

A M E N D E D R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board is charged with the approval of Detailed Site Plans pursuant to Part 3, Division 9 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on April 6, 2006, regarding Detailed Site Plan DSP-05069 for Fairwood, Phase I, Part Four, and portions of Phase II, Part Two, the Planning Board \*[finds:] made certain findings; and

\*WHEREAS, in consideration of evidence presented at a second hearing on July 13, 2006, held for the purpose of reconsidering Condition 1(g), the Planning Board replaced Condition 1(g) with new, more detailed and specific language regarding fully shielded exterior lighting technology below and, with that change, finds as follows:

1. **Request:** The subject application is an infrastructure detailed site plan for 86 single-family detached lots in the M-X-C Zone.
2. **Development Data Summary:**

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone(s)	M-X-C	M-X-C
Use(s)	Single-family residential	Single-family residential
Acreage	108.88	108.88
Lots	86	86
Parcels	5	5

3. **Location:** The subject detailed site plan covers a linear property consisting of Phase I, Part Four, and part of Phase II, Part Two, of the Fairwood Project, which is located north of John Hanson Highway (US 50), west of Church Road and east of the PEPCO right-of-way, in Planning Area 71A and Council District 6.
4. **Surroundings and Use:** The subject property is bounded to the south by the right-of-way of Fairview Vista Drive. Further across Fairview Vista Drive are properties in Aviation Policy Areas, APA 1, APA 2, APA 3, APA 4, APA 5 and APA 6. To the east of the subject site is the right-of-way (R-O-W) of realigned Church Road and to the west of the subject site is the right-of-way of the PEPCO power line. Further west of the PEPCO R-O-W is Phase I and Part One, Phase II, of the Fairwood project. The PEPCO R-O-W and Church Road R-O-W intersect and form a triangle of vacant property in the R-E Zone that abuts the north boundary of the subject site.

\*Denotes Amendment  
Underlining indicates new language  
 [Brackets] indicate deleted language

5. **Previous Approvals:** The subject site includes Phase I, Part Four and portions of Part Two, Phase II, of a larger development with a total acreage of 1057.69, known as Fairwood, which was rezoned from R-E to M-X-C through Zoning Map Amendment A-9894-C, for 1,799 dwelling units, 100,000 square feet of retail service, 250,000 square feet of office/service/institutional uses, and some other “community space,” approved by the District Council on May 9, 1994. The M-X-C Zone requires multistep reviews and approvals. On September 5, 1996, a Comprehensive Sketch Plan, CP-9504, for Phase I of the Fairwood development was approved by the Planning Board (Resolution PGCPB No. 96-241), consisting of 471 acres of land and approximately 1,000 units and 100,000 square feet of retail space and 250,000 square feet of office/service/institutional uses. On January 17, 2002, a Comprehensive Sketch Plan CP-0101 including the subject site was approved by the Planning Board (Resolution PGCPB No. 02-17(C)) for Phase II of the Fairwood development, consisting of 586.69 acres of land and approximately 1,000 units. On April 29, 2004, a Final Development Plan FDP-0301 was approved by the Planning Board (Resolution PGCPB No. 04-95) for Part 2 of Phase II and Part Four of Phase I, encompassing approximately 348.27 acres of the land areas approved under both Comprehensive Sketch Plans, CP-9504 and CP-0101 for 460 single-family detached lots. On May 20, 2004, a Preliminary Plan of Subdivision 4-03128, including a Type I Tree Conservation Plan TCPI/08/01-01, was approved by the Planning Board (Resolution PGCPB No. 04-90) for Phase I, Part Four, and Phase II, Part 2, for a 348.27-acre parcel of land, with a total of 460 lots and 19 parcels.

In addition to the above approvals, two previous approvals that cover the entire Fairwood site are DSP-99034, which is a comprehensive signage program for the entire Fairwood project and was also approved by the Planning Board (Resolution PGCPB No. 99-243) on January 6, 2000, and DSP-01046 (an umbrella architecture scheme), which was approved by the Planning Board on December 20, 2001 (Resolution PGCPB No. 01-258). The site also has a stormwater management concept approval, #37109-2003-00.

6. **Design Features:** The subject infrastructure detailed site plan shows a general layout that is consistent with the approved Preliminary Plan of Subdivision 4-03128 and Final Development Plan FDP-0301. The site plan has three separate pods forming a linear triangular wedge between the PEPCO R-O-W and Church Road. The first pod of 37 lots is located along both sides of a “U”-shape loop street connecting to Fairview Vista Drive to the north. Since the APA 3M encumbers the site, a 110-foot-wide linear open space bisecting the lots from the middle of the “U” shape loop street has been proposed and approved by the Planning Board in the Preliminary Plan. The 110-foot-wide linear open space starts at a pocket park (approximately four acres and known as Serenity Park) at the top of a knoll along Fairview Vista Drive and further extends until it reaches a stormwater management pond in the north. The second pod of 41 lots is located between Fairwood Parkway and the stormwater management pond. The 41 lots are located along both sides of a curvilinear street accessed from Fairwood Parkway. The last pod of eight lots is located north of Fairwood Parkway. The eight lots are accessed through a cul-de-sac street connecting to Fairwood Parkway.

The Fairwood Project has an approved overall recreational facility plan, including an extensive trails network that provides access to each recreational area. The subject site plan has a community park located north of Fairview Vista Drive. The proposed park has a circular landscape terrace with pavement and a circular low brick wall (about three feet at the highest point) surrounds the paved terrace. The brick wall gradually merges into the ground. Except for pedestrian path and benches, no recreational facility has been provided with this infrastructure detailed site plan. Per the applicant, the park is proposed as a place of reflection and contemplation for the residents.

This infrastructure detailed site plan included a signage package that governs street names and neighbor entry signs.

#### COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Map Amendment A-9894-C and the accompanying Preliminary Development Plan** were approved by the District Council on May 9, 1994, subject to 22 conditions. The conditions pertinent to the review of this detailed site plan warrant discussion as follows:

5. **Development of areas north of the existing runway at Freeway Airport shall be subject to any applicable state or federal aviation regulations.**

**Comment:** The subject site is located north of the existing runway at Freeway Airport and all Aviation Policy Areas (APAs) as defined in Part 10B of the Zoning Ordinance are on the subject site. At time of approval of the Preliminary Plan of Subdivision 4-03128 and Final Development Plan FDP-0301 including the subject property, the Maryland Aviation Administration reviewed the applications and found that all requirements set forth under the Code of Maryland Aviation Regulations (COMAR), Chapter 5, Section 11.03.05, appear to have been met. In addition, the subject site plan has been reviewed for compliance with Part 10 B, Airport Compatibility, of the Zoning Ordinance. Seven lots are located in APA 3M, and the rest of the lots are located in APA 4 and 6. See below Finding 13 (c) for a detailed discussion on the application's compliance with the APA regulations. The site plan is in general compliance with the APA regulations

6. **Total development of this 1,058 acre site shall be limited to 1,799 dwelling units, 100,000 square feet of retail space, and 250,000 square feet of office/service/institutional uses, and such other "community space" determined to be appropriate during subsequent phases of approval.**

**Comment:** This DSP includes only the residential uses and the other uses located in Phase I, Part Four, and portions of Phase II, Part Two, between the rights-of-way of PEPCO and Church Road. A review by the Transportation Planning Section (Masog to Zhang, January 3, 2006) indicated that with the approval of this DSP, the total approved residential dwelling units will be 1,293, which is well below the 1,799- dwelling-unit limit.

- 10. Traditional names associated within the property and the Bowie family should be considered for use within this development for such elements as street names, parks, community centers, etc. The Historic Preservation Section should be contacted for a list of names.**

**Comment:** This condition has been fulfilled at time of Preliminary Plan of Subdivision (4-03128) approval. The subject detailed site plan shows the approved names.

- 11. Any residential development between the PEPCO right-of-way and Church Road shall be set back at least 1,200 feet from the northern end of the existing runway at Freeway Airport in order to accommodate the Runway Protection Zone. This trapezoid begins 200 feet beyond the end of the runway and has the following dimensions:**

<b>Length:</b>	<b>1,000 feet</b>
<b>Inner Width:</b>	<b>250 feet</b>
<b>Outer Width:</b>	<b>450 feet</b>
<b>Total Area:</b>	<b>8,035 acres</b>

**Comment:** The APA 1, Runway Protection Zone, begins approximately 200 feet north of the end of the runway. APA 1 runs 1,000 feet due north. The APA 2, Inner Safety Area, turns slightly to the northeast, parallel to the PEPCO right-of-way and runs approximately another 1,100 feet. Then starts the APA 4, Outer Safety Area, which runs approximately 200 feet where the lots appear outside of the APA 4 boundary. The total setback of the residential lots from the northern end of the existing runway at Freeway Airport is approximately 2,300 feet. The subject DSP complies with this condition.

- 18. The applicant shall take the following actions regarding parkland:**

- b. Dedicate to the M-NCPPC, 10 acres for public parkland to be located along the southwestern border of the site in accordance with Master Plan recommendations for the Collington West Community Park. The proposed location of this park shown on the submitted PDP dated March 30, 1993, should be relocated about 2,000 feet to the north.**

**Comment:** At the time of Preliminary Plan of Subdivision 4-02023, a specific Parcel D of 10 acres was plotted along the west boundary line of Phase II of the Fairwood project, between Portia Promise Court and Quanders Promise Court in Block BB. As a result of the adoption of CB-51-2002, an ordinance concerning general aviation airports and aviation policy areas, currently known as Part 10 B, Airport Compatibility, of the Zoning Ordinance (2003 edition), most of the Fairwood project east of the PEPCO easement is within the aviation policy areas (APAs) and is subject to the provisions of Part 10 B because of the presence of Freeway Airport south of John Hanson Highway (US 50). The applicant

has made many revisions to the previously approved plans in order to meet the APA purposes and requirements. One of the revisions shown in Infrastructure Detailed Site Plan DSP-03068 is to plot out Parcel D. The applicant and the Department of Parks and Recreation (DPR) have agreed to relocate the park to the east of the PEPCO easement close to the airport, labeled as "Community Use Area D" on the FDP-0301. According to the review comments of DPR at time of DSP-03068 approval, the new location of the parkland would be more accessible to the community and would be twice the size of the originally designated one. The 20-acre parkland approved with Preliminary Plan of Subdivision 4-03128 and FDP-0301 is located in the northeast corner of the intersection of Church Road and John Hanson Highway (US 50), outside the boundary of the subject site.

8. **Comprehensive Sketch Map CP-9504:** Comprehensive Sketch Map CP-9504, which consists of 471 acres of land and approximately 1,000 units and 100,000 square feet of retail space and 250,000 square feet of office/service/institutional uses, was approved by the Planning Board and was affirmed by the District Council on February 24, 1997, subject to 10 conditions, of which the following three conditions are pertinent to the review of this detailed site plan:

6. **Development within the subject property under Phase I shall be limited to a total of 1,000 dwelling units, 100,000 square feet of retail space, and 250,000 square feet of office and institutional uses, or any combination of these or other permitted uses which generate no more than 1145 AM and 1276 PM peak hour trips as determined under the Guidelines for the Analysis of the Traffic Impact of Development Proposals, as revised in April, 1989.**

**Comment:** The subject DSP includes Phase I, Part Four and portions of Phase II, Part Two. This Part Four, Phase I, in this DSP contains 49 residential single-family detached units and part of the proposed trails. All other uses in Phase I are located to the west of the PEPCO right-of-way. By including the 49 units of the subject DSP in Phase I, the total approved residential dwelling units is 942, which is within the 1,000-dwelling unit limit

7. **With the development of the subject property, the applicant shall provide the following improvements at the intersection of MD 450/Bell Station Road/site access, unless said improvements have already been provided for by others:**
- a. **A traffic signal, if deemed warranted by the State Highway Administration and/or the Department of Public Works and Transportation.**
  - b. **An exclusive right-turn lane from eastbound MD 450 onto the site access.**
  - c. **An exclusive left-turn lane from eastbound MD 450 onto the site access.**
  - d. **The following lane configuration along the site access approach to MD 450: double left-turn lanes and a shared through/right-turn lane.**

**The phasing of these improvements shall be determined at time of Final Development Plan, and they shall be designated in accordance with State Highway Administration requirements.**

**Comment:** In accordance with a review by the Transportation Planning Section (Masog to Zhang, January 3, 2006), the phasing of the above improvements was determined at time of Final Development Plan, and the improvements are now completed.

- 8. To the extent possible, the existing gravel lanes shall be utilized as part of the overall trail network.**

**Comment:** No existing gravel lanes are found on the subject site.

- 9. Comprehensive Sketch Map CP-0101:** Comprehensive Sketch Map CP-0101, which is composed of 586.69 acres of land and approximately 1,000 units, was approved by the Planning Board and was confirmed by the District Council on June 3, 2002, subject to 15 conditions, of which the following conditions are pertinent to the review of this detailed site plan:

- 3. Should Fairwood Parkway not be constructed in its entirety from Church Road to MD 450 at the time that Phase II of Fairwood begins to discharge traffic onto Church Road, the applicant shall extend the existing right-turn lane along existing Church Road at existing MD 450. The extended lane shall be constructed to DPW&T requirements to a length of no less than 250 feet with taper.**
- 4. Should Fairwood parkway not be constructed in its entirety from Church Road to MD 450 at the time that Phase II of Fairwood begins to discharge traffic onto Church Road, and if MD 450 has been relocated onto a new alignment by the State Highway Administration, the applicant shall widen existing MD 450 (which would be functioning as a service road at that time) to accept a double left-turn from northbound Church Road. This widening shall be constructed to the standards of the responsible operating agency.**

**Comment:** At time of writing the staff report, Fairwood Parkway and Church Road are still under construction but are nearing completion. A condition of approval has been proposed by the staff to require the applicant to open both Fairwood Parkway and Church Road to traffic prior to issuance of the first use and occupancy permit for houses covered in this DSP.

- 6. At the time of the applicable detailed site plans, brick or stamped asphalt crosswalks, raised pavement markings, and/or other strategies which are appropriate to the function of the roadway shall be considered at two or three key locations along Church Road within the Fairwood property subject to approval of the Department of Public Works and Transportation and acceptance of maintenance responsibility**

**by the Department of Public Works and Transportation.**

**Comment:** The subject detailed site plan shows two locations where the above-mentioned special treatments have been utilized. The two locations are the intersection of Fairview Vista Drive and Church Road and the intersection of Fairwood Parkway and Church Road. But at the intersection of Fairwood Parkway and Church Road, the site plan does not show any pedestrian crossing over the Church Road. A condition of approval has been proposed in the recommendation section to require the applicant to provide two specially designed pedestrian crossings by utilizing the same pavement pattern as used at the intersection of Fairview Vista Drive and Church Road.

- 9. All conditions relevant to Historic Area Work Permit (HAWP) 12-01 imposed by the Historic Preservation Commission shall be carried out prior to the approval of the relevant detailed site plan, which includes the frame and brick barn located in Phase II of the Fairwood development.**

**Comment:** This condition was fulfilled at the time of Infrastructure Detailed Site Plan DSP-03068 review. For reference only, the Historic Preservation Commission approved Historic Area Work Permit HAWP 12-01 in July 2001, including the following conditions that are relevant to DSP-03068:

- (2)(a) HABS quality documentation of the barn should be provided to the Historic Preservation office.
- (2)(b) The stone foundation and the footprint of the barn should be retained for interpretive purposes. A portion of the masonry foundation [should] be retained, preferably the long wall and one short wall at approximately two feet high. The remaining wall and piers from the stable portion could be represented by brick pavers.
- (2)(e) Materials from the barn should be offered to the Parks Department for their use, or the Newel Post.

- 10. Prior to approval of all relevant detailed site plan(s), the applicant shall demonstrate that sight lines and viewsheds from the cemetery to the house and from the house to the cemetery will be maintained despite the presence of the Fairview Drive. Street trees and other landscaping materials shall be planted so as not to block this view.**

**Comment:** The applicant submitted sight line drawings from the cemetery to the house during the review of Preliminary Plan 4-02023. These drawings demonstrate conformance with this condition. The previously approved Detailed Site Plan DSP-03068/01 further fulfilled this condition.

11. **At the time of the appropriate detailed site plan, should it be determined that landscaping or fencing is required to protect the Environmental Setting, the applicant shall provide historically-compatible landscaping or fencing to be approved by HPC or staff through the HAWP process.**
12. **Prior to the approval of all relevant detailed site plan(s), site plans and architectural drawings for those lots identified at Preliminary Plan shall be referred to the Historic Preservation Commission staff for their comments regarding compatibility with Fairview and its setting (in regard to siting, massing, rooflines, materials) for buildings on those lots.**

**Comment:** The above two conditions were fulfilled by the approvals of Detailed Site Plan DSP-03068 and DSP-03068/01.

13. **In the context of the approval of the relevant detailed site plan(s), as part of the community use as shown on the conceptual element plan, the roadbed for the farm lane at the curve near the barn shall be retained, including the steep slopes and the vegetation.**

**Comment:** This condition has been fulfilled at the time of DSP-03068/01 review.

15. **At the time of all appropriate detailed site plans, noise mitigation measures shall be provided for all impacted residential areas to reduce noise impacts to 65 dBA or less in outdoor activity areas.**

**Comment:** In accordance with the review by the Environmental Planning Section, two groups of lots are affected by the traffic-related noise from Church Road. The Environmental Planning Section reviewer believes that the proposed mitigation measures are not sufficient. The environmental planner has proposed additional mitigation measures as conditions of approval to ensure sufficient noise mitigation measures are in place.

10. **Preliminary Plan of Subdivision 4-03128:** The Planning Board approved Preliminary Plan of Subdivision 4-03128 on May 20, 2004, subject to 19 conditions. The permit-related conditions will be enforced at issuance of each respective permit. The conditions applicable to the review of this DSP are discussed as follows:

2. **Prior to the approval of the detailed site plan, a Type II Tree Conservation Plan shall be approved.**

**Comment:** A Type II Tree Conservation Plan TCPII/186/03-01 has been submitted with this DSP and will be heard by the Planning Board along with the detailed site plan.



- 3. At the time of review of the DSP the plan shall address the following:**
- a. Dwelling units with usable yard areas, consistent with the required setbacks, shall be located outside the mitigated 65 dBA line along Church Road or be deleted and the land area incorporated into abutting lots or open space unless the applicant can demonstrate at the time of DSP appropriate mitigation measures, with the submittal of a Phase II noise study.**

**Comment:** A review by the Environmental Planning Section found that six lots have the rear yards within the unmitigated 65-dBA noise contour line. The Environmental Planning reviewer does not agree with the applicant regarding how to mitigate the noise impact on those lots. Seven conditions have been proposed to address the noise issue and have been incorporated into the recommendations of this report.

- c. The landscape strip and planting areas within the scenic easement along the east side of existing Church Road shall be treated to enhance the historic character of the road through the use of vernacular plant materials, landscape planting patterns or other appropriate means.**

**Comment:** Since this is an infrastructure site plan, not enough information has been provided to review for compliance with the above condition. This condition will be reviewed when the subject infrastructure detailed site plan is revised.

- e. To determine if Parcel A, Block G, is required for the fulfillment of community use areas and if it is to be retained by the HOA.**

**Comment:** Parcel A, Block G, is located in the southern-most part of the site. APA 1, 2, 3, 5, and 6 are located on this parcel. Parcel A has been preserved in its entirety as open area to fulfill Aviation Policy Areas open area requirements.

- 10. Development of this site shall be in conformance with the approved stormwater management concept plan #37109-2003-00.**

**Comment:** The Department of Environmental Resources (DER) in a memorandum (Rea to Zhang) dated December 16, 2005, indicated that the subject detailed site plan is partially consistent with approved stormwater management concept plan #37109-2003. DER staff recommends that the applicant revise the stormwater management concept plan to reflect the layout on this site plan. A condition of approval has been proposed to require the applicant to provide evidence from DER indicating that the inconsistency between this DSP and stormwater management concept plan has been resolved.

- 16. The applicant shall ensure conformance to Section 27-548.43 of the Zoning Ordinance, Notification of Airport Environment, and all applicable notice requirements for**

**development.**

**Comment:** See Finding 13 below for a detailed discussion.

17. **The applicant shall revise the construction drawings for Church Road to include the provision of a commercial entrance (32 feet wide) to the community park parcel. The applicant shall obtain a DPW&T construction permit for this park entrance from Church Road. The park entrance shall be constructed concurrent with the construction of the Church Road improvements by the applicant.**
18. **Prior to approval of the revised construction drawings by DPW&T for the park entrance, the Church Road improvements along the park parcel shall be reviewed and approved by DPR.**

**Comment:** These two conditions have been reviewed at time of infrastructure DSP-05083 for Fairwood, Phase II, Part Two. The commercial park is located outside the boundary of the subject DSP.

19. **Prior to submittal of the DSP, the applicant shall determine the extent of the land that should be the subject of a Phase I archeological investigation with the concurrence of DRD. The applicant shall complete and submit a Phase I investigation with the application for DSP (including research into the property history and archeological literature) for those lands determined to be subject. At the time of review of the DSP, the applicant shall submit Phase II and Phase III investigations as determined by DRD staff as needed. The plan shall provide for the avoidance and preservation of the resources in place or shall provide for mitigating the adverse effect upon these resources. All investigations must be conducted by a qualified archeologist and must follow *The Standards and Guidelines for Archeological Investigations in Maryland* (Schaffer and Cole: 1994) and must be presented in a report following the same guidelines. Grading permits may be issued for areas not subject to a Phase I archeological investigation, subject to the required order of approvals.**

**Comment:** The land subject to Phase I archeological investigation is located within the boundary of Infrastructure Detailed Site Plan DSP-05083. The above condition is not applicable to the subject DSP.

11. **Final Development Plan, FDP-0301:** Final Development Plan FDP-0301 was approved by the Planning Board on May 20, 2004, subject to six conditions. The following conditions are pertinent to the review of this DSP.

4. **At the time of detailed site plan (DSP), the following shall be accomplished or the following information shall be supplied:**

- a. **A tracking table on each DSP to show the cumulative numbers of both the total residential units and townhouse units to ensure conformance to the allowable buildout for the Fairwood development.**

**Comment:** This condition will be carried forward as a condition of approval.

- b. **The exact amount, location, and timing of installation of the proposed on-site recreational facilities shall be established.**

**Comment:** The recreational facilities included in this DSP are a passive recreational park and trails that are connected to the communitywide trails network. The DSP proposes a development for 86 single-family detached lots. The Urban Design staff recommends that prior to issuance of 50 percent of the building permits for lots covered by this DSP, the four-acre park and its related trails shown in Pod One north of Fairview Vista Drive should be completed. The remaining trails should be completed at time of completion of the subdivision under this DSP.

- c. **The landscape buffering and screening of the lots along the realigned Church Road shall be thoroughly reviewed and evaluated to ensure that proper landscape measures have been put in place.**

**Comment:** The subject DSP includes buffer design along Church Road. But several species have been identified as not suitable to be installed in the portion of the Church Road south of the proposed stormwater management pond, in the middle of the property, pursuant to Aviation Policy Areas regulations. Those species are red oak, Norway spruce, Eastern red cedar, legacy maple, and London planetree. A condition of approval has been proposed in the recommendation section of this report.

- d. **The feasibility of the application of fully shielded outdoor lighting technology for both the public street and individual houses with regard to airport safety concerns shall be fully evaluated with the Department of Public Works and Transportation. The specific lighting technology shall be submitted with the DSP application.**

**Comment:** As discussed previously, the applicant has proposed a note on the site plan indicating that all streetlights will have full cut-off fixtures to direct glare downward. However, the applicant does not provide any details on the full cut-off light fixture. The staff believes that all outdoor lighting should be full cut-off fixtures in order to be consistent with Part 10B of the Zoning Ordinance. See the below Finding 13 for a detailed discussion and proposed conditions.

- e. **The applicant shall provide information concerning concepts and techniques to be used at Fairwood that will encourage the use of mass transit and reduce reliance upon single-occupancy vehicle trips.**

**Comment:** This condition will be carried forward as a condition of approval prior to certification.

- g. Provide a special chapter on how the requirements of CB-51-2002 (such as density, heights, open area, lighting, and notification of homeowners) have been addressed in the FDP and how the safety and compatibility of any proposed residential development with airport operations has been specifically addressed in each APA.**

**Comment:** This condition has been fulfilled. See below Finding 13 for a detailed discussion.

- 5. If Fairwood Parkway is not constructed in its entirety from Church Road to MD 450 at the time that Phase II of Fairwood begins to discharge traffic onto Church Road, the applicant shall extend the existing right-turn lane along Church Road at MD 450. The extended lane shall be constructed to DPW&T requirements to a length of no less than 250 feet with taper.**
- 6. If Fairwood Parkway is not constructed in its entirety from Church Road to existing MD 450 at the time that Phase II of Fairwood begins to discharge traffic onto Church Road, and if MD 450 has been relocated onto a new alignment by the State Highway Administration, the applicant shall widen existing MD 450 (which would be functioning as a service road at that time) to accept a double left-turn from northbound Church Road. This widening shall be constructed to the standards of the responsible operating agency.**

**Comment:** See Finding 9 above for a discussion.

- 12. Detailed Site Plan DSP-99034:** On January 6, 2000, a comprehensive signage program for the entire Fairwood Project was approved by the Planning Board. DSP-99034 established the development standards for various signage in Fairwood. This DSP includes an entrance feature and directional sign, which have been reviewed for compliance with the requirements of DSP-99034. The proposed signage complies with the approved sign standards.
- 13. Zoning Ordinance:** The DSP application has been reviewed for compliance with the requirements in the M-X-C Zone, the Site Design Guidelines and Part 10 B, Airport Compatibility, of the Zoning Ordinance:
  - a. The subject application is in accordance with the requirements of Section 27-547 of the Zoning Ordinance, which governs development in the M-X-C Zone. The single-family detached dwellings are a permitted use in the M-X-C Zone.

- b. The proposed development as Phase II, Part Two, of the larger Fairwood project also conforms to Section 27-546.04, Other Regulations. The detailed site plan also complies with Section 27-546.07(c) for the Planning Board to approve a detailed site plan in addition to the findings required by the Zoning Ordinance, Part 3, Division 9, as follows:
- (1) The proposed development is in conformance with the purposes and other provisions of the M-X-C Zone;**
  - (2) The arrangement and design of buildings and other improvements and the mix of uses reflect a cohesive development capable of sustaining an independent environment of continuing quality and stability;**
  - (3) The pedestrian system is convenient and is comprehensively designed to encourage pedestrian activity within the development;**
  - (4) In areas of the development which are to be used for pedestrian activities or as gathering places for people, adequate attention has been paid to human scale, the quality of urban design, and other amenities, such as the types and textures of materials, landscaping and screening, street furniture, and lighting, both natural and artificial.**
  - (5) The detailed site plan is in general conformance with the approved final development plan. Where not defined in an approved development plan, the design standards of the zone most compatible with the M-X-C Zone shall be applicable.**

**Comment:** The subject application is an infrastructure DSP for 86 single-family lots in Phase I, Part Four and portions of Phase II, Part 2. The proposed development is in conformance with the purposes and other provisions of the M-X-C Zone. The proposed development is also in general conformance with the approved final development plan as discussed in above Finding 11.

The subject site is a geographically independent portion with a larger planned community. The site is naturally defined by the rights-of-way of Church Road, John Hanson Highway and the PEPCO power line. The trail system included in the plan is a portion of a comprehensively designed pedestrian system for the entire Fairwood project, which is convenient and encourages pedestrian activity within the development. The trail system links the three pods included in this DSP and is further tied into the communitywide trail system. The trail system not only provides easy on-site circulation for the residents, but will also provide access to other parts of the planned community. Since this application is for an infrastructure DSP limited to grading, SWM facilities and road improvement, no specific urban design issues are involved in this DSP. However, certain issues as required by previous approvals such as the final development plan have not been fully addressed due to lack of information. A condition has been proposed to require the applicant to

address the issues identified in a revision to the subject infrastructure site plan prior to issuance of any grading permit.

- c. The application is also subject to provisions in Part 10B, Airport Compatibility, because all Aviation Policy Areas, as defined in Section 27-548.35, Aviation Policy Area dimensions, encumber the subject property. At time of Preliminary Plan of Subdivision 4-03128 and Final Development Plan FDP-0301 approval, all APA-related provisions applicable to the subject property were carefully reviewed. In addition, one of the conditions of approval attached to the final development plan requires the applicant to add a separate chapter in FDP-0301 to specifically address the FDP's compliance with the APA regulations. The following discussion provides a summary of the topics covered by the Chapter on Aviation Policy Analysis in FDP-0301 and the application's compliance with each regulated area in Airport Compatibility of the Zoning Ordinance.

- (1) Section 548.38. (b) Density

- (1) **In APA 1: No new residential structures are permitted.**
- (2) **In APA 2 and APA 5: No new residential structures are permitted... . Yards for structures located outside APA 2 and APA 5 are permitted.**
- (3) **In APA 3S and APA 3M: 0.2 dwelling units per acre are permitted. If clustered in accordance with APA mitigation subdivision techniques, 0.5 dwelling units per acre are permitted....**
- (4) **In APA 4 and APA 6, development densities and intensities are the same as in the underlying zone.**

**Comment:** The site plan does not propose any units in APA 1, 2 and 5 as required by the above provisions. All 86 lots and the passive recreation park are located in APA 4, 3M, and 6. The applicant employed APA mitigation subdivision techniques at the time of Preliminary Plan of Subdivision 4-03128, which resulted in a lot yield of 0.5 dwelling units per acre, for a total of 24 dwelling units in APA 3M. Since 17 dwellings have been shown and approved in Infrastructure Detailed Site Plan DSP-05083, only 7 dwelling units are permitted in the portion of APA-3M encumbering the subject site. The subject detailed site plan is in compliance with the density requirements.

- (2) Section 548.38. (c) Building Orientation and Massing

- (1) **In APA -1 (where allowed), APA-2 (where allowed), APA-3S, APA-3M and APA-5, all structures except those used for airport operations shall be located as far from the runway centerline as possible, after compliance with applicable yard and setback requirements.**

- (2) **In APA-2, APA-3S, APA-3M, and APA-5, development on a lot shall not exceed a floor area ratio (FAR) of 0.25.**
- (3) **Land in any APA may be used as part of a lot or to satisfy open space requirements for cluster, lot size averaging, or APA mitigation subdivision development, for any property located in more than one APA.**

**Comment:** There are seven dwellings located within APA 3M, Lots 42-44, and 64-67, that are subject to the above requirements. Per the applicant, the houses on the site plan have been located as far from the runway centerline as possible, after compliance with applicable yard and setback requirements. However, the site plan shows only a generic building envelope. The staff recommends that Section 29-548.38(c)(1) above be enforced at time of house siting when a specific building footprint is available. The seven lots in question have lot sizes varying from 9,100 to 12,250 square feet that will allow homes as large as 2,275 to 3,060 square feet. Since no specific model information is included in this application, this condition will be reviewed at time of house siting when model information is available. One condition has been proposed to require the applicant to add a site plan note on the subject detailed site plan to indicate that the seven lots can only have a house between 2,275 and 3,060 square feet and that all structures should be located as far from the runway centerline as possible, after compliance with applicable yard and setback requirements. Compliance with the above requirements will be further reviewed at time of house siting for each builder.

As discussed previously, APA mitigation subdivision techniques have been employed at time of approval of Preliminary Plan of Subdivision 4-03128. The subject plan complies with the above subsection (3).

- (3) Section 548.38. (d) Use Restriction
  - (1) **In APA-1, APA-2, APA-3S, APA-3M, and APA-5, assisted living and day care facilities, hospital, nursing and care homes, and public and private schools are prohibited.**
  - (2) **Storage above ground of flammable materials or other hazardous substances is prohibited in APA-1 and APA-2.**
  - (3) **In all APAs, uses of land should, to the greatest extent possible, not:**
    - (D) **Make it difficult for pilots to distinguish between airport lights and other lights, or impair pilot or ground operator visibility in the vicinity of an airport; or**

**(E) Otherwise endanger the landing, taking off, or maneuvering of aircraft.**

**Comment:** The detailed site plan shows single-family detached houses and passive recreational facilities in APA 3M, APA 4 and 6 and complies with the use restrictions. A site plan note, Note 11, indicates that streetlights will be full cut-off fixtures to direct glare downward. However, no details of the lighting fixture have been shown on the site plan. In addition, since the subject site is directly under the flight path, the full cut-off lighting fixtures should be used for all outdoor lighting. A condition has been proposed in the recommendation section to require the applicant to provide the details and to expand the site plan note to require all outdoor lighting to be full cut-off lighting fixtures, prior to certificate approval of this DSP.

The site plan shows a four-acre Serenity Park at the end of APA 2 on the top of a knoll with an observation terrace surrounded by a circular brick wall, which is perpendicular to the flight path. Both Freeway Airport pilots and community planners identify this wall as a potential hazard that could endanger taking off and maneuvering of aircraft. The community planners and the pilots recommend deletion of the brick wall. The Urban Design staff agrees with the recommendation of deletion and a condition of approval has been proposed in the recommendation section of this report to remove the brick wall.

In addition, the street light poles and street trees on Fairview Vista Drive along both sides of the centerline of the flight path will be arranged to allow a minimum 110 feet clearance. The Urban Design Section will continue to monitor this proposal to ensure an uninterrupted linear open space under the flight path at the time of house siting review.

(4) Section 27-548.41. Open Area Guidelines.

- (a) **The object of open area guidelines around airports is to provide strategically located areas under flight paths, to permit a successful emergency landing without hitting an occupied structure and to allow aircraft occupants to survive the landing without serious injury. Open area in Aviation Policy Areas generally refers to stormwater management ponds, field crops, golf courses, pasture lands, streets or parking lots, recreational facilities such as ball parks, or yards, if the area is relatively level and free of objects such as overhead lines and large trees and poles. It further explains that because a pilot's discretion in selecting an emergency landing site is reduced when the aircraft is at low altitude, open areas should be designed as one or more contiguous acres.**
- (b) **In each Aviation Policy Area, the following minimum open area percentages should be retained:**



- (1) **APA-1, Runway Protection Zone: Maintain all underdeveloped land in open space in accordance with FAA standards.**
- (2) **APA-2, Inner Safety Area: fifty percent (50%) open area.**
- (3) **APA-3S, APA-3M, Inner Turning Area: twenty percent (20%) open area.**
- (4) **APA-4, Outer Safety Area: thirty percent (30%) open area. (CB-51-2002)**

**Comment:** In a separate statement on the subject DSP's compliance with the Aviation Policy Areas regulations, the applicant provides the open space percentage in each APA as follows:

<b>APA Zone</b>	<b>Total Acres</b>	<b>Open Area Percentage</b>	<b>Open Area Acres*</b>
APA 1	7.59	100	7.59
APA 2	15.96	100	15.96
APA 3M	47.97	64	30.69
APA 4	23.42	54	12.75

Note: \* All designated open areas have a minimum dimension of 100 feet in any direction and are in excess of one contiguous acre.

In accordance with the above table, the open space provided in each APA that encumbers the subject property exceeds the percentage required by the APA regulations. Since APA compliance is an important element of this DSP, the open area information should be shown on the site plan. A condition of approval has been proposed to require the applicant to add a site plan note on the percentage of the open space for the above APAs prior to certification.

- (5) Section 27-548.42 Height requirements
  - (a) **Except as necessary and incidental to airport operations, no building, structure, or natural feature shall be constructed, altered, maintained, or allowed to grow so as to project or otherwise penetrate the airspace surfaces defined by Federal Aviation Regulation Part 77 or the Code of Maryland, COMAR 11.03.05, Obstruction of Air Navigation.**
  - (b) **In APA-4 and APA-6, no building permit may be approved for a structure higher than fifty (50) feet unless the applicant demonstrates compliance with FAR Part 77.**

**Comment:** At the time of Preliminary Plan of Subdivision 4-03128 and Final Development Plan FDP-0301 approval, the applicant submitted a “Glide Slope Clearance Delineation Plan” to analyze the possible impact of the proposed development on the airspace of Freeway Airport. The review concluded that with the trees up to 150 feet in height and with no new structures above 30 feet in height in APA 3M and 4, there will be no obstruction of the air space. Since this DSP is for infrastructure only without detailed information on architectural models, the Urban Design staff recommends a site plan note be added to explicitly state that the height limit in APA 3M is 30 feet and that in APA 4 it is 50 feet.

A review of the proposed landscape plan indicates that several medium-sized trees such as red oak, Norway spruce, Eastern red cedar, legacy maple and London planetree have been proposed in the plan. Even though the height of most of these trees at maturity is still below 150 feet, they are still a potential hazard to the airplanes because at the end of APA 2 and at the beginning of APA 4 the airplanes are flying very low in order to land and take off. A condition of approval has been proposed to remove the above-mentioned trees from areas south of Lots 21, 22, 27, 28, Block FF, including the landscaping area around the proposed stormwater management area and the landscaping area along the southern portion of Church Road, and replace them with smaller species of trees.

At the time of Final Development Plan approval including the subject site, a condition has been prescribed by the Planning Board to require that the applicant provide an additional chapter on how the FDP complies with the Aviation Policy Area regulations. The applicant subsequently submitted the required chapter to address each Aviation Policy Area requirement. On Attachment B, the applicant proposes a complete open section of Fairview Vista Drive under APA-2 without any street trees because Fairview Vista Drive is perpendicular to the flight path and the airplanes are at lower altitude when they reach APA-2 airspace over Fairview Vista Drive. Any street trees in that part of APA-2 airspace will be a potential hazard to the airplanes. The Urban Design staff agrees with the applicant’s analysis and believes that this portion of Fairview Vista Drive should be devoid of any street trees.

(6) Section 27-548.43, the regulations require two standard conditions regarding proper notification of the airport environment. The condition applicable to this application, which has a homeowners association, is as follows:

**(b)(1) Prior to final plat approval, the Deceleration of Covenants for the property, in conjunction with the formation of a homeowners association, shall include language notifying all future contract purchasers of homes in the community of the existence of a general aviation airport within approximately one mile of the community. The Declaration of Covenants shall include the General Aviation Airport Environment Disclosure Notice. At time of purchase contract with**

**homebuyers, 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.**

**Comment:** The above condition has been incorporated into the recommendation section of this report with an additional sentence as follows:

“If the Declaration of Covenants has been recorded, the applicant shall provide evidence of the recording reference in the Land Record of the Prince George’s County.”

14. **Woodland Conservation Ordinance:** This property is subject to the provisions of the Prince George’s County Woodland Conservation Ordinance because the gross tract area is in excess of 40,000 square feet; there are more than 10,000 square feet of existing woodland on site; and there is a previously approved Type I Tree Conservation Plan TCPI/08/01-01.
  - a. The Detailed Forest Stand Delineation (FSD) was submitted and approved during the review of the Comprehensive Sketch Plan CP-0101 and the Preliminary Plan of Subdivision 4-03128 for this site. No further information with respect to the FSD is required with this DSP application.
  - b. The Type II Tree Conservation Plan, TCPII/186/03-01 submitted with this application has been reviewed and was found to address the requirements of the Prince George’s County Woodland Conservation Ordinance, subject to several conditions.
  
15. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The major referral comments are summarized as follows:
  - a. In a memorandum dated February 23, 2006, the Community Planning Division noted that the application is consistent with the 2002 General Plan Development pattern policies for the Developing Tier and conforms to the 2006 Master Plan and Sectional Map Amendment for Bowie and Vicinity land use recommendation for low-density residential development. The community planner further indicated that the subject application is located under the traffic pattern for Freeway Airport and is in all Aviation Policy Areas (APA): APA1, 2, 3M, -4, 5 and 6, and is subject to Part 10B, Airport Compatibility, of the Zoning Ordinance. The planner provided a detailed land use analysis in each APA as follows:

APA	Zoning Ordinance Citation	Use Restrictions	Proposal	Consistent with APA Regulations
2, 3M	27-548.38 (c)(1)	All structures shall be located as far from the runway centerline as possible...	A 33 inch-high stonewall is proposed on the top of a hill in the center of APA 2. Additional street trees proposed along Fairview Vista Dr. in the 110-foot wide area that should remain open; they are also perpendicular to the flight path.	The stonewall obstruction could cause substantial harm; if an aircraft were to hit it. The additional street trees present a hazard to safe emergency landings and should be removed from that portion of Fairview Vista Drive.
2, 3M, 4, 5, 6	27-548.39 (a)(2) and 27-548.42 (b)	Site plans shall show the height of all proposed buildings, structures and vegetation. The height of any structure more than 50 feet is to be reviewed by FAA or MAA.	Heights of proposed trees at maturity and streetlights should be identified.	Urban design should evaluate.
4	27-548.41 (a)(b)(4)	30% open area required.	<p>Most of the open area is located along extended runway centerline. Remaining issues include:</p> <ul style="list-style-type: none"> <li>• Lot 26 extends into the 110' wide strip.</li> <li>• Two street trees are proposed in the middle of the 110-foot-wide strip at the intersection of Dorsey Chapel and St. Simon's.</li> <li>• A tree is located at the end of Dorsey Chapel in the 110foot wide area, next to the storm water management pond.</li> </ul>	<ul style="list-style-type: none"> <li>• Lot 26 could be reconfigured to prevent encroachment of structures into the 110 foot- wide strip.</li> <li>• No new street trees should be located within the 110 foot-wide strip; three trees should be relocated.</li> </ul>

**Comment:** At time of Preliminary Plan 4-03128 approval including the subject site, a 110-foot-wide linear open space parallel to the centerline of APA 2 was retained in response to Part 10B Airport Compatibility provisions, which call for certain percentages of open area be retained in APAs for the purpose of providing strategically located areas

under flight paths for a successful emergency landing without hitting an occupied structure and allowing aircraft occupants to survive the landing without serious injury. Section 27-548.38 (c), the provision on building orientation and massing, further requires that all structures except those used for airport operations shall be located as far from the runway centerline as possible, after compliance with applicable yard and setback requirements. Three conditions of approval have been proposed in the recommendation section to require the applicant to revise the DSP to remove additional new trees, resite the house on Lot 26 and remove the brick wall from the 110-foot-wide linear open space prior to certificate approval of this DSP.

- b. In a memorandum dated January 3, 2006, the Transportation Planning Section provided a detailed summary on the review of the previous conditions of approval. The staff noted that the construction of the portion of MD 450 from MD 193 to Bell Station Road, valued at \$5.5 million in 1997 dollars, which was determined in previous approvals to constitute the Fairwood Project's entire responsibility, has been fully executed, and the road improvements are approaching completion. The staff concluded that the development approved or pending, including the subject detailed site plan, is 1,293 units, which is well within the overall cap of 1,799 units that was imposed on the Fairwood development by the Basic Plan A-9894-C. The proposed on-site circulation is also acceptable.

In a separate memorandum from the Transportation Planning Section dated January 20, 2006, on detailed site plan review for master plan trail compliance, the trails planner noted that the trails, sidewalk, and bicycle facilities included on this DSP fulfill the requirements of prior approvals and should be constructed as shown.

- c. In a memorandum dated March 30, 2006, the Environmental Planning Section indicated that the plans as submitted have been found to address the environmental constraints for the site. The staff recommended approval of this application subject to several conditions that have been incorporated into the recommendation section of this report.
- d. In a memorandum dated March 14, 2006, the Subdivision Section staff listed all conditions attached to the approval of Preliminary Plan of Subdivision 4-03128 (see above Finding 10 for a detailed discussion on the applicable conditions).
- e. The subject application was also referred to the Department of Environmental Resources. In a memorandum dated December 16, 2005, the staff noted that Lots 1-8, Block EE and Lots 1-41, Block FF are consistent with approved stormwater management concept plan 23799-2005. But Lots 42-78, Block FF are not consistent with approved stormwater management concept plan 37109-2003.

**Comment:** A condition of approval has been proposed in the recommendation section of this report to require the applicant to address the layout inconsistency between the subject DSP and the approved stormwater management concept plan prior to certificate approval of this DSP.

- f. In a memorandum dated March 8, 2006, the Permit Section provided two comments on the subject detailed site plan and identified no additional issues with this DSP.
  - g. In a memorandum dated December 19, 2005, the Department of Public Works and Transportation (DPW&T) provided standard conditions on issues such as right-of-way dedication, frontage improvement, sidewalks, street trees and lighting, storm drainage systems, and facilities in order to be in accordance with both the requirements of DPW&T and the Department of Environmental Resources (DER). The staff also discussed the realignment and cross section of Church Road. Those conditions will be enforced at time of issuance of access permit.
  - h. In a memorandum dated March 13, 2006, the Historic Preservation and Public Facilities Planning Section noted that no archeological investigations have been undertaken in the area covered by Phase I, Part Four. The staff recommended a Phase I archeological study to be done prior to approval of this DSP.
  - i. In a memorandum dated March 5, 2006, the State Highway Administration (SHA) indicated that SHA has no objection to the approval of Detailed Site Plan DSP-05069.
  - j. In a memorandum dated March 7, 2006, the Washington Suburban Sanitary Commission (WSSC) stated that water and sewer extension will be required for the proposed development. The staff also noted that WSSC is currently reviewing system integrity for the area shown on subject site plan.
  - k. The Maryland Aviation Administration had not responded to the referral request at the time the staff report was written.
  - l. At the time the staff report was written, the City of Bowie had not officially responded to the referral request.
16. This limited detailed site plan for infrastructure satisfies the site design guidelines as contained in Section 27-274, prevents off-site property damage, and prevents environmental degradation to safeguard the public's health, safety, welfare and economic well-being for grading, reforestation, woodland conservation, drainage, erosion and pollution discharge.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Type II Tree Conservation Plan (TCPII/186/03-01) and further APPROVED Detailed Site Plan DSP-05069 for the above-described land, subject to the following conditions:

- 1. Prior to certificate approval of this detailed site plan, the applicant shall:

- a. Provide the development regulations on the site plan.
- b. Provide a tracking table for the total approved number of dwelling units in the Fairwood Project.
- c. Resite the house on Lot 26 out of the 110-foot-wide linear open space.
- d. Remove the brick wall and all proposed trees from the 110-foot-wide linear open space.
- e. Provide the open space percentage that has been provided in APA 2, APA 3M, and APA 4 on the site plan.
- f. Revise the site plan as follows:
  - (i) Add a note providing that Lots 42-44 and 64-67, Block FF, may only have a house between 2,275 and 3,060 square feet (GFA).
  - (ii) Show the proposed homes on Lots 42-44 and 64-67, Block FF, located as far from the runway center line as possible, after compliance with applicable yard and setback requirements.
  - (iii) Add a note stating that the maximum building height in APA 4 is 50 feet.
- g. [Evaluate the feasibility of applying fully shielded outdoor lighting technology for both the public streets and individual houses, with regard to airport safety concerns. The lighting on the public streets shall be fully evaluated with the Department of Public Works and Transportation. The specific lighting technology shall be submitted with the DSP.]

\*All public, community, and homeowner lighting shall be full cut-off as follows:

- \*(1) The lighting on public streets shall be fully evaluated with the Department of Public Works and Transportation. With respect to homeowner lighting, the requirements for full cut-off lighting shall be incorporated in plats, with compliance enforcement by any adjacent property owner, including, without limitation, the owners or users of Freeway Airport.

\*Denotes Amendment

Underlining indicates new language

[Brackets] indicate deleted language

- \*(2) The exterior lighting for individual homes shall consist of full cut-off post-mounted or wall-mounted lamps to prevent upward light transmission. The use of ground-mounted spotlights or other similar lighting for homes, trees, shrubbery or other features located on individual residential lots or on community property is prohibited.
- \*(3) The specific lighting technology for public and community lighting and the language to be incorporated into the HOA documents and record plats shall be submitted with the DSP.
- \*(4) The above requirements shall remain in effect only as long as Freeway Airport continues to operate as an airport.
- \*(5) The requirements for individual home exterior lighting shall be included in each contract of sale for individual homes covered by this detailed site plan.

- h. Revise site plan Note 11 as follows:  

“All outdoor lights will have cut-off lighting fixtures to direct glare downward.”
- i. Remove red oak, Norway spruce, Eastern red cedar, legacy maple and London plane tree from the area south of Lots 21, 22, 27 and 28, Block FF, and replace them with small trees to be reviewed and approved by the Urban Design Section as the designee of the Planning Board.
- j. Provide evidence from DER indicating that the layout inconsistency between this DSP and the stormwater management concept plan has been resolved.
- k. Provide information concerning concepts and techniques to be used at Fairwood to encourage the use of mass transit and reduce reliance upon single-occupancy vehicle trips.
- l. Conduct a Phase I archeological survey for the property covered in Phase I, Part Four, and submit the report for review.
- m. Revise both the detailed site plan and the Type II tree conservation plan to address noise issues as follows:
  - (1) Provide a minimum 35-foot-wide bufferyard on homeowners association property between the Church Road right-of-way and the rear of adjacent lots.

\*Denotes Amendment

Underlining indicates new language

[Brackets] indicate deleted language



- (2) Show a continuous six-foot-high solid wooden noise barrier or an equivalent on the plans beginning along the rear lot line of Lot 39 and extending along Lots 40 and 41, and along the side boundary line of Lot 41 for a minimum of 50 feet.
  - (3) Show a continuous six-foot-high solid wooden noise barrier or an equivalent on the plans beginning at the apex in the backyard of Lot 28, and extending along the rear property boundary of Lots 29, 30, 31 and 32.
  - (4) Provide all necessary details for the construction of the six-foot-high solid wooden noise barrier to be reviewed and approved by the Urban Design Review Section and the Environmental Planning Section as the designees of the Planning Board.
  - (5) Locate all noise barriers on the homeowners association property.
  - (6) Show the mitigated 65 dBA Ldn noise contour line along the west side of Church Road.
  - (7) Amend the noise study to include two cross sections of Church Road along the above two groups of lots that are impacted by the noise including topography, landscaping, and the proposed noise mitigation barriers.
- n. Revise the Type II Tree conservation plan as follows:
- (1) Add a legend on all plan sheets and include all graphic elements shown on the plan.
  - (2) Use a different graphic to delineate all areas of woodland area being retained or afforestation, but not part of the requirement, and add the graphic element to the legend.
  - (3) Remove the extra approval block for TCPII/186/03 from the cover sheet
  - (4) The revised plans shall be sealed, signed, and dated by the licensed landscape architect, licensed forester, or other qualified professional who prepared the plan.
  - (5) Delineate the locations for a permanent tree protection device to protect the vulnerable edges of any afforestation areas. The graphic symbol for the permanent tree protection device shall be added to the legend and all necessary details for implementation shall be provided in the plan set.
2. Prior to final plat for any part of the property covered in this infrastructure detailed site plan, the applicant shall record a declaration of covenants among the Land Records of Prince George's County that shall include language notifying all future contract purchasers of homes in the community of the existence of a general aviation airport within approximately one mile of the community. The declaration of covenants shall include the general aviation airport environment

disclosure notice. At time of purchase contract with homebuyers, 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. If the declaration of covenants has been recorded, the applicant shall provide evidence of the recording reference in the Land Records of Prince George's County.

3. Prior to the submission of final plats, the applicant, his heirs, successors and/or assignees shall submit three original recreational facilities agreements (RFA) to DRD for approval for construction of recreational facilities on homeowners land. Upon approval by the DRD, the RFA shall be recorded among the county Land Records.
4. The TCPII shall be approved prior to final plat. All approved afforestation areas shall be placed in conservation easements at time of final plat.
5. Prior to the issuance of the first building permit for the area of Detailed Site Plan DSP-05069, all afforestation and associated temporary protective fencing shall be installed. A certification prepared by a qualified professional shall be used to provide verification that the afforestation has been completed. It must include, at a minimum, photos of the afforestation areas and the associated fencing for each lot, with labels on the photos identifying the locations and a plan showing the locations where the photos were taken. A permanent protection shall be installed to replace the said temporary one when the project is finished.
6. Prior to issuance of the 60<sup>th</sup> building permit, the applicant shall complete the construction of the four-acre park and related trails in Block FF. The remaining trails shall be completed when the development of this DSP is completed.
7. Prior to issuance of the first use and occupancy permit (for houses covered in this DSP), the construction of Fairwood Parkway and Church Road shall be completed and the parkway and Church Road shall be opened to traffic.
8. A covenant/restriction shall be placed in the deed of conveyance for any lots extending into the 110-foot-wide linear open space underneath the flight path prohibiting the construction of fences, shades, trees or other obstructions within the said 110-foot-wide open space.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

\* \* \* \* \*

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 Eley, seconded by Commissioner Clark, with Commissioners Eley, Clark, Vaughns and Parker voting in favor of the motion, and with Commissioner Squire absent at its regular meeting held on Thursday, July 13, 2006, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 7<sup>th</sup> day of September 2006.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

TMJ:FJG:HZ:bjjs