soils do not have development constraints associated with them. Mount Oak Road is a planned arterial road in the 1991 Bowie and Vicinity Area Master Plan and after road improvements are made, traffic-generated noise impacts are not anticipated. Mount Oak Road is also a designated scenic and historic road in the 1992 Approved Historic Sites and Districts Plan. According to 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 and endangered species are not found at this site. According to the 2005 adopted Green Infrastructure Plan (GI Plan), there are no elements of the GI Plan associated with

the property. The site is in the Collington Branch watershed of the Patuxent River basin, the Bowie and Vicinity Planning Area and the Developing Tier of the 2002 approved General Plan.

### **Natural Resources Inventory**

A signed Natural Resources Inventory (NRI) was included in the preliminary plan submittal. Information in the NRI indicates there are no woodlands associated with the site.

### **Woodland Conservation**

The site is exempt from the Prince George's County Woodland Conservation Ordinance because there are less than 10,000 square feet of existing woodlands on-site. A standard Letter of Exemption was issued by the Environmental Planning Section on February 18, 2005. This letter is valid for a time period of two years from the date of issuance. A copy of this letter must be included in all county permit applications for the development of this site.

### **Noise**

Mount Oak Road is a planned arterial road and has a 120-foot right-of-way. A preliminary plan has been submitted; however, neither a noise study nor the location of the unmitigated 65-dBA-noise contour in relation to Mount Oak Road is shown on the plan. A noise study or the location of the 65-dBA (Ldn) noise contour is one of four required information items in an Environmental Information package as part of all preliminary plan submittals. The signed NRI shows the 65-dBA (Ldn) noise contour in relation to Mount Oak Road.

In the review of 4-05001, the Environmental Planning Section's noise model indicated the approximate location of the unmitigated 65-dBA (Ldn) noise contour at 78 feet measured from the centerline of Mount Oak Road. The current preliminary plan has been revised to show the location of the unmitigated 65-dBA (Ldn) noise contour. None of the proposed structures or the associated outdoor activity areas are located within the 65-dBA Ldn noise contour. Noise mitigation is not required.

### **Historic/Historic Road**

Mount Oak Road is a designated scenic and historic road and the site has approximately 810 feet of frontage along the road. Future road improvements to this segment of the road will be coordinated through the county Department of Public Works and Transportation (DPW&T) at such time the road is constructed to arterial road standards. The current preliminary plan shows a 40-foot scenic easement in relation to Mount Oak Road behind the PUE.

Future roadway improvements to Mount Oak Road shall be carried out in accordance with *Design Guidelines and Standards for Scenic and Historic Roads* prepared by DPW&T. The applicant shall coordinate a conceptual preapplication meeting between DPW&T and M-NCPPC to determine what these are prior to paving and stormdrain plan submittal.

### **Water and Sewer Categories**

The water and sewer service categories are W-4 and S-4 according to water and sewer maps dated June 2003 obtained from the Department of Environmental Resources, and the site will, therefore, be served by private systems.

3. **Community Planning**—The property is in Planning Area 74A/Community VII. The 2002 General Plan places the subject property in the Developing Tier. The vision for the Developing

Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial centers, and employment areas that are increasingly transit serviceable. This application is not inconsistent with the 2002 General Plan Development Pattern policies for the Developing Tier. The site is subject to the recommendation of the 1991 Bowie-Collington-Mitchellville & Vicinity Master Plan, which calls for Suburban Estate densities of one dwelling unit to the acre. This application conforms to the recommendations found in both of these documents.

4. **Parks and Recreation**—Pursuant to Section 24-134(a) of the Subdivision Regulations, Lots 1, 3, 6, 7, 14 and 15 are exempt from the requirements of the mandatory dedication of parkland because each of these proposed lots exceeds one acre. The Park Planning and Development Review Division recommends that the applicant pay a fee-in-lieu of the mandatory dedication of parkland requirements for Lots 2, 4, 5, 8-13, and 16 because the land available for dedication is unsuitable due to its size and location.
5. **Trails**—The 1991 Approved Bowie-Collington-Mitchellville and Vicinity Master Plan designates Mount Oak Road as a master plan bikeway. Staff recommends the provision of one “Share the Road With A Bike” sign to designate this bikeway, as well as to alert motorists to the possibility of bicycle traffic in or along the road. Staff also recommends the provision of a minimum four-foot wide paved shoulder along the subject site’s frontage of Mount Oak Road to accommodate cyclists, unless modified by DPW&T.

The master plan also designates Mount Oak Road as a scenic road and recommends that the original roadbed be preserved and incorporated into the county trail system, where feasible. This would apply if the road were relocated during any future road improvement.

### **Sidewalk Connectivity**

Due to the large lot nature of the subject application, no sidewalk construction is recommended. Existing roads in the vicinity of the subject site are open section with no sidewalks.

6. **Transportation**—Due to the size of the subdivision, staff has not required that a traffic study be done. The staff did note that counts of approximately one year in age were available from another source. Therefore, the findings and recommendations outlined below are based upon a review of these materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the “Guidelines for the Analysis of the Traffic Impact of Development Proposals.”

### **Growth Policy—Service Level Standards**

The subject property is in the Developing Tier, as defined in the 2002 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 is required in the Developing Tier.

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

**Staff Analysis of Traffic Impacts**

The intersection pair of Church Road and Woodmore/Mount Oak Road are determined to be the critical intersections for the subject property. These intersections are the nearest major intersections to the site and would serve a large portion of the site-generated traffic. The staff had available traffic counts dated 2005. The existing conditions at the study intersections are summarized below:

<b>EXISTING TRAFFIC CONDITIONS</b>				
Intersection	Vehicle Delay (AM & PM)		Level of Service (LOS, AM & PM)	
	Church Road and Mount Oak Road	28.1*	40.7*	--
Church Road and Woodmore Road	44.4*	45.0*	--	--
*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. This criterion is applicable to roundabouts as well as standard four-way or three-way intersections.				

There is a funded capital project to make significant geometric improvements at these intersections in the County Capital Improvement Program. That project is fully funded, but only with developer contributions. There are approximately ten approved but unbuilt developments that would affect the intersections. With background growth added, the critical intersection would operate as follows:

<b>BACKGROUND TRAFFIC CONDITIONS</b>				
Intersection	Vehicle Delay (AM & PM)		Level of Service (LOS, AM & PM)	
	Church Road and Mount Oak Road	101.3*	198.1*	--
Church Road and Woodmore Road	201.6*	214.0*	--	--
*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. This criterion is applicable to roundabouts as well as standard four-way or three-way intersections.				

It is noted that the site contains two existing residences. A total of 16 lots are proposed by this plan, for a net of 14 residences. With the development of 14 net residences, the site would generate 11 AM (2 in and 9 out) and 13 PM (9 in and 4 out) peak-hour vehicle trips. The site was analyzed with the following trip distribution: 40 percent—west along Mount Oak Road; and 60 percent—east along Mount Oak Road. Given this trip generation and distribution, staff has analyzed the impact of the proposal. With the site added, the critical intersections would operate as follows:

TOTAL TRAFFIC CONDITIONS			
Intersection	Vehicle Delay (AM & PM)		Level of Service (LOS, AM & PM)
Church Road and Mount Oak Road	105.1*	209.1*	-- --
Church Road and Woodmore Road	210.9*	229.6*	-- --
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are outside of the normal range of the procedure, and should be interpreted as a severe inadequacy. This criterion is applicable to roundabouts as well as standard four-way or three-way intersections.			

At the critical intersections, it is recommended that improvements be provided for the reconstruction of the intersections. These improvements would provide either a four-way signalized intersection or make the existing intersection pair more functional. The intersections of Woodmore Road/Church Road and Mount Oak Road/Church Road are currently offset by approximately 400 feet. Past applications have been approved with conditions to provide the following improvements:

**Option A:**

- a. Realign the intersections of Woodmore and Mount Oak Roads with Church Road to create a new four-way intersection. This improvement shall also include any signage and pavement marking modifications and additions to be determined by DPW&T.
- b. Install a traffic signal at the new four-way intersection, if warranted, with any needed traffic signal warrant analysis to be submitted at the time of building permit or detailed site plan, if required. (The need for a study may be waived by DPW&T if sufficient studies are available to determine warrants.)
- c. Provide two-lane approaches on each leg of the new four-way intersection.
- d. All of the improvements on Church Road shall also include any additional signal, signage, and pavement markings to be determined by DPW&T.

**Option B:**

- a. Install interconnected traffic signals at the existing Woodmore and Mount Oak Roads intersections with Church Road, if warranted, with any needed traffic signal warrant analysis to be submitted at the time of building permit or detailed site plan, if required. (The need for a study may be waived by DPW&T if sufficient studies are available to determine warrants.)
- b. Provide upgrades and improvements at both intersections to include:
  - (1) Two lanes along southbound Church Road approaching Mount Oak Road.
  - (2) Two lanes along northbound Church Road approaching Woodmore Road.
  - (3) Two lanes along eastbound Woodmore Road approaching Church Road.
  - (4) Two lanes along westbound Mount Oak Road approaching Church Road.

- (5) A four-lane section along Church Road between Woodmore and Mount Oak Roads.

- c. These improvements shall also include any additional signal, signage, and pavement markings to be determined by DPW&T.

Based on the estimated expense of the improvements, \$2,000,000, past applicants have proposed making a contribution to fund a portion of the cost. They have cited previously collected pro rata share fees from other developers in the area.

It is noted that the Prince George’s County Approved Capital Improvement Program (CIP) includes CIP Project No.FD669921, Mount Oak Road/Church Road/Woodmore Road improvement project. This project provides funding for intersection and roadway improvements, including the realignment of Woodmore Road. A portion of the cost of the project is listed under developer contributions in the funding schedule, and with the developer funding in place, it would be fully funded. The most recent project to have been approved in this area, Pleasant Prospect, Preliminary Plan of Subdivision 4-03111, was approved with a requirement to pay toward the cost of the CIP project

Mount Oak Road is a master plan arterial facility, and the plan reflects adequate dedication of 60 feet from baseline.

**Transportation Staff Conclusions**

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 the conditions found at the end of this report.

- 7. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for 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 3	Middle School Cluster 2	High School Cluster 2
Dwelling Units	16 sfd	16 sfd	16 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	3.84	0.96	1.92
Actual Enrollment	5,960	5,307	10,580
Completion Enrollment	180.24	189.24	378.24
Cumulative Enrollment	27.60	11.76	23.52
Total Enrollment	6,171.68	5,508.96	10,983.68
State-Rated Capacity	5,858	4,688	8,770
Percent Capacity	105.35%	117.51%	125.24%

Source: Prince George’s County Planning Department, M-NCPPC, December 2004

These figures are correct on the day the referral 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 will be the ones that apply to this project.

County Council bill CB-31-2003 establishes a school facilities surcharge (has been adjusted by the percentage change in the Consumer Price Index for all urban consumers) in the amount of \$7,161 per dwelling if a building is located between I-495 and the District of Columbia; \$7,161 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 \$12,276 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 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:

The Prince George's County Planning Department has determined that this preliminary plan is within the required seven-minute response time for the first due fire station, Bowie, Company 43, using the seven-minute travel times and fire station locations map provided by the Prince George's County Fire Department.

The Fire Chief has reported that the current staff complement of the Fire Department is 98.99 percent, which is within the staff standard of 657 or 95 percent of 692 as stated in CB-56-2005. The Fire Chief has reported by letter, dated August 1, 2005, that the department has adequate equipment to meet the standards stated in CB-56-2005.

9. **Police Facilities**—The Prince George's County Planning Department has determined that this preliminary plan is located in District II. The Prince George's County Police Department reports that the average yearly response times for that district are 24 minutes for non-emergency calls, which meets the standard of 25.00 minutes, and 11 minutes for emergency calls, which does not meet the standard of 10.00 minutes.

The Police Chief reported that the current staff complement of the Police Department is 1,302 sworn officers and 43 student officers in the Academy, for a total of 1,345 (95 percent) personnel, which is within the standard of 1,278 officers or 90 percent of the authorized strength of 1,420 as stated in CB-56-2005.

This application does not meet the emergency response time standard for police. CB-56-2005 provides for mitigation of fire, rescue and police inadequacies through approval of a mitigation plan. These mitigation plans are to be created in accordance with guidelines that have been enumerated by the District Council in CR-78-2005, which establishes a police facilities mitigation charge (as adjusted by the percentage change in the Consumer Price Index for all urban consumers) in the amount of \$3,780 per dwelling unit. Any approval of this application would be subject to the payment of this charge.

10. **Health Department**—The Health Department reviewed the application and reminds the applicant that abandoned wells and septic tanks within the confines of the subject property must be properly removed in accordance with state and county regulations. Also, a raze permit is required prior to removal of any of the structures on the site.

11. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has approved a stormwater management concept plan for this site, #7616-



2005-00. Development must be in accordance with that approved plan to ensure that development of this site does not result in on-site or downstream flooding.

12. **Flag Lots**—The applicant proposes six flag lots in the subdivision. The flag lots are shown as Lots 3, 4, 6, 7, 14 and 15.

Flag lots are permitted pursuant to Section 24-138.01 of the Subdivision Regulations. Staff supports these flag lot based on the following findings and reasons.

- a. A maximum of two tiers is permitted. Each of the flag lots is a single tier. The houses would be sited such that each would have a private rear yard area.
- b. Each flag stem is a minimum width of 25 feet for the entire length of the stem.
- c. The net lot area for each proposed lot (exclusive of the flag stem) meets or exceeds the minimum lot size of 40,000 square feet in the R-E Zone.
- d. The proposal includes no shared driveways.
- e. Where rear yards are oriented toward driveways, an “A” bufferyard is required. This occurs in five locations, all of which show ample area for the required bufferyard.
- f. Where front yards are oriented toward rear yards, a “C” bufferyard is required. This occurs in five locations, all of which show ample area for the required bufferyard.

Prior to approval of a flag lot, the Planning Board must make the following findings of Section 24-138.01(f):

- A. The design is clearly superior to what would have been achieved under conventional subdivision techniques.**

**Comment:** The proposed flag lot yields a superior design to that which would be allowed conventionally. The alternative would be to require a cul-de-sac at each of these locations, which would result in an unnecessary and intrusive expanse of asphalt into what would otherwise be a green area.

- B. The transportation system will function safely and efficiently.**

**Comment:** All of the flag lots would access the internal street. No significant impact on the transportation system is expected.

- C. The use of flag lots will result in the creative design of a development that blends harmoniously with the site and the adjacent development.**

**Comment:** The flag lots will blend harmoniously with the rest of the development. The homes on the flag lots are laid out so that they mimic a cul-de-sac arrangement, without having to further constrain the lots by placing them on an unnecessary public road.

- D. The privacy of property owners has been assured in accordance with the evaluation criteria.**

**Comment:** Given the size of the net lot areas, all of which meet or exceed 40,000 square feet, the flag-style development of the lot will not impair the privacy of either the

homeowner of this lot or the homeowners of other lots. Ample room exists to provide for the required bufferyards.

Given these findings, staff recommends approval of the flag lots.

13. **Historic Preservation**—The Planning Board has determined that the possible existence of slave quarters and slave graves on certain properties must be considered in the review of development applications, and that potential means for preservation of these resources should be considered. Phase I (identification) archeological investigations are recommended for this property. According to the 1861 Martenet map, this area was part of the landholdings of Wm. Clark, who owned over 400 acres. The Clark residence (no longer standing) was located just north of the property. The Claggetts, also large antebellum period landholders, acquired the property in 1861. In addition, over 154 prehistoric period archeological sites are located east of the property, along Collington Branch, less than one mile from the property.

Phase I archeological investigations should be conducted according to Maryland Historical Trust (MHT) guidelines, *The Standards and Guidelines for Archeological Investigations in Maryland* (Schaffer and Cole: 1994) and must be presented in a report following MHT guidelines and the *American Antiquity* or *Society of Historical Archeology* style guide. Archeological excavations shall be spaced along a regular 15-meter or 50-foot grid and excavations should be clearly identified on a map to be submitted as part of the report.

#### **RECOMMENDATION:**

**APPROVAL**, subject to the following conditions:

1. At the time of final plat approval, the applicant shall dedicate right-of-way along Mount Oak Road of 60 feet from the baseline of the future roadway, as shown on the submitted plan.
2. Prior to the issuance of any building permits within the subject property, one of the following options for road improvements shall (a) have full financial assurances, (b) have been permitted for construction, and (c) have an agreed-upon timetable for construction with the Department of Public Works and Transportation (DPW&T):

#### **Option A:**

- a. Realign the intersections of Woodmore and Mount Oak Roads with Church Road to create a new four-way intersection. This improvement shall also include any signage and pavement marking modifications and additions to be determined by DPW&T.
- b. Install a traffic signal at the new four-way intersection, if warranted, with any needed traffic signal warrant analysis to be submitted at the time of building permit or detailed site plan, if required. (The need for a study may be waived by DPW&T if sufficient studies are available to determine warrants.)
- c. Provide two-lane approaches on each leg of the new four-way intersection.
- d. All of the improvements on Church Road shall also include any additional signal, signage, and pavement markings to be determined by DPW&T.

**Option B:**

- a. Install interconnected traffic signals at the existing Woodmore and Mount Oak Roads intersections with Church Road, if warranted, with any needed traffic signal warrant analysis to be submitted at the time of building permit or detailed site plan, if required. (The need for a study may be waived by DPW&T if sufficient studies are available to determine warrants.)
  - b. Provide upgrades and improvements at both intersections to include:
    - (1) Two lanes along southbound Church Road approaching Mount Oak Road.
    - (2) Two lanes along northbound Church Road approaching Woodmore Road.
    - (3) Two lanes along eastbound Woodmore Road approaching Church Road.
    - (4) Two lanes along westbound Mount Oak Road approaching Church Road.
    - (5) A four-lane section along Church Road between Woodmore and Mount Oak Roads.
  - c. These improvements shall also include any additional signal, signage, and pavement markings to be determined by DPW&T.
3. The applicant, and the applicant's heirs, successors, and/or assignees shall provide a financial contribution of \$210.00 to DPW&T for the placement of this signage. A note shall be placed on the final record plat for payment to be received prior to the issuance of the first building permit.
  4. The applicant shall provide a minimum four-foot wide paved shoulder along the subject site's entire frontage of Mount Oak Road, unless modified by DPW&T.
  5. Roadway improvement on Mount Oak Road shall be carried out in accordance with design guidelines and standards for scenic and historic roads prepared by DPW&T. The applicant shall coordinate a conceptual preapplication meeting between DPW&T and M-NCPPC to determine what these are prior to paving and stormdrain plan submittal.
  6. 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 archeological 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 archeological literature) for those lands determined to be subject. Archeological excavations shall be spaced along a regular 15-meter or 50-foot grid and excavations should be clearly identified on a map to be submitted as part of the report.
  7. Prior to the issuance of a grading permit for the development, A Public Safety Mitigation Fee shall be paid in the amount of \$60,480 (\$3,780 x 16 dwelling units). Notwithstanding the number of dwelling units and the total fee payments noted in this condition, the final number of dwelling units shall be as approved by the Planning Board and the total fee payment shall be determined by multiplying the total dwelling unit number by the per unit factor noted above. The per unit factor of \$3,780 is subject to adjustment on an annual basis in accordance with the percentage change in the Consumer Price Index for All Urban Consumers. The actual fee to be paid will depend upon the year the grading permit is issued.