

R E S O L U T I O N

WHEREAS, 167.84 acre parcel of land known as Parcel 25, Tax Map 135 in Grid D-2, said property being in the 11th Election District of Prince George's County, Maryland, and being zoned R-S; and

WHEREAS, on August 11, 2005, Gallagher, Sandi, and Scad, LLC filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 7 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-05048 for Renard Lakes was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on January 26, 2006, for its review and action in accordance with Article 28, Section 7-116, Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

WHEREAS, the staff of The Maryland-National Capital Park and Planning Commission recommended APPROVAL of the application with conditions; and

WHEREAS, on January 26, 2006, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED the Type I Tree Conservation Plan (TCPI/25/01), and further APPROVED Preliminary Plan of Subdivision 4-05048, Renard Lakes for Lots 1-404 and Parcels A-G with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision the plan shall be revised as follows:
 - a. Provide the conceptual stormwater management approval number and approval date.
 - b. List the existing parcel designation and acreage of Outlot A, to be retained by owner.
 - c. Add a note stating that development of this property shall conform to A-9970 and CDP-0503.
 - d. Conform to the signature approved CDP-0503 and A-9970 or as modified by the District Council approval.
 - e. Provide legible lot sizes, bearings and distances. All measurements should be legible.
 - f. Replace the two regulation tables with the lot standards table proposed with the CDP.

9. **US 301 and MD 381 (Brandywine Road):** 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 through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency:
 - a. Widening the eastbound MD 381 (Brandywine Road) approach from the existing one left turn lane and one through/right lane to one left turn lane, one through lane, and one right turn lane.
 - b. Modifying the westbound MD 381 (Brandywine Road) approach from the existing one left turn lane, one through lane, and one right turn lane to one left turn lane, one through lane, and one through/right turn lane.
 - c. Widening the westbound MD 381 (Brandywine Road) approach to provide an additional receiving lane. This will accommodate the second westbound MD 381 through lane.
 - d. The applicant will be responsible for any additional signage, pavement markings, and traffic signal modifications at the intersection of MD 381 and US 301.
10. At the time of specific design plan, the applicant will be required to conduct traffic signal warrant studies at the US 301/Dyson Road intersections and will be responsible for the construction of traffic signals at both intersections of Dyson Road at US 301 if required by the State Highway Administration. The applicant will also be responsible for any additional signage and pavement markings, and the lengthening of turn lanes on US 301 and Dyson Road, as required by SHA and/or DPW&T. This condition includes any alternative physical improvements required by SHA at US 301 and Dyson Road if either or both intersections remain unsignalized. The improvements—either signalization or physical improvements—must be bonded and permitted with SHA and/or DPW&T.
11. At the time of submission of the final plat, the applicant will be responsible for the dedication of 40 feet from the master plan centerline of Dyson Road.
12. At the time of building permit, the applicant will be required to bond and permit the construction of an acceleration lane, deceleration lane, and a left turn lane at the site's proposed access point along Dyson Road with DPW&T.
13. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the expanded stream buffers and isolated regulated areas and their buffers, excluding those areas where variation requests have been approved during the review of the preliminary plan of subdivision, and those areas located within the limits of the mining reclamation permit, and be reviewed by the Environmental Planning Section prior to certification of the 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.”

14. Prior to approval signature, the preliminary plan of subdivision shall be revised to ensure that no part of any conservation easement is on any residential lot.
15. Prior to the issuance of any permits that 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.
16. The following impacts are hereby approved in concept as illustrated on the exhibits received January 17, 2006: **Impact A** for the stormwater pond outfall; that portion of **Impact B** associated with the sanitary sewer connection; that portion of **Impact E** associated with the sanitary sewer installation; **Impact F** for the stormwater pond outfall; **Impact G** for the installation of a sanitary sewer connection; that portion of **Impact K** associated with the sanitary sewer installation; **Impact L** for the installation of the trail to connect public street M to Parcel F; and **Impact N** for the installation of a sanitary sewer line and stormwater outfall. Prior to signature of the preliminary plan, the Type I Tree Conservation Plan shall be revised to eliminate all impacts that are not approved.
17. The specific design plans shall show the use of all best management practices and design techniques to minimize impacts to expanded stream buffers that have been approved by the preliminary plan. Any new impacts not approved with the current application will require a new preliminary plan application.
18. Prior to signature of the preliminary plan, the NRI, preliminary plan, and TCPI shall be revised to show the correct alignments of all existing utilities. The area within the sanitary sewer easement shall not be used to contribute to any required woodland conservation. The preliminary plan and TCPI shall be revised to show that no lot is encumbered by any existing sewer easement.
19. Prior to signature approval of the preliminary plan, the preliminary plan and the TCPI shall be revised to show the unmitigated 65 dBA Ldn and the conceptual mitigated 65 dBA Ldn.
20. The location and appearance of the required noise attenuation structures shall be reviewed and approved with the specific design plan and Type II tree conservation plan.
21. Prior to signature approval of the preliminary plan, the Type I tree conservation plan shall be revised to:
 - a. Provide, at a minimum, the woodland conservation threshold on-site through additional preservation and on-site planting.
 - b. Ensure that all noise attenuation structures are constructed on HOA property.

- c. Show the clearing required to install noise attenuation structures.
- d. Ensure that conservation easements will not be on residential lots.
- e. Provide at least 40 feet of cleared area behind every residential structure without clearing any part of any stream buffer.
- f. Recalculate the woodland conservation requirement.
- g. Plant additional areas of expanded stream buffers that are not currently wooded or that were cleared because of required mining reclamation.
- h. Correct the alignment of the existing sanitary sewer and remove the area of the easement from contributing to required woodland conservation.
- i. Provide off-site woodland conservation, not fee-in-lieu, only as needed.
- j. Replace the standard notes with the following:
 - i. This plan is conceptual in nature and is submitted to fulfill the woodland conservation requirements 4-05048. The TCPI will be modified by a Type II tree conservation plan in conjunction with the approval of a detailed site plan, a specific design plan, and/or a grading permit application.
 - ii. The Type II tree conservation plan will provide specific details on the type and location of protection devices, signs, reforestation, afforestation, and other details necessary for the implementation of the Woodland Conservation Ordinance on this site.
 - iii. Significant changes to the type, location, or extent of the woodland conservation reflected on this plan will require approval of a revised Type I tree conservation plan by the Prince George's County Planning Board.
 - iv. Cutting, clearing, or damaging woodlands contrary to this plan or as modified by a Type II tree conservation plan will be subject to a fine not to exceed \$1.50 per square foot of woodland disturbed without the expressed written consent from the Prince George's County Planning Board or designee. The woodlands cleared in conflict with an approved plan shall be mitigated on a 1:1 basis. In addition, the Woodland Conservation replacement requirements (¼:1, 2:1, and/or 1:1) shall be calculated for the woodland clearing above that reflected on the approved TCP.
 - v. Property owners shall be notified by the developer or contractor of any woodland conservation areas (tree save areas, reforestation areas, afforestation areas, or selective clearing areas) located on their lot or parcel of land and the associated

finances for unauthorized disturbances to these areas. Upon the sale of the property, the owner/developer or owner's representative shall notify the purchaser of the property of any woodland conservation areas.

- k. Have the revised plan signed and dated by the qualified professional who prepared the plan.
22. The following note shall be placed on the final plat of subdivision:

“Development is subject to restrictions shown on the approved Type I tree conservation plan (TCPI/25/05-01), 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 Ordinance. This property is subject to the notification provisions of CB-60-2005.”
 23. Prior to signature approval of the preliminary plan, the applicant shall submit evidence that the property is not encumbered by prescriptive or descriptive easements that are to the benefit of other properties. If encumbered, that applicant shall submit evidence that the rights and privileges associated with those easements will not be interrupted with the development of this property. If appropriate, the applicant shall provide evidence of the agreement of those benefited properties to the abandonment or relocation of said easements.
 24. Prior to signature approval of the preliminary plan, the District Council shall issue a final zoning decision in rezoning case A-9970. If the applicant obtains approval of the rezoning from I-1 to R-S, the record plat shall carry a note that development of this property is subject to A-99707 and CDP-0503 and any subsequent amendments. A new preliminary plan of subdivision shall be required for development proposed that does not conform to A-99707, CDP-0503 and/or is substantially different from this preliminary plan.
 25. The SDP shall locate any noise wall and berming for mitigation of traffic generated noise and any fencing along the west property line, required as a condition of approval of A-9970 or CDP-0503 on open space land to be conveyed to a homeowners association, and not on individual homeowners lots.
 26. Prior to final plat approval, the declaration of covenants for the property, in conjunction with the formation of a homeowners association, shall include language notifying all future contract purchasers of the proximity of the property to a gun range and recycling center within approximately one mile west of the community. The declaration of covenants shall include the disclosure notice. At the time of purchase contract with home buyers, the contract purchaser shall sign an acknowledgement of receipt of the declaration. The liber and folio of the recorded declaration of covenants shall be noted on the final plat along with a description of the proximity of the development to the gun range and the recycling center.
 27. Review of the specific design plan shall include a critical review of the circulation and standards

of the private streets that extend from the main spine road, across the dam at the north end of an internal lake feature, to the amenity complex and the townhouses located in the east central portion of the site. This review should be done in coordination with the Department of Public Works and Transportation (DPW&T) and the Fire Department for street standards to adequately and safely serve the residences.

28. Prior to the approval of building permits, the applicant, his heirs, successors and/or assignees shall convey to the homeowners association (HOA) open space land. Land to be conveyed shall be subject the following:
- a. Conveyance shall take place prior to the issuance of building permits.
 - b. A copy of unrecorded, special warranty deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division (DRD), Upper Marlboro, along with the final plat.
 - c. All waste matter of any kind shall be removed from the property, prior to conveyance, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section or the entire project.
 - d. The conveyed land shall not suffer the disposition of construction materials, soil filling, discarded plant materials, refuse or similar waste matter.
 - e. Any disturbance of land to be conveyed to a homeowners association shall be in accordance with an approved detailed site plan or shall require the written consent of DRD. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement, and stormdrain outfalls. If such proposals are approved, a written agreement and financial guarantee shall be required to warrant restoration, repair or improvements, required by the approval process.
 - f. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to a homeowners association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by DRD prior to the issuance of grading or building permits.
 - g. Temporary or permanent use of land to be conveyed to a homeowners association for stormwater management shall be approved by DRD.
 - h. 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.
29. Prior to the approval of building permits, the applicant, his heirs, successors and/or assignees shall demonstrate that a homeowners association has been established and that the common areas

have been conveyed to the homeowners association.

30. The applicant, his heirs, successors and/or assignees shall submit three original recreational facilities agreements (RFA) to DRD for construction of recreational facilities on homeowners land, for approval prior to the submission of final plats. Upon approval by DRD, the RFA shall be recorded among the county land records.
31. The applicant, his heirs, successors and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for the construction of recreational facilities on homeowners land, prior to the issuance of building permits.
32. In accordance with Section 24-134 and 24-135 of the Subdivision Regulations, the fulfillment of the mandatory dedication of parkland requirements is in addition to any contribution or construction of on-site recreational facilities required for the fulfillment of density increments for the development of this property. With the review of the specific design plan, a determination of the facilities and monetary contribution required for the fulfillment of mandatory dedication shall be made.
33. Review of the specific design plan shall include:
 - a. Conditions requiring the use of historically appropriate street names.
 - b. Identification and location of historically notable site features with the preservation of these features, where feasible.
 - c. Revised Phase IA archeological report with evidence of the input of the Robinson family descendants.
 - d. Placement of signage markers describing the history of the property.
34. Prior to the issuance of a grading permit for the development, A Public Safety Mitigation Fee shall be paid in the amount of \$1,527,120 (\$3,780 x 404 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.

BE IT FURTHER RESOLVED, that the findings and reasons for the decision of the Prince George's County Planning Board are as follows:

1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.

2. The subject property is located on the west side of US 301 (Crain Highway), north of its intersection with Dyson Road.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

Zone Use(s)	EXISTING	PROPOSED
	I-1	R-S
	Sand and Gravel Mining, Asphalt Batching Plant and On-site Storage	Single-family dwellings
Acreage	167.84	167.84
Lots	0	404
Outlots	0	1
Parcels	1	7
Dwelling Units:		
Detached	0	324
Townhouses		80
Total		424
Public Safety Mitigation Fee		Yes

4. **Environmental**— The Environmental Planning Section has reviewed the revised preliminary plan of subdivision for Renard Lakes, 4-05048, and the revised Type I Tree Conservation Plan, TCPI/25/05-01, stamped as accepted for processing on October 12, 2005. Revised variation requests were received on January 17, 2005. The Environmental Planning Section recommends approval of 4-05048 and TCPI/25/05-01 subject to conditions. The number of variations necessary were further reduced at the Planning Board hearing of February 2, 2006 as discussed further below.

TCPI/25/05 is recommended for approval with the comprehensive design plan for the subject site. CDP-0503 is to be heard on the same day and preceding this application for preliminary plan. The Environmental Planning Section has recommended revisions with that application resulting in the 01 revision to the Type I tree conservation plan as part of this recommendation.

Background

The Environmental Planning Section has reviewed an application for rezoning from the I-1 Zone to the R-S Zone, A-9970. The zoning map amendment has not yet been approved. The Comprehensive Design Plan, CDP-0503, and Type I Tree Conservation Plan, TCPI/25/05, are concurrently under review with Preliminary Plan of Subdivision 4-05048.

Site Description

The 167.84-acre property in the I-1 Zone is located northwest of the intersection of US 301 and Dyson Road. There are streams, wetlands and 100-year floodplains and associated areas of steep slopes with highly erodible soils and areas of severe slopes on the property. US 301 is a nearby existing source of traffic-generated noise. The proposed development is not a noise generator. According to the "Prince George's County Soil Survey," the principal soils on the site are in the Aura, Beltsville, Bibb, Chillum, Croom, Galestown, Leonardtown, Made Land, Ochlockonee, Rumford, Sandy Land, and Sassafra series; however, portions of the site were mined for sand and gravel after the publication of the "Prince George's County Soil Survey." Marlboro clay is not found to occur in the vicinity of this property. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program publication titled "Ecologically Significant Areas in Anne Arundel and Prince George's Counties," December 1997, there are no rare, threatened or endangered species found to occur in the vicinity of this property. No designated scenic or historic roads are affected by this development. This property is located in the Piscataway Creek watershed in the Potomac River basin. The site is in the Developing Tier according to the approved General Plan.

Review of Previously Approved Conditions

Zoning Map Amendment A-9970 was approved with conditions by the Planning Board as indicated in PGCPB No. 05-229. There are no environmental conditions in that resolution that relate directly to the preliminary plan. The zoning map amendment has not yet been heard by the District Council. A Comprehensive Design Plan, CDP-0503, has not yet been heard by the Planning Board. Appropriate conditions regarding the review of the preliminary plan have not been established. In reviewing this preliminary plan, the proposed conditions for CDP-0503 were used. The following condition related to the review of the preliminary plan:

- 2. The Preliminary Plan of Subdivision shall ensure that no part of any conservation easement is on any residential lot.**

Discussion: In the most recent set of plans submitted with Preliminary Plan 4-05048, this condition has not been fulfilled.

Environmental Review

As revisions are made to the plans submitted the revision boxes on each plan sheet should be used to describe what revisions were made, when, and by whom.

An approved natural resources inventory (NRI), NRI-030-05, was submitted with the application. This site contains natural features that are required to be protected under Section 24-130 of the Subdivision Regulations. The Subregion V master plan indicates that there are substantial areas designated as natural reserve on the site. As noted on page 136 of the Subregion V master plan:

"The Natural Reserve Area is composed of areas having physical features which exhibit severe constraints to development or which are important to sensitive ecological systems.

Natural Reserve Areas must be preserved in their natural state.”

The Subregion V master plan elaborates on page 139:

“The Natural Reserve Areas, containing floodplain and other areas unsuitable for development should be restricted from development except for agricultural, recreational and other similar uses. Land grading should be discouraged. When disturbance is permitted, all necessary conditions should be imposed.”

For the purposes of this review, the natural reserve includes all expanded stream buffers and isolated wetlands and their buffers. The expanded stream buffers that were established during the review of the NRI are correctly shown on the preliminary plan and the revised Type I tree conservation plan.

Because this is a comprehensive design zone and the residential lots are small, no portion of any lot should be encumbered with a restrictive easement. Conservation easements are restrictive because they severely limit the use of the land. A proposed condition with the Comprehensive Design Plan, CDP-0503, would mandate this change and affect the lotting pattern of the preliminary plan. Some required changes may result in a reconfiguration of the proposed lots.

A conservation easement should be described by bearings and distances on the final plat. This conservation easement should contain the expanded stream buffers and isolated sensitive areas and their buffers, excluding those areas where variation requests have been approved. The preliminary plan of subdivision should be revised to ensure that no part of any conservation easement is on any residential lot. Appropriate documentation of any permits that impact jurisdictional wetlands, wetland buffers, streams, or Waters of the U.S. should be submitted to staff of M-NCPPC.

Impacts to significant environmental features that are required to be protected by Section 24-130 of the Subdivision Regulations are proposed. The design should avoid any impacts to streams, wetlands or their associated buffers unless the impacts are essential for the development as a whole. Staff will generally not support impacts to sensitive environmental features that are not associated with essential development activities. Essential development includes such features as public utility lines (including sewer and stormwater outfalls), street crossings, and so forth, which are mandated for public health and safety; nonessential activities are those, such as grading for lots, stormwater management ponds, parking areas, and so forth, which can be designed to avoid the impacts. Impacts to sensitive environmental features require variations to the Subdivision Regulations.

This site is unusual because it is an unreclaimed mining operation with an associated state permit. A limit of grading required for reclamation of the mining site, even if no further development is proposed, should be clearly indicated. Because the reclamation is required for the existing site, any grading required for reclamation will not require a variation request because it is a pre-existing condition inherent to this particular property. The exhibits clearly indicate the areas that will be impacted by the grading for reclamation of the mining operation that were previously

approved by the state permit.

The original variation requests did not contain all of the required variations for the proposed development. Revised variation requests with exhibits for 15 impacts were received on January 17, 2005. It should be noted that the revised exhibits show an existing sanitary sewer line that has not been shown on any previous plans in this location. It is not clear from the information submitted whether or not this sewer line is proposed to be abandoned or used for the new development. Under either scenario, it is possible that additional impacts to regulated areas may occur. This is addressed in the recommended conditions.

At the Planning Board hearing staff recommended and the applicant agreed to further reduce the number of variations required for the development of this property by removing a portion of the interior HOA trail. Impacts C, D, H, I, J and M were deleted.

Impact "A" is to 0.02 acre of expanded stream buffer for a stormwater management pond outfall. The impact for the outfall appears to have been minimized.

Impact "B" is to 0.85 acre of expanded stream buffer for a trail and to 0.03 acre of expanded stream buffer for a sanitary sewer connection. The impact for the sanitary sewer is the minimum necessary to connect the development to the existing sanitary sewer that is wholly within the expanded stream buffer. All of the proposed impacts to the expanded steam buffer for the installation of the trail can be minimized by placing the trail on the existing sanitary sewer.

Impact "C" is to 0.14 acre of expanded stream buffer for a trail. This impact can be avoided by relocating the trail.

Impact "D" is to 0.25 acre of expanded stream buffer for a trail. This impact can be avoided by relocating the trail.

Impact "E" is to 0.01 acre of expanded stream buffer for the installation of a sanitary sewer and 0.37 acre of impact to expanded stream buffer for the installation of a trail. The impact for the sanitary sewer is the minimum necessary to connect the development to the existing sanitary sewer that is wholly within the expanded stream buffer. All impacts for the proposed trail can be avoided by redesign.

Impact "F" is to 0.01 acre of expanded stream buffer for a stormwater management pond outfall. The impact for the outfall appears to have been minimized.

Impact "G" is to 0.05 acre of expanded stream buffer for the installation of a sanitary sewer. The impact for the sanitary sewer is the minimum necessary to connect the development to the existing sanitary sewer that is wholly within the expanded stream buffer.

Impact "H" is to 0.20 acre of expanded stream buffer for a trail. This impact can be avoided by relocating the trail.

Impact “I” is to 0.23 acre of expanded stream buffer for a trail. This impact can be avoided by relocating the trail.

Impact “J” is not an impact because it is wholly within the limits of the required grading for reclamation of the mining site.

Impact “K” is to 0.13 acre of expanded stream buffer for the installation of a sanitary sewer and 0.09 acre of impact to expanded stream buffer for the installation of a trail. The impact for the sanitary sewer is the minimum necessary to connect the development to the existing sanitary sewer that is wholly within the expanded stream buffer. The impact for the proposed trail can be reduced by redesign.

Impact “L” is to 0.01 acre of expanded stream buffer for a trail. This trail segment is needed to connect the eastern portion of the project to the remainder of the project. The impacts can be minimized through careful design of this segment.

Impact “M” is to 0.23 acre of expanded stream buffer for a trail connection mandated by the CDP and 0.13 acre of impact for reconstruction of the existing pond to meet current standards for a stormwater management facility. The proposed road crossing to the pocket of the development in the eastern portion of the site is within an area that has been previously disturbed and is wholly within the grading envelope required for the reclamation of the mining operation.

Impact “N” is to 0.14 acre of expanded stream buffer for the installation of a sanitary sewer and 0.05 acre of impact to expanded stream buffer for the installation of a stormwater outfall. The impacts for the sanitary sewer connection and stormwater outfall appear to be the minimum necessary.

The total area of impacts proposed to expanded stream buffers is 6.30 acres; however, the total impact area can be reduced through slight modifications to the design. The Environmental Planning Section fully supports requests “A”, “B”, “E”, “F”, “G”, “K”, “L”, and “N.”

Section 24-113 of the Subdivision Regulations contains the following lead-in text and four required findings to be made before a variation can be granted.

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:

The approval of the supported variation requests 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 for the applicant that could result in the applicant not being able to develop the subject property in conformance with the existing zoning.

- (1) The granting of the variation request would not be detrimental to public safety, health or welfare and does not injure other property;**

The installation of the stormdrain outfalls and installation of sanitary sewers are required by other regulations to provide for public safety, health and welfare. Street construction is required to provide access to substantial portions of the property and 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;**

Stormwater management outfalls are required to be placed so that the stormwater discharges into receiving streams whose location on this property are unique. The only available sanitary sewer mains to serve development of this property are wholly within expanded stream buffers. 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 Washington Suburban Sanitary Commission determines the number and placement of sanitary sewer connections. The property contains many stream valleys that dissect the land into developable pods and one relatively large area cannot be served by a public street without a stream crossing.

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

The installation of stormwater outfalls, sanitary sewer connections, are required by other plans and 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.**

The property has several streams and extensive areas of severe slopes and highly erodible soils that create a proportionately high area of expanded stream buffers. Of the 167.84 acres of the

project, approximately 37 acres are within expanded stream buffers. The existing sewer mains in the area are already within expanded stream buffers and any connection to them would require impacts.

Pursuant to these findings, conditions are recommended for changes to the Type I tree conservation plan and for requirements applicable to future specific design plans.

The alignment of the existing sanitary sewer shown in the variation exhibits does not match the alignment shown on the NRI, preliminary plan, or TCPI. All of these documents should be revised to show the correct alignments of all existing utilities, and the area within the sanitary sewer easement should not be used to contribute to any required woodland conservation. Additionally, no lot should be encumbered by any existing sewer easement.

According to the "Prince George's County Soil Survey" the principal soils on the site are in the Aura, Beltsville, Bibb, Chillum, Croom, Galestown, Leonardtown, Made Land, Ochlockonee, Rumford, Sandy Land and Sassafras series; however, portions of the site were mined for sand and gravel after the publication of the "Prince George's County Soil Survey."

Due to the unknown nature of the soils and the limitations associated with these areas, a soils report addressing the soil structure, soil characteristics, and foundation stability is required in order to allow analysis of the site with regard to the required findings of Section 24-131 of the Subdivision Regulations.

A soils report dated August 31, 2005, was submitted. The report includes a map showing the locations of 30 test pits, includes logs for each site, and has laboratory analyses of representative samples. Additionally, the report contains recommendations for the future development of the site based upon the soils described in the report.

Staff have reviewed the report in detail and determined that with proper reclamation, it appears that the proposed layout of streets and lots can be safely accomplished. This information is provided for the applicant's benefit. A soils report may be required by the Prince George's County Department of Environmental Resources during the permit process review.

US 301 is the nearest source of traffic-generated noise and is designated as a freeway in the Subregion V master plan. Section 24-121(a)(4) of the Subdivision Regulations requires that residential lots adjacent to existing or planned roadways of arterial classification or higher be platted to a minimum depth of 150 feet and that adequate protection and screening from traffic nuisances be provided by earthen berms, plant materials, fencing, and/or the establishment of a building restriction line for new residential structures.

For residential uses, outdoor activity areas must have noise levels of 65 dBA Ldn or less to be in conformance with the state noise standards. The outdoor activity areas on the impacted lots are the areas within 40 feet of the rears of the affected houses. A Phase II noise study is required for the review of the preliminary plan of subdivision if any berm, wall or other kind of constructed barrier is proposed as a means of mitigating the noise impacts.

A Phase II noise study was submitted with the CDP. Staff is satisfied that this methodology for calibration of noise measuring devices is consistent with standard approved practices. The study clearly demonstrates the need for noise attenuation structures. The unmitigated 65 dBA Ldn noise contour is shown on the preliminary plan. A portion of the mitigated 65 dBA Ldn noise contour is shown on the TCPI. Figure 6 of the August 25, 2005, noise study shows the required installation of noise attenuation structures along the rear lot lines of Lots 5–15; however, the TCPI does not show the clearing required to install the structure. All noise attenuation structures must be constructed on HOA property. The details of the structures should be further evaluated as part of the specific design plan. The preliminary plan and the TCPI should be revised to show the unmitigated 65 dBA Ldn and the conceptual mitigated 65 dBA Ldn, and the location and appearance of the required noise attenuation structures should be reviewed and approved with the specific design plan and Type II tree conservation plan.

The property is subject to the requirements of the Prince George's County Woodland Conservation Ordinance because TCPI/25/05 will be approved with Comprehensive Design Plan CDP-0503. A revised Type I Tree Conservation Plan, TCPI/25/05-01, was submitted with this application.

The revised plan proposes clearing 60.45 acres of the existing 84.07 acres of upland woodland, clearing 0.59 acre of the existing 8.56 acres of woodland in the 100-year floodplain and shows on the plan some off-site clearing. The woodland conservation threshold for this property is 29.24 acres. The worksheet on the plan indicates a woodland conservation requirement of 49.15 acres; however, this is a slight underestimate because proposed off-site clearing was not included in the calculation. The plan proposes 19.45 acres of on-site preservation, 3.23 acres of on-site planting and the use of fee-in-lieu for the remaining 26.50 acres.

The TCPI requires several revisions to be in conformance with the Woodland Conservation Ordinance. The TCPI submitted with this application fails to meet the woodland conservation threshold on-site, which should be attained on any site that contains designated elements of the green infrastructure network. No woodland conservation areas should be provided on any lot because the lots are so small and the required grading is extensive. The TCPI should provide at least 40 feet of cleared area behind every residential structure to provide useable rear yards and a safe distance between the proposed houses and woodland preservation areas. The worksheet fails to account for off-site clearing shown on the plan. Figure 6 of the August 25, 2005, noise study shows the required installation of noise attenuation structures along the rear lot lines of Lots 5–15; however, the TCPI does not show the clearing required to install the structure. All noise attenuation structures must be constructed on a parcel and not on residential lots. The standard notes on Sheet 1 of 3 are not consistent with the required notes. The alignment of the existing sanitary sewer shown in the variation exhibits does not match the alignment shown on the NRI, preliminary plan, or TCPI.

Fee-in-lieu is the last of eight options provided by the "Prince George's County Woodland Conservation and Tree Preservation Policy Document" to meet woodland conservation

requirements. Other options must be explored before fee-in-lieu can be used.

As noted earlier, conservation easements should not be located on small residential lots; this will provide an opportunity to increase on-site preservation. There are also areas of expanded stream buffers that could be planted.

The Green Infrastructure Plan indicates the presence of regulated areas and evaluation areas on the site. The regulated areas contain the same features as the natural reserve as defined in the Subregion V master plan. The evaluation areas are the forested areas contiguous with the regulated areas. With the recommended changes, the TCPI will be in conformance with the Green Infrastructure Plan. The final plat of subdivision should note the applicability of the TCPI and its restrictions. Pursuant to these findings, several modifications to the Type I tree conservation plan should occur prior to signature approval of the preliminary plan.

Water and Sewer Categories

The water and sewer service categories are W-4 and S-4 according to water and sewer maps obtained from the Department of Environmental Resources dated June 2003, and as amended by the December 2005 cycle changes. The subject property will therefore be served by public systems.

5. **Community Planning**—The subject property is located in the northwest quadrant of the intersection of US 301 and Dyson Road in Planning Area 85A, Brandywine and vicinity. The 2002 approved General Plan for Prince George’s County placed the subject property in the Developing Tier. One of the visions 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.

The 1993 approved Subregion V master plan and SMA placed this property in the I-1 (Light Industrial) Zone (see CR-60-1993, Amendment 19). Application A-9970, requesting a rezoning from the I-1 Zone to the R-S Zone, was approved by the Planning Board on December 1, 2005 (PGCPB No. 05-229), approved by the Zoning Hearing Examiner on December 28, 2005, and is pending review and decision by the District Council.

As part of the A-9970 application, the Planning Board determined that the proposed rezoning from the I-1 Zone to the R-S Zone was in accordance with the General Plan’s goals and policies of the Developing Tier. A Developing Tier designation indicates those areas where the county anticipates and encourages new development in “contiguous and compatible growth patterns.” The specific enumerated goals in the Developing Tier which support this map amendment are to maintain a pattern of low-to moderate-density land uses (except in centers and corridors), reinforce existing suburban residential neighborhoods, and to preserve and enhance environmentally sensitive areas.

The Planning Board found that the Residential Planning Guidelines on page 86 of the master plan

specifically encourage the type of development proposed by the applicant. The density of 1.6 to 7.9 dwelling units per acre for single-family attached and detached units proposed for Renard Lakes is also in full accordance with ranges set forth on page 86 of the master plan. The basic plan also fulfills a number of the objectives of the master plan for living areas including the removal of incompatible uses (i.e., sand and gravel mining and an asphalt mixing plant) within living areas; preservation of natural and scenic assets as an integral part of residential areas to enhance the character, quality and livability of the subregion; and to provide a wide range of housing opportunities and neighborhood choices which meet the needs of different age groups, family sizes, lifestyles, and incomes.

The master plan design guidelines (pp. 52, 54) that pertain to review of residential uses on this site include:

1. Living area should contain no uses or activities which are incompatible with the residential activities.
5. Living areas should be preserved and upgraded where appropriate, through the use of conservation and rehabilitation programs, and the environmental deficiencies should be corrected either through rehabilitation or removal.
10. Buffering in the form of landscaping, open space, attractive fencing, and/or other creative site planning techniques should be utilized to protect residential areas from commercial, industrial and other incompatible uses.
13. Residential and related uses fronting on major highways and scenic roads should conform to a particularly high standard of design both as individual structures and as they blend in among other buildings.
14. Developers shall be encouraged to preserve natural amenities such as streams, floodplain and wooded areas, and to incorporate these natural features into the environmental pattern of residential areas to serve as open space and to define and link together the living areas.
15. Housing shall be prohibited in unsafe areas such as wetlands, floodplains, and unstable soils, and should be designed to minimize storm water runoff, erosion and sedimentation.
16. Recreation areas, school facilities and activity centers should be designed or redesigned upon future expansion or renovation to serve as social focal points in residential areas.
18. Residential structures should be designed in harmonious relationships to one another, to the terrain, to adjacent roadways, and should be situated to create interesting, useable spaces.
19. Homes should be located to minimize site disturbance. Wherever possible, they should not be placed in the center of open fields or on ridge lines. They should be sited at the

edges of fields and in wooded areas with minimum tree cutting to minimize visual impact. Treed areas between the home and the street should be retained.

22. Multifamily development should have direct access to arterial or collector roads and should not have primary access through single-family residential streets.
 23. Living areas should include appropriate sites for senior citizen housing and related facilities in locations that can provide a human scale through adequate outdoor space and can be serviced by social and welfare programs. Ideally they should be located at sites that can provide convenient connections to shops, public transportation, and other needs of the elderly. The best options are in the immediate vicinity of recommended activity center shopping areas.
 25. Homes should be sufficiently set back from roads in order to preserve scenic viewsheds and to maintain the rural character. The views from the road should be protected through the provision of landscaping where necessary.
6. **Parks and Recreation**—In accordance with Section 24-134 and 24-135 of the Subdivision Regulations staff recommends that the applicant provide one or a combination of private on-site recreational facilities and a monetary contribution for the fulfillment of the mandatory dedication of parkland requirements. The fulfillment of the mandatory dedication of parkland requirements is in addition to any contribution or construction of on-site recreational facilities required for the fulfillment of density increments for the development of this property. With the review of the specific design plan, an articulation of the facilities and monetary contribution required for the fulfillment of mandatory dedication should be made.
7. **Trails**—The following master plan trail facilities impact, or are in the vicinity of the subject site:
- A proposed Class II Trail along Dyson Road
 - A proposed trail within the adjacent PEPCO right-of-way
 - A proposed trail along A-613

The trail along A-613 will be completed at the time of road construction. The GIS master plan right-of-way layer indicates that this planned road is just to the west of the subject property. No recommendations are made at this time regarding this proposal. The trail facility will be provided as part of road construction, and it appears the road will be off the subject site.

No recommendations are made regarding the planned trail within the PEPCO right-of-way. Due to liability concerns, PEPCO does not want to encourage or promote trail use within the right-of-way at this time.

The adopted and approved Subregion V master plan designates Dyson Road as a planned trail

corridor. Several previously approved subdivisions along Dyson Road have been conditioned on the requirement to construct this master plan trail. These include the approved preliminary plans for 4-99048, 4-03130, and 4-04093. Upon its completion, this trail will provide safe bicycle and pedestrian access to the nearby Gwynn Park High School, Gwynn Park Middle School, and a portion of the Piscataway Creek Stream Valley Park.

An internal trails network is shown at the conceptual level on the submitted CDP. The network provides connections to many portions of the subject site. However, there are several portions of the development that are not connected to the network of trails, adjoining portions of the development, and the proposed recreational facilities. One of the culs-de-sac in the southern portion of the property (labeled as Public Street A on the preliminary plan) does not include a connection to the trail network or to adjoining streets and is largely removed for the recreational facilities being provided. In addition, connections between some of the culs-de-sac could improve the overall walkability of the development. Because of this, staff supports the addition of several trail segments that would greatly enhance the overall usability of the trails:

- A trail connection between Public Street A and Public Street B (as labeled on the preliminary plan).
- A trail across the proposed lake. This additional trail segment would greatly increase the attractiveness of the trail at the pond, would provide a loop trail opportunity for residents, and improve the overall connectivity of the culs-de-sac with the rest of the development.

The trails should complement the internal sidewalk network and provide a variety of options for residents walking in the development. Staff supports the trail network shown on the revised CDP with the additions mentioned above and has recommended that trail network for Preliminary Plan 4-05048 be amended to be consistent with what is shown for the CDP. It should also be noted that extensive M-NCPPC parkland abuts the subject site to the west.

Due to the density of the residential development being proposed (including townhouses), staff recommends standard sidewalks along both sides of all internal roads, be required. The subject application includes a large number of lots that are smaller than 10,000 square feet, with the majority being less than 15,000 square feet. This density, plus the location of nearby existing school facilities, makes the provision of sidewalks desirable.

At the Planning Board hearing staff recommended and the applicant agreed to delete a portion of the internal trail where significant impacts to the expanded buffer were necessary to implement the trail behind houses, on the northern section of the site. In order to continue to provide an efficient pedestrian circulation pattern sidewalks on both sides of all internal streets are necessary.

8. **Transportation**—The Transportation Planning Section has reviewed the subdivision application referenced above. The subject property consists of approximately 167.84 acres of land. The property is located on the west side of US 301 and north of its intersection with Dyson Road. The

applicant's traffic study analyzed a proposed residential development consisting of 404 single-family dwelling units and townhouses.

The applicant prepared an initial traffic impact study dated March 11, 2005. A revised traffic study, dated August 29, 2005, was submitted along with additional traffic counts. The findings and recommendations outlined below are based upon a review of relevant 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*.

Traffic Analysis

The submitted traffic study analyzed the impacts of 345 single-family dwelling units and 84 townhouse units. Only one access point to the site is proposed, located on the north side of Dyson Road. The traffic study includes the signalized intersections of US 301/Frank Tippet Road and US 301/MD 381/Brandywine Road and the unsignalized intersections of US 301/Dyson Road. There are two Dyson Road intersections at US 301, where the northbound and southbound lanes of US 301 are divided by a wide median strip. These intersections were analyzed separately.

With the development of the subject property, the traffic consultant concluded that two unsignalized intersections within the study area would have side street vehicle delays exceeding 50.0 seconds, an unacceptable operating condition. These include the intersections of southbound US 301 and Dyson Road and northbound US 301 and Dyson Road. The signalized intersection of US 301 and MD 381 (Brandywine Road) would also exceed the threshold for signalized intersections as defined in the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*.

The site is 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.

Unsignalized intersections: The Highway Capacity Manual procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

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

US 301 SB/Dyson Road (unsignalized)
 US 301 NB/Dyson Road (unsignalized)
 US 301/Frank Tippet Road (signalized)
 US 301/MD 381/Brandywine Road (signalized)

The following conditions exist at the critical intersections:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (AM & PM)	
US 301 SB/Dyson Road	49.4*	200.7*	--	--
US 301 NB/Dyson Road	275.9*	39.7*	--	--
US 301/Frank Tippet Road	874	1,090	A	B
US 301/MD 381/Brandywine Road	1,456	1,196	E	C
*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 1,178 single-family units, 340 apartments, 839 townhouse units, 1,297,500 square feet of office, 1,900,500 square feet of warehouse, 4,270,000 square feet of industrial, 2,484,000 square feet of heavy industrial, and 107,850 square feet of medical/office space. Background traffic along the study area roads was also increased by two percent each year to account for overall growth up to the design year 2008. This is the expected year of full build-out. Given these assumptions, background conditions are summarized below:

BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (AM & PM)	
US 301 SB/Dyson Road	999.0*	999.0*	--	--
US 301 NB/Dyson Road	999.0*	999.0*	--	--
US 301/Frank Tippett Road	1,386	1,384	D	D
US 301/MD 381/Brandywine Road	1,795	1,571	F	E
*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.				

Under background traffic conditions the average vehicle delay exceeds 50.0 seconds at the unsignalized intersections of US 301 SB/Dyson Road and US 301 NB/Dyson Road. The level of service is unacceptable at the signalized intersection of US 301/MD 381 within the study area.

The site is proposed for development as a residential subdivision, with 324 single-family dwellings and 80 townhouse units. The trip rates were obtained from the *Guidelines*. The resulting site trip generation would be 299 AM peak hour trips (60 in, 239 out), and 355 PM peak hour trips (233 in, 122 out). With site traffic, the following operating conditions were determined:

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
US 301 SB/Dyson Road	999.0*	999.0*	--	--
US 301 NB/Dyson Road	999.0*	999.0*	--	--
US 301/Frank Tippet Road	1,421	1,430	D	D
US 301/MD 381/Brandywine Road	1,815	1,595	F	E
US 301/MD 381/Brandywine Road**	1,610	1,559	F	E
<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>				

**With the applicant's proposed improvements.

Under total traffic conditions the average vehicle delay exceeds 50.0 seconds at the unsignalized intersections of US 301 SB/Dyson Road and US 301 NB/Dyson Road. The level of service is unacceptable at the signalized intersection of US 301/MD 381/Brandywine Road within the study area, well above threshold levels, i.e., a critical lane volume (CLV) of 1,450 or better and Level of Service (LOS) D.

Proposed Improvements

The applicant's traffic consultant recommends several improvements to the intersections of US 301 and MD 381 (Brandywine Road) and US 301 and Dyson Road.

US 301 Southbound/Dyson Road

Widen the eastbound Dyson Road approach from the existing one through/right lane to one through and one through/right lane, and signalize the intersection.

US 301 Northbound/Dyson Road

Widen the eastbound Dyson Road approach within the US 301 median strip from the existing one left/through lane to two exclusive left turn lanes and one through lane, and signalize the intersection.

US 301/MD 381 (Brandywine Road)

Widen the eastbound MD 381 (Brandywine Road) approach from the existing one left turn lane and one through/right lane to one left turn lane, one through lane, and one right turn lane. Modify the westbound MD 381 approach from the existing one left turn lane, one through lane, and one right turn lane to one left turn lane, one through lane, and one through/right turn lane. Widen the westbound MD 381 (Brandywine Road) approach to provide an additional receiving lane. This would accommodate the second westbound MD 381 through lane.

These improvements are proposed as mitigation in accordance with the Guidelines for Mitigation Action and the requirements of that portion of Section 24-124. The applicant proposes to employ mitigation by means of criterion (4) in the Guidelines for Mitigation Action, which were approved by the District Council as CR-29-1994. The impact of the proposed mitigating improvements at this intersection is summarized as follows:

IMPACT OF MITIGATION				
Intersection	LOS and CLV (AM & PM)		CLV Difference (AM & PM)	
US 301/MD 381				
Background Conditions	F/1795	E/1571		
Total Traffic Conditions	F/1815	E/1595	+20	+24
Total Traffic Conditions w/Mitigation	F/1610	E/1559	-205	-36

As the CLV at US 301/MD 381 is between 1,600 and 1,813 during both peak hours, the proposed mitigation action must mitigate at least 150 percent of the trips generated by the subject property, according to the Guidelines. The above table indicates that the proposed mitigation action would mitigate in excess of 1000 percent of site-generated trips during the AM peak hour, and it would mitigate exactly 150 percent of site-generated trips during the PM peak hour. **Therefore, the proposed mitigation at US 301 and MD 381 meets the requirements of Section 24-124(a)(6)(B)(i) of the Subdivision Ordinance in considering traffic impacts.**

Operating Agency Comments

The State Highway Administration (SHA) concurred with the proposed improvements at the intersection of US 301 and MD 381 (Brandywine Road). However, SHA (see the letter dated October 6, 2005) recommended that the applicant explore alternative geometric designs at the intersection of US 301 and Dyson Road. It is now SHA's policy to require applicants seeking to

access state highways to explore alternative geometric designs at unsignalized intersections.

SHA recommends that the applicant develop alternative intersection improvements at the southbound and northbound intersections of US 301 and Dyson Road if the intersections remain unsignalized. Staff notes that the Dyson Road intersections and the southbound and northbound lanes of US 301 are approximately 400 feet apart. The *US 301 Access Control Study Final Report (March 1999)*, done for the State Highway Administration, recommends a future grade separation at this location. The study recommends that Dyson Road be grade separated and realigned from its existing location to the north. The existing portion of Dyson Road on the east side of US 301 would be used for local access. At the proposed site of Renard Lakes, Dyson Road would be realigned slightly to the north. The study also recommends that a service road be constructed on the west side of US 301 to serve several parcels along the west side of US 301 and to the northeast of proposed Renard Lakes. The service road would tie into realigned Dyson Road.

The applicant proposes, as part of the CDP application, that the existing southbound lanes of US 301 be used to provide future local access to properties along the west side of US 301 and to the northeast of Renard Lakes. When US 301 is reconstructed and/or widened, this portion of the existing southbound lanes of US 301 would become a local road. The proposed local road would end with a cul-de-sac to the north and then proceed south to Dyson Road near its intersection with existing US 301. The State Highway Administration concurs with this recommendation.

Several letters (June 6, July 18, and September 12, 2005) were received from the Department of Public Works and Transportation.

July 18—"The proposed access to the subdivision is from Dyson Road, at a location too close to the intersection with US 301. Therefore, this access is not acceptable and it should be located further away from the intersection. It may be possible to extend the road, which runs along the west side of the property to Dyson Road to serve as the main access to the proposed subdivision.

"An access study shall be conducted by the applicant and reviewed to determine the adequacy of access point(s) and the need for acceleration/deceleration and turning lanes.

"Installation of a traffic signal at the intersection of US 301 and Dyson Road shall be installed, if warranted. If the signal is not warranted at the present time, a full signal installation fee-in-lieu contribution from the developer for future installation of a signal will be required."

September 12—"In addition to the recommended improvements indicated in the study, the developer should also be required to provide for acceleration, deceleration, and a left-turn lane at the site's access along Dyson Road."

Master Plan Comments

The Subregion V master plan (1993) lists Dyson Road as a four-lane collector roadway between A-63 (Brandywine Employment Spine Road) and Cherry Tree Crossing Road. It is currently two lanes in the vicinity of the site. Dedication of 40 feet from the master plan centerline of Dyson Road would be required at the preliminary plan stage.

US 301 (F-10) is listed in the Subregion V master plan (1993) as a six- to eight-lane freeway. This roadway would be realigned as a dual highway to the east. This is depicted in the State Highway Administration's *US 301 Access Control Study Final Report (March 1999)*. The existing southbound lanes of US 301 would provide local access to adjacent properties.

Site Plan Comments

Only one access point is shown along Dyson Road. This entrance point is approximately 600 feet from the southbound lanes of US 301. Staff considered an additional entrance point along the park access road to the west of the site. This road serves the Piscataway Creek Stream Valley Park. However, since the approval of the basic plan, staff has learned that the Department of Parks and Recreation is opposed to the use of the park access road as a secondary access point for the proposed residential development.

A secondary "emergency only" access road is depicted between Parcel 116 and Parcel 30 on the Warren property. The applicant apparently owns this small parcel, and emergency access, if necessary, would be provided through this parcel via US 301. There is a median break on US 301 at this location so that emergency vehicles could access the property from the southbound and northbound lanes of US 301. SHA has not commented on the emergency vehicle access route from US 301.

The current proposal is for a total of 404 single attached and detached residential units. Proposed Public Street "C" is depicted as the main residential roadway serving the development. Staff conducted an informal traffic study of the internal traffic loading on the streets shown on the site plan assuming the one access point on Dyson Road. The internal roadway widths appear to meet the criteria in the DPW&T's Neighborhood Traffic Management Program except for the main access roadway, or Public Street "C." From the point where the average daily traffic volume (ADTs) would exceed 3,000, the roadway section needs to be 52 feet in width rather than 36 feet as shown on the site plan. The point at which the project volume would exceed 3,000 ADTs appears to be approximately 1,100 feet from centerline of Dyson Road. Public Street C would need to be 52 feet in width from this point south to Dyson Road, with a transition of 188 to 375 feet extending north from this point where the 36-foot roadway would begin.

An access study should be conducted by the applicant and reviewed by SHA and DPW&T to determine the adequacy of any proposed access points and the need for acceleration/deceleration lanes, road widening along Dyson Road, and other improvements at the site entrance.

Zoning Map Amendment and A-9970 Decision

This decision by the Office of the Zoning Hearing Examiner, dated December 28, 2005, contains several transportation-related conditions and considerations required at the time of the comprehensive design plan:

Condition 7:

At the time of Comprehensive Design Plan, the Applicant will be responsible for providing alternative intersection designs at the two intersections of Dyson Road at the southbound and northbound lanes of US 301.

Staff Response: Staff has not received any comments from the State Highway Administration or from the applicant's traffic consultant that alternative intersections designs at the two intersections of Dyson Road at the southbound and northbound lanes of US 301 have been provided. This is an off-site improvement. The applicant's traffic consultant has not completed this item.

Condition 12:

At the time of Comprehensive Design Plan review, the plan shall reflect the location of the service road recommended by SHA to serve and provide future access to properties along US 301. This roadway will connect to the realigned Dyson Road to the west of US 301. Need dedication of public right-of-way will be determined at the time of preliminary plan of subdivision.

Staff Response: The applicant has provided an aerial photograph that depicts a service road along US 301 that will provide future access to properties along US 301 and adjacent to the proposed residential development. SHA has agreed to this service road that will use the existing southbound lanes of US 301 once the roadway is relocated to the east. This is an off-site improvement. Therefore, this condition has been met.

Consideration 1:

The Comprehensive Design Plan shall avoid impacts to sensitive environmental features. If avoidance is not possible, the impacts shall be the minimum necessary to support the development concept as a whole and shall be located where previous impacts have occurred, to the fullest extent possible. To avoid permanent impacts to the stream system for a road crossing, an entrance serving the isolated eastern portion of the site shall be fully investigated and utilized if possible.

Staff Response: The entrance to the eastern portion of the site will be via Public Street D and Parcel D (Private Road A). Parcel D will be dedicated to the HOA. Residents from of the townhouses and the private recreational facility will use this access point. Although SHA has not commented on the emergency access road to US 301, Parcel 29 is only 30 feet wide where it provides an emergency connection to US 301. A public roadway at this location would require at

least 60 feet of right-of-way. The applicant does not own the adjacent parcels; therefore this location is not feasible as a replacement for Parcel D (Private Road A) that crosses sensitive environmental features.

Consideration 2:

At the time of Comprehensive Design Plan, the Applicant shall consider a second egress/access point to the proposed site, along the existing road to Piscataway Creek Stream Valley Park on the western edge of the property. This roadway should have a right-of-way width of 60 feet.

Staff Response: Only one access point is proposed via Dyson Road. This entrance point is approximately 600 feet from the southbound lanes of US 301. Staff recommended that an additional entrance point should be considered along the park access road to the west of the site. This recommendation was based in part on DPW&T's July 18, 2005 memorandum suggesting the extension of Missouri Avenue as the site's main access road. This road currently serves the Piscataway Creek Stream Valley Park and gun range. However, since the approval of the Basic Plan, staff has learned that the Department of Parks and Recreation is opposed to the use of the park access road as a secondary access point for the proposed residential development. Therefore, this second egress/access point to the proposed site has been considered and ruled out as an alternative route.

Transportation Staff Conclusions

Based on the preceding findings, adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code if the application is approved with conditions.

9. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this preliminary plan for impact 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 5	Middle School Cluster 3	High School Cluster 3
Dwelling Units	404 sfd	404 sfd	404 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	96.96	24.24	48.48
Actual Enrollment	4145	5489	9164
Completion Enrollment	97	64	127
Cumulative Enrollment	280.32	71.88	143.76
Total Enrollment	4619.28	5649.12	9483.24
State Rated Capacity	3771	6114	7792
Percent Capacity	122.49%	92.40%	121.70%

Source: Prince George's County Planning Department, M-NCPPC, December 2005

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. Council bill CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts are \$7,412 and \$12,706 to be paid at the time of issuance of each building permit.

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.

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.

10. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(B)-(E) of the Zoning Ordinance.

Fire Facilities

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 Brandywine, Company 40, using the *7 Minute Travel Times and Fire Station Locations Map* provided by the Prince George’s County Fire/EMS Department.

The Fire Chief has reported that the current staff complement of the Fire/EMS Department is 704 (101.73 percent), which is above the staff standard of 657, or 95 percent, of authorized strength of 692 as stated in CB-56-2005.

The Fire Chief has reported by letter dated November 1, 2005, that the department has adequate equipment to meet the standards stated in CB-56-2005.

11. **Police Facilities**—The Prince George’s County Planning Department has determined that this preliminary plan is located in Police District V. The standard for emergency calls response is 10 minutes and 25 minutes for nonemergency calls. . The times are based on a rolling average for the preceding 12 months beginning with January 2005. The preliminary plan was accepted for processing by the Planning Department on August 11, 2005.

Reporting Cycle	Date	Emergency Calls	Non-emergency
Acceptance Date	01/05/05-07/05/05	13.00	23.00
Cycle 1	01/05/05-08/05/05	13.00	23.00
Cycle 2	01/05/05-09/05/05	12.00	22.00
Cycle 3	01/05/05-10/05/05	12.00	22.00

The Police Chief has 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.

The response time standard of 10 minutes for emergency calls for police was not met on the date of acceptance or within the following three monthly cycles. In accordance with Section 24-122.01 of the Subdivision Regulations, Preliminary Plan 4-05048 fails to meet the standards for police emergency response time. The Planning Board may not approve a preliminary plan until a mitigation plan between the applicant and the county is entered into and filed with the Planning Board in accordance with the County Council adopted *Guidelines for the Mitigation of Adequate Public Facilities for Public Safety Infrastructure*.

In accordance with CR-78-2005, the applicant has entered into a mitigation agreement and has chosen to pay solely the mitigation fee.

12. **Health Department**—The Environmental Engineering Program has reviewed the preliminary plan of subdivision and has the following comments to offer:

A raze permit is required prior to the removal of any structures on site. A raze permit must be obtained through the Department of Environmental Resources, Office of Licenses and Permits. Any hazardous materials located in any structures on site must be removed and properly stored or discarded prior to the structure being razed. A note should be added to the preliminary plan that requires that the structure is to be razed and the well and septic systems properly abandoned before the release of grading permits.

Any abandoned well found within the confines of the property must be backfilled and sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative of the Health Department. Any abandoned septic tank found within the confines of the property must be backfilled after a licensed scavenger has pumped it out.

13. **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, #29913-2005-00, 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.
14. **A-9970**—The Planning Board recommendation of approval (PGCPB No. 05-229) of the rezoning application (I-1 Zone to the R-S Zone) contains the following 13 conditions and 2 considerations. The Zoning Hearing Examiner (decision issued December 28, 2005) is consistent with the recommendation of the Planning Board with the exception of two items as discussed below.

The Basic Plan shall be revised to reflect development in the R-S 1.6 –2.6 Zone and show the following revisions:

1. Land use types and quantities:

- **Total area: 167.84 acres**
- **Land in the 100-year floodplain: 21.65 acres**
- **Net Area (gross less half the floodplain): 157.02± acres**
- **Density Permitted under the R-S Zone: 1.6-2.6 du/ac**
- **Permitted Dwelling Unit Range: 251 to 408 dwellings**

Proposed Land Use Types and Quantities:

- **Single-family detached and attached units**
- **Public Active Open Space**

- **Passive Open Space**
- **Recreational Facilities**

Comment: The Planning Board approved the permitted dwelling unit range with a maximum of 408 dwelling units. The ZHE decision approved the permitted dwelling unit range with a maximum of 405 dwelling units. With the preliminary plan, the applicant has proposed 404 dwelling units. Notwithstanding the future decision of the District Council, the development of this property cannot exceed the number of lots and dwelling units approved with the preliminary plan of subdivision.

2. Provision of a preliminary plan of subdivision is required for the proposed development.

Comment: The subject preliminary plan was accepted on August 11, 2005, and has a 140-day mandatory action time that expires on February 2, 2006.

3. A bufferyard shall be provided along the western property line. The bufferyard shall include a wall of which the height, material and design shall be determined during the Comprehensive Design Plan phase of the review. The width of the bufferyard shall also be determined during the Comprehensive Design Plan phase of the review.

Comment: M-NCPPC land is abutting the west property line and is currently used as a gun firing range and recycling drop-off center. The applicant has proposed to locate 54 single-family dwelling unit lots abutting this western property line. At this time the comprehensive design plan has not been approved by the Planning Board and is scheduled to be heard on the same day as this preliminary plan application. The CDP plan does not show the location of a wall as required in this condition. However, a recommended condition with CDP-0503 requires this condition to be addressed prior to signature approval of the CDP.

In addition, staff would not recommend that a wall required for the development of this property be located on individual lots and recommends that any wall required, as part of this condition, should be located within a homeowners association open space parcel to ensure access for the perpetual maintenance of the fence. The lots proposed abutting the western property line are as small as 8,200 square feet, with the largest of the lots being 16,500. Staff would not recommend that lots of this size be encumbered by the wall recommended by the ZHE and the Planning Board, nor the necessary easement for access to maintain the wall. However, conformance to this condition should be determined with the review and approval of the CDP and appropriately reflected on the preliminary plan once the CDP is approved.

4. An approved Natural Resources Inventory shall be required as part of any

application for a Comprehensive Design Plan.

Comment: A natural resources inventory, NRI/030/05, with a signature of approval, was submitted with CDP-0503.

5. **As part of any application for a Natural Resources Inventory, a soils study shall be submitted. The study shall clearly define the limits of past excavation and indicate all areas where fill has been placed. All fill areas shall include borings, test pits, and logs of the materials found. Borings and test pits in fill areas shall be deep enough to reach undisturbed ground.**

Comment: The natural resources inventory was signed on July 18, 2005, and a soils study, dated August 31, 2005, was subsequently submitted with CDP-0503.

6. **A Phase I Noise Study shall be required as part of any application for a Comprehensive Design Plan. The Comprehensive Design Plan and TCPI shall show all unmitigated 65 dBA Ldn noise contours associated with traffic-generated noise, and the TCPI shall show conceptually how noise will be mitigated to 65 dBA Ldn or less.**

Comment: Both Phase I and Phase II noise studies were submitted with CDP-0503. The mitigated 65 dBA Ldn noise contours associated with traffic-generated noise is shown on the TCPI and the preliminary plan of subdivision. The unmitigated 65 dBA impacts lots along the southeast property line. Staff would not recommend that a noise wall required for development of this property be located on individual lots and recommends that any wall required, as part of this condition, should be located within a homeowners association open space parcel to ensure access for the perpetual maintenance of the fence. Conformance to this condition should be determined with the review and approval of the CDP and appropriately reflected on the preliminary plan once the CDP is approved, and addressed with the review of the required specific design plan (SDP).

7. **At the time of Comprehensive Design Plan, the applicant will be responsible for providing alternative intersection improvement designs at the two intersections of Dyson Road at the southbound and northbound lanes of US 301.**

Comment: Conformance to this condition has been evaluated with the review of the CDP. A condition of the CDP requires that the evidence required in this condition be provided prior to signature approval of the CDP.

8. **Unless modified at the time of Comprehensive Design Plan or Preliminary Plan, at the time of building permit the applicant shall be required to provide improvements at the intersection of US 301 and MD 381 (Brandywine Road). These improvements include:**

- a. **Widening the eastbound MD 381 (Brandywine Road) approach from the existing one left turn lane and one through/right lane to one left turn lane, one through lane, and one right turn lane.**
- b. **Modifying the westbound MD 381 approach from the existing one left turn lane, one through lane, and one right turn lane to one left turn lane, one through lane, and one through/right turn lane.**
- c. **Widening the westbound MD 381 (Brandywine Road) approach to provide an additional receiving lane. This will accommodate the second westbound MD 381 through lane.**
- d. **The applicant will be responsible for any additional signage, pavement markings, and traffic signal modifications at the intersection of MD 381 and US 301.**

Comment: Conformance to this condition has been evaluated with the review of the CDP and is discussed further in the transportation finding of this report. An appropriate condition is contained in the recommendation section of this report.

9. **At the time of building permit the applicant shall be required to provide geometric improvements at the intersections of US 301 Southbound/Dyson Road and US 301 Northbound/Dyson Road. These additional or alternative geometric improvements will be identified by the applicant and agreed to by the State Highway Administration. At the time of Specific Design Plan the applicant will be required to conduct traffic signal warrant studies at these two intersections and will be responsible for the construction of traffic signals at both locations if required by the State Highway Administration. The applicant will be responsible for any additional signage and pavement markings, and the lengthening of turn lanes on US 301 and Dyson Road as required by SHA and/or DPW&T.**

Comment: Conformance to this condition been evaluated with this preliminary plan and is discussed further in the transportation finding of this report. An appropriate condition is contained in the recommendation section of this report.

10. **At the time of submission of the final plat the applicant will be responsible for the dedication of 40 feet from the master plan centerline of Dyson Road.**

Comment: Conformance to this condition been evaluated with this preliminary plan and is discussed further in the transportation finding of this report. An appropriate condition is contained in the recommendation section of this report.

- 11. At the time of building permit the applicant will be required to provide for an acceleration lane, deceleration lane, and a left turn lane at the site's proposed access point along Dyson Road if this location is approved by DPW&T or at a nearby access point on Dyson Road approved by DPW&T.**

Comment: Conformance to this condition been evaluated with this preliminary plan and is discussed further in the transportation finding of this report. An appropriate condition is contained in the recommendation section of this report.

- 12. At the time of Comprehensive Design Plan the plan shall reflect the location of the service road recommended by SHA to serve and provide future access to properties along US 301. This roadway will connect to the realigned Dyson Road to the west of US 301. Needed dedication of public right-of-way will be determined at the time of preliminary plan of subdivision.**

Comment: Conformance to this condition has been evaluated with the review of the CDP. The Transportation Planning Section found:

“The applicant has provided an aerial photograph that depicts a service road along US 301 that will provide future access to properties along US 301 and adjacent to the proposed residential development. SHA has agreed to this service road that will use the existing southbound lanes of US 301 once the roadway is relocated to the east. This is an off-site improvement. Therefore, this condition has been met.”

The preliminary plan cover sheet should be revised to delineate the location of the service road.

- 13. The applicant shall make disclosures to the residents of the proposed community regarding the location of the existing gun range.**

Comment: In addition, the ZHE decision required an additional disclosure of the location of the recycling drop-off center that is also located on the abutting M-NCPPC property to the west. With the preliminary plan of subdivision, staff is recommending that disclosures be provided for both the gun range and the recycling drop-off center. An appropriate condition is contained in the recommendation section of this report

Considerations:

- 1. The Comprehensive Design Plan shall avoid impacts to sensitive environmental features. If avoidance is not possible, the impacts shall be the minimum necessary to support the development concept as a whole and shall be located where previous**

impacts have occurred, to the fullest extent possible. To avoid permanent impacts to the stream system for a road crossing, an entrance serving the isolated eastern portion of the site shall be fully investigated and utilized if possible.

Comment: Conformance to this condition has been reviewed with the CDP and the preliminary plan and is discussed further in the environmental finding of this report. The Transportation Planning Section found in review of the CDP:

“The entrance to the eastern portion of the site will be via Public Street D and Parcel D (Private Road A). Parcel D will be dedicated to the HOA. Residents of the townhouses and the private recreational facility will use this access point. Although SHA has not commented on the emergency access road to US 301, Parcel 29 is only 30 feet wide where it provides an emergency connection to US 301. A public roadway at this location would require at least 60-foot right-of-way. The applicant does not own the adjacent parcels, therefore this location is not feasible as a replacement for Parcel D (Private Road A) that crosses sensitive environmental features.”

2. **At the time of Comprehensive Design Plan, the applicant shall consider a second egress/access point to the proposed site, along the existing road to Piscataway Creek Stream Valley Park on the western edge of the property. This roadway should have a right of way width of 60 feet.**

Comment: One access point is shown along Dyson Road. This entrance point is approximately 600 feet from the southbound lanes of US 301. Staff recommended that an additional entrance point should be considered along the park access road to the west of the site. This recommendation was based in part on the Department of Public Works and Transportation (DPW&T) July 18, 2005, memorandum suggesting the extension of Missouri Avenue as the site’s main access road. This road currently serves the Piscataway Creek Stream Valley Park and gun range and is a private driveway on M-NCPPC land. Since the approval of the basic plan, staff has learned that the Department of Parks and Recreation is opposed to the dedication of public lands (60-foot-wide right-of-way) for the development of this property. Therefore, this second egress/access point to the proposed site has been considered and ruled out as an alternative route.

15. **CDP-0503**—In accordance with the comprehensive design plan provisions of Section 27-520, Subtitle 27-Zoning, of the Prince George’s County Code, the comprehensive design plan for Renard Lakes, was approved by the Planning Board on February 2, 2006. Pursuant to Section 27-478 of the Zoning Ordinance, the Planning Board’s action on the comprehensive design plan shall be prior to or concurrent with the action on the preliminary plan.

The following conditions are the conditions approved by the Planning Board on February 2, 2006 for CDP-0503. Appropriate conditions are contained in the recommendation section of this report, for revisions to the preliminary plan prior to signature approval to conform to the CDP.

1. The applicant, his successors, and/or assignees, shall provide adequate, private recreational facilities in accordance with the standards outlined in the *Park and Recreational Facilities Guidelines*.
2. Prior to certification of CDP-0503, the \$2,750,000.00 monetary contribution and payment schedule and any needed escalation adjustments shall be mutually agreed upon by DPR and the applicant in writing. The funds may be used by DPR for construction of the sound attenuation/safety wall, security fencing, or range baffling for, or for relocation of the Police Firearms Range. If parties cannot reach an agreement, the Department of Parks and Recreation staff shall advise the Planning Board of the proposed schedule during consideration of the first SDP.
3. At the time of building permit the applicant shall be required to provide improvements at the intersection of US 301 and MD 381 (Brandywine Road). These improvements include:
 - a. Widening the eastbound MD 381 (Brandywine Road) approach from the existing one left turn lane and one through/right lane to one left turn lane, one through lane, and one right turn lane.
 - b. Modifying the westbound MD 381 approach from the existing one left turn lane, one through lane, and one right turn lane to one left turn lane, one through lane, and one through/right turn lane.
 - c. Widening the westbound MD 381 (Brandywine Road) approach to provide an additional receiving lane. This will accommodate the second westbound MD 381 through lane.
 - d. The applicant will be responsible for any additional signage, pavement markings, and traffic signal modifications at the intersection of MD 381 and US 301.
4. At the time of specific design plan the applicant will be required to conduct traffic signal warrant studies at the US 301/Dyson Road intersections and will be responsible for the construction of traffic signals at both locations if required by the State Highway Administration. The applicant will be responsible for any additional signage and pavement markings, and the lengthening of turn lanes on US 301 and Dyson Road as required by SHA and/or DPW&T. If the applicant determines that either or both signals are not warranted, the applicant shall develop alternative physical improvements for implementation if either or both intersections remain unsignalized. Such information shall be submitted at the time of specific design plan, and the transportation staff recommendation shall indicate the improvements—either signalization or physical improvements—to be bonded with SHA.
5. At the time of submission of the final plat the applicant will be responsible for the dedication of 40 feet from the master plan centerline of Dyson Road.

6. At the time of building permit the applicant will be required to provide for an acceleration lane, deceleration lane, and a left turn lane at the site's proposed access point along Dyson Road.
7. Prior to signature approval of the Comprehensive Design Plan, the applicant must provide evidence that alternative design plans for the two intersections of Dyson Road at the southbound and northbound lanes of US 301 have been submitted to the State Highway Administration as required by Condition 7 of the Zoning Hearing Examiner's decision of December 28, 2005 (A-9970, Renard Lakes).
8. Prior to acceptance of the applicable specific design plans, the following shall be shown on the plans:
 - a. The Community Building shall be shown as a minimum of 5,000 square feet, in addition to the outdoor swimming pool's required interior spaces within the building.
 - b. The swimming pool shall be no less than 25 meters long and 40 feet wide with a 30-foot by 30-foot training area.
 - c. Provide a 10-foot bufferyard along the entire length of the western property line. Bufferyard shall be expanded to 50-foot wide along the western property line contiguous to the M-NCPPC police firing range and the Recycling Center. The bufferyard along the entire length of the western property line shall be dedicated to the homeowners association.
 - d. Remove lots from four areas approximately 150 feet long, at the approximate location of lots 274-276 and 300-302 along the western side of the main street and lots 85-87 and 157-159 on the eastern side. Maintain green spaces within these areas with existing woodland and additional ornamental trees and landscaping.
 - e. Provide a fence that is approximately 8 feet in height and constructed of building materials other than wood. The fence shall be designed with architectural character and detail that is neighbor friendly on one side facing the residential structures. Locate the fence within the designated HOA area parallel to the western property line. Tree planting shall be provided in the bufferyard to soften the appearance of the fence.
9. On the appropriate specific design plan, the applicant shall provide the following:
 - a. Construct the eight-foot-wide master plan trail along the subject property's entire frontage of Dyson Road (the ultimate 80-foot right-of-way), unless modified by DPW&T.

- b. Provide standard sidewalks along both sides of all internal roads, unless modified by DPW&T.
 - c. All internal HOA trails shall be asphalt and eight feet in width. If wet areas must be traversed, suitable structures (bridging or boardwalk) shall be provided.
 - d. Provide additional trail connections from the cul-de-sac in the southern portion of the subject site as follows:
 - (1) The fitness trail shall be extended across the lake, by providing bridging or boardwalk trail extending from Public Street B in the vicinity of Lots 21 and 22 to the main recreation area.
 - (2) A trail connection between Public Street A and Public Street B. This trail shall be accommodated on an open space window between lots where it connects to Public Streets A and B (between Lots 19 and 20 on Public Street A and between Lots 23 and 24 on Public Street B).
 - (3) All trails shall be accommodated on either HOA land or dedicated parkland. No trails or trail connectors shall be shown on private lots.
10. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the expanded stream buffers and isolated sensitive areas and their buffers, excluding those areas where variation requests have been approved during the review of the preliminary plan of subdivision, and those areas located within the limits of the mining reclamation permit, and be reviewed by the Environmental Planning Section prior to certification of the 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.”
11. The preliminary plan of subdivision shall ensure that no part of any conservation easement is on any residential lot.
12. 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.
13. A revised Phase II noise study shall be submitted with the specific design plan. The revised noise study shall show the mitigated 65 dBA Ldn noise contours at ground level

and at the second-story level on the TCPII. The locations of all proposed berms, walls and/or other type of constructed noise barriers shall be shown on the Type II TCP. No portion of any noise wall shall be on any residential lot. The TCPII shall show sufficient clearing to install and maintain all noise mitigation structures. The location and appearance of the required noise attenuation structures shall be reviewed and approved with the specific design plan and Type II Tree Conservation Plan.

14. Prior to certification of the CDP, the Type I Tree Conservation Plan shall be revised to:
 - a. Provide, at a minimum, the woodland conservation threshold on-site through additional preservation and on-site planting
 - b. Ensure that all noise attenuation structures are constructed on HOA property
 - c. Show the clearing required to install noise attenuation structures
 - d. Ensure that conservation easements will not be on residential lots
 - e. Provide 40 feet of cleared area behind every residential structure without clearing any part of any stream buffer.
 - f. Recalculate the woodland conservation requirement
 - g. Plant additional areas of expanded stream buffers that are not currently wooded or cleared because of required mining reclamation
 - h. Provide off-site woodland conservation, not fee-in-lieu, only as needed
 - i. Replace the Standard Notes with the following:
 - (1) This plan is conceptual in nature and is submitted to fulfill the woodland conservation requirements CDP-0503. The TCPI will be modified by a Type I Tree Conservation Plan in conjunction with the review of the preliminary plan of subdivision and subsequently by a Type II Tree Conservation Plan in conjunction with the approval of a detailed site plan, a specific design plan, and/or a grading permit application.
 - (2) The Type II Tree Conservation Plan will provide specific details on the type and location of protection devices, signs, reforestation, afforestation, and other details necessary for the implementation of the Woodland Conservation Ordinance on this site.
 - (3) Significant changes to the type, location, or extent of the woodland

conservation reflected on this plan will require approval of a revised Type I Tree Conservation Plan by the Prince George's County Planning Board.

- (4) Cutting, clearing, or damaging woodlands contrary to this plan or as modified by a Type II Tree Conservation Plan will be subject to a fine not to exceed \$1.50 per square foot of woodland disturbed without the expressed written consent from the Prince George's County Planning Board or designee. The woodlands cleared in conflict with an approved plan shall be mitigated on a 1:1 basis. In addition, the Woodland Conservation replacement requirements ($\frac{1}{4}$:1, 2:1, and/or 1:1) shall be calculated for the woodland clearing above that reflected on the approved TCP.
- (5) Property owners shall be notified by the Developer or Contractor of any Woodland Conservation Areas (Tree Save Areas, Reforestation Areas, Afforestation Areas, or Selective Clearing Areas) located on their lot or parcel of land and the associated fines for unauthorized disturbances to these areas. Upon the sale of the property the owner / developer or owner's representative shall notify the purchaser of the property of any Woodland Conservation Areas.

- j. Have the revised plan signed and dated by the qualified professional who prepared the plan.

15. The following note shall be placed on the final plat of subdivision:

"Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/25/05), 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."

16. The recreational facilities shall be bonded and constructed in accordance with the following schedule:

PHASING OF AMENITIES		
FACILITY	BOND	FINISH CONSTRUCTION
Outdoor recreation facilities associated with the community building	Prior to the issuance of the 100th building permit overall	Complete by 200th building permit overall
Community Building and pool	Prior to the issuance of the 100th building permit overall	Complete before the 200 th building permit overall
Pocket Parks (including Playgrounds) within each phase	Prior to the issuance of any building permits for that phase	Complete before 50% of the building permits are issued in that phase
Trail system		Complete before the 200 th building permit overall
<p>It is occasionally necessary to adjust the precise timing of the construction of recreational facilities as more details concerning grading and construction details become available. Phasing of the recreational facilities may be adjusted by written permission of the Planning Board or its designee under certain circumstances, such as the need to modify construction sequence due to exact location of sediment ponds or utilities, or other engineering necessary. The number of permits allowed to be released prior to construction of any given facility shall not be increased by more than 25%, and an adequate number of permits shall be withheld to assure completion of all of the facilities prior to completion of all the dwelling units.</p>		

17. Prior to the approval of a specific design plan for architectural elevations, the following shall be demonstrated:
 - a. The most visible side elevations of single-family detached or attached units on corner lots and other lots whose side elevation is highly visible to significant amounts of passing traffic shall have a minimum of three architectural features such as windows, doors and masonry fireplace chimneys, and these features shall form a reasonably balanced and harmonious composition.
 - b. All single-family detached dwellings shall not be less than 2,500 square feet of finished living area.
 - c. No two houses directly adjacent to each other or across the street from one another should have the same elevation.
 - d. Brick end walls shall be used on highly visible end units of townhouses, to be determined at the time of the specific design plan.
 - e. No less than 60 percent of the detached units shall have full brick fronts.

18. The following standards shall apply to the development: The development standard table was revised at the Planning Board hearing of February 2, 2006, and will be reflected in the resolution of approval. Conditions of the preliminary plan require that the plan be revised to conform to the design standards approved by the Planning Board on February 2, 2006.
 19. Every specific design plan shall include on the cover sheet, a clearly legible overall plan of the project on which are shown in their correct relation to one another all phase or section numbers, all approved or submitted specific design plan numbers, all approved or submitted tree conservation plan numbers, and the number and percentage.
 20. With the submission of the first Specific Design Plan (SDP), the applicant shall submit to Development Review Division and the Department of Parks and Recreation for their review, and for approval by the Planning Board, drawings for the 8- foot-high fence along the western property line.
 21. Prior to the 100th building permit, the applicant shall tender the balance of the \$2,750,000 monetary contribution to the Department of Parks and Recreation.
 22. The fee in lieu of mandatory dedication of parkland shall be paid prior to recording the subdivision and shall be placed in Community Account #842906.
 23. Prior to certification of the Comprehensive Design Plan or approval of any Specific Design Plan, the zoning for Renard Lakes (A-9970) shall receive final approval from the District Council.
16. **Historic**—The subject application is a preliminary plan for 167.84 acres to include 324 single-family lots and 80 townhouse lots in the I-1 Zone (authorized by CB-47-2000). The subject property is adjacent to the John Townshend Gravesite (Historic Resource 85A-005). The gravesite is located to the west of the subject property on the M-NCPPC Park Police Pistol Range. The gravesite is one of at least ten burials in the Townshend-Robinson family graveyard. John Townshend's grave marker, the last one remaining in the cemetery, reads "John Townshend, 1765-1846." A field survey conducted in 1997 noted the location of other graveyards on the M-NCPPC property. These included graveyards associated with the Townshend-Robinson family, the family's slaves, and tenant farmers who lived on the property in the 19th and 20th centuries.

Findings

The subject property was historically known as Holly Grove after it passed from the Townshend family to the Robinson family in the 19th century. The property included a mid-19th century farmhouse, agricultural outbuildings, and apparently two slave dwellings. While the farmhouse, tobacco barns, stable and outbuildings were located near Dyson Road, the location of the slave

dwellings is not known.

The applicant has completed a draft Phase IA archeological survey. The draft report concludes that no further archeological investigation is necessary. Staff finds that the draft report's historical background statement omits a number of significant facts about the property's history that should be included in the final version of the report. A Robinson family descendant, Mr. Frank Robinson, has conducted extensive research into the history of the property and can provide the applicant's consultant with extensive background information on the history of the property.

Conclusions

The subject application will have no impact on the John Townshend Gravesite (Historic Resource 85A-005) and no impact on the other cemeteries known to be located on the adjacent M-NCPPC property.

Additional background information on the history of the subject property should be included in the final version of the Phase IA report. In addition, Mr. Frank Robinson, a Robinson family descendant, should be consulted on historically appropriate street names for the subdivision and on the location of specimen trees and other notable features of the property.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the adoption of this Resolution.

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Squire, seconded by Commissioner Eley, with Commissioners Squire, Eley, Vaughns and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, February 2, 2006, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 23rd day of February 2006.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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