



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

Preliminary Plan 4-05152

Application	General Data
Project Name: THE POINTE AT CHEVERLY Location: Southeast corner of 57 th Avenue and Annapolis Road. Applicant/Address: Pointe at Cheverly, LLC. 1280 Maryland Avenue, S.W. Washington D.C. 20024	Date Accepted: 08/17/06
	Planning Board Action Limit: 02/02/07
	Plan Acreage: 3.34
	Zone: C-S-C, C-O
	Lot: 1
	Parcels: 0
	Planning Area: 69
	Tier: Developed
	Council District: 05
	Municipality: Cheverly
200-Scale Base Map: 205NE05	

Purpose of Application	Notice Dates
COMMERCIAL SUBDIVISION & MIXED-USE (244 DWELLING UNITS AND 5,580 SQUARE FEET COMMERCIAL)	Adjoining Property Owners Previous Parties of Record Registered Associations: 06/15/06 (CB-58-2003)
	Sign(s) Posted on Site and Notice of Hearing Mailed: 12/11/06

Staff Recommendation		Staff Reviewer: Ivy R. Thompson	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT Preliminary Plan of Subdivision 4-05152
The Pointe at Cheverly, Lot 1

OVERVIEW

The subject property is located on Tax Map 50, Grid E-3, and comprises Town Lot 5 (BB7@29) and Parcels A, B, D (www49@93) and part of an old road that is to be vacated. The site, 3.34 acres, is within limits of the Town of Cheverly and is zoned Commercial Office (C-O) and Commercial Shopping Center (C-S-C). The Town of Cheverly (Town Lot 5) and the Prince George's County Redevelopment Authority (Parcels A, B, D) own the subject properties.

The applicant is proposing to combine these five properties and re-subdivide them into a single lot as a mixed-use development consisting of two buildings with a total of 244 residential units and 5,580 square feet of commercial development. Open space for outdoor recreation and an indoor swimming pool facility are also included as part of the proposed development. Primary access to the site is provided from Annapolis Road via a right in/right out entrance and through a full-movement existing entrance on 57th Avenue.

CB-69-2004 allows for multifamily development in the Commercial Office (C-O) Zone meeting the description of these five properties. CB-80-2005 allows a municipality or the Prince George's County Redevelopment Authority to request District Council approval of the Mixed Use Infill (M-U-I) zoning to permit a mix of residential and commercial uses as infill development in areas that are already substantially developed, such as the subject property. One of the purposes of the M-U-I Zone is to permit redevelopment in areas requiring revitalization of properties owned by a municipality or the Prince George's County Redevelopment Authority. The applicant is choosing to rezone the subject property to the M-U-I Zone via the detailed site plan process pursuant to the provisions of CB-80-2005.

SETTING

The property is located on the southeast corner of 57th Avenue and Annapolis Road in the Town of Cheverly. There is currently an existing 1½ story building that is to be removed. Adjacent to the subject property along Annapolis Road is a gas station. The site is bounded to the north by a residential high rise along Annapolis Road, to the west by residential uses across 57th Avenue, to the east by the Baltimore Washington Parkway, and to the south by commercial and residential uses along 58th Avenue.

FINDINGS AND REASONS FOR STAFF RECOMMENDATION

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

	EXISTING	PROPOSED
Zone	C-O (2.0 acres) and C-S-C (1.34 acres)	M-U-I
Use(s)	Commercial (Vacant)	Commercial [224 residential dwelling units, 5,580 s.f. commercial]
Acreage	3.34	3.34
Lots	1	1
Parcels	4	0
Public Safety Mitigation Fee		No

2. **Subdivision**—In order to accomplish rezoning from the C-O and C-S-C Zones to the M-U-I Zone in accordance with Division 9, Part 3 of the Zoning Ordinance, a detailed site plan (DSP) will need to be approved by the Planning Board and the District Council. Private recreation facilities are proposed for the site. An adequate mix of active and passive and indoor and outdoor recreation facilities will be further reviewed during the detailed site plan process.
3. **Urban Design**—The Urban Design Section has reviewed the information provided in support of Preliminary Plan of Subdivision 4-05152. The applicant is proposing 244 units of multifamily housing on the site and 5,580 square feet of commercial development.

Applicable Regulations

Regulations applicable to the subject development will be established at the time of the detailed site plan as permitted in the M-U-I Zone and set forth in Section 27-546.18(b) of the Zoning Ordinance. The applicable regulations would vary based on whether or not the above proposed rezoning is approved for the site. Varying provisions of the *Landscape Manual* would be applicable dependent on the permitted land use on the site.

4. **Environmental**—This 3.34-acre site is located on the southwest corner of 57th Avenue and Annapolis Road in Cheverly. A review of the available information indicates that streams, wetlands, severe slopes, and areas of steep slopes with highly erodible soils are not found to occur on this property. There is no 100-year floodplain that is associated with the site. There are transportation-related noise impacts associated with the site. The Baltimore-Washington Parkway is an expressway and MD 450 is a major arterial, both of which are generally regulated for noise. 57th Avenue is a collector roadway not generally regulated for noise impacts. The predominant soil types found to occur on this site according to the Prince George’s County Soil Survey are Sunnyside Urban Land Complex and Christiana. These soil series have limitations with respect to steep slopes and high shrink swell potential but will not affect the site layout. According to available information, Marlboro clay does not occur on this property. According to information obtained from the Maryland Department of Natural Resources Wildlife and Natural Heritage Program, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. There are no designated scenic or historic roads in the vicinity of this application. This property is located in the Northeast Branch watershed of the Anacostia River basin and in the Developed Tier as reflected in the approved 2002 General Plan. The site does not contain regulated areas, evaluated areas, or any network gaps identified in the Countywide Green Infrastructure Plan.

The preliminary plan application has a signed natural resources inventory (NRI/117/05), dated October 28, 2005, that was included with the application package. The preliminary plan shows all the required information correctly. No revisions are required for conformance to the NRI.

Although the site is more than 40,000 square feet in area, this property is not subject to the provisions of the Prince George's County Woodland Conservation Ordinance because it contains less than 10,000 square feet of woodlands and it has no previous approved tree conservation plan. A Type II Tree Conservation Plan was submitted instead of a Type I Tree Conservation Plan; however, neither is required because there is no woodland on-site. The Environmental Planning Section issued a standard letter of exemption from the Ordinance, on December 1, 2006. No further information is required at this time as it relates to woodland requirements. The letter of exemption should accompany all future application for plans and permits.

A Stormwater Management Concept Approval Letter (18771-2001-00) dated November 2, 2005, was submitted with the subject proposal. The concept approval cited conditions of approval. Requirements for stormwater management will be met through subsequent reviews by the Department of Public Works and Transportation. No additional information is required at this time with regard to stormwater management.

The Baltimore-Washington Parkway is an adjacent expressway and MD 450 is an adjacent major arterial both of which are noise generators and generally regulated for noise. Based on the Environmental Planning Section's Noise Model, an analysis of the noise generated by the roadways indicate that the 65 dBA Ldn noise contour is located approximately 722 feet from the centerline of the B-W Parkway and 275 feet from the centerline of MD 450. The plan as submitted shows the contours as produced by the noise model.

Because the plan will require a detailed site plan for implementation, details regarding how noise impacts will be addressed can be evaluated at that time. In particular, attention must be paid to the reduction of noise levels to 65 dBA Ldn in outdoor activity areas and to 45 dBA Ldn in the interior of residential buildings. As part of the detailed site plan submittal, a Phase II noise study should be submitted for review. The Phase II noise study should address how noise has been mitigated to 65 dBA Ldn in outdoor activity areas and 45dBA Ldn in the interior of residential buildings.

Water and Sewer Categories

The water and sewer service categories are W-3 and S-3 according to water and sewer maps obtained from the Department of Environmental Resources dated June 2003. The property will be served by public systems.

5. **Community Planning**—The subject property is located on the south side of Annapolis Road east of its intersection with 57th Avenue. It is 3.34 acres in size. The applicant proposes to create a mixed-use development with 5,580 square feet of commercial and 244 residential dwelling units. This application is not inconsistent with the 2002 General Plan Development Pattern policies for the Developed Tier. This application does not conform to the land use recommendations of the 1994 *Approved Master Plan and Sectional Map Amendment for Bladensburg-New Carrollton and Vicinity* (Planning Area 69) for retail and office uses. The application contains residential uses.

General Plan, Master Plan And SMA

The site is located in the Developed Tier. The vision for the Developed Tier is a network of sustainable, transit-supporting, mixed-use, pedestrian-oriented, medium- to high-density neighborhoods. The subject property is currently zoned C-S-C and C-O. The applicant requests the rezoning of the property to the Mixed-Use Infill (M-U-I) Zone to implement the desired mixed-use character of the proposed development. However, the master plan predates the

creation of, and therefore does not anticipate, the use of the M-U-I Zone. In addition, M-U-I requires a Development District Overlay Zone (DDOZ) in order to be implemented, otherwise the property must be owned by a municipality or the Prince George's County Redevelopment Authority per CB-80-2005. The 1994 *Approved Master Plan and Sectional Map Amendment for Bladensburg-New Carrollton and Vicinity* does not include a DDOZ; however the property is owned by both the Town of Cheverly and the Prince George's County Redevelopment Authority.

6. **Parks**—In accordance with Section 24-135(b) of the Prince George's County Subdivision Regulations the Park Planning and Development Division of the Department of Parks and Recreation recommends to the Planning Board that approval of the Pointe at Cheverly preliminary plan be subject to the requirement of mandatory dedication of private recreational facilities suitable for active and passive recreation for this subdivision in accordance with the standards outlines in the Parks and Recreation Facilities Guidelines.
7. **Trails**—The Approved Master Plan for Bladensburg-New Carrollton and vicinity identifies two master plan trail issues that impact the subject application. The master plan designates Annapolis Road (MD 450) as a master plan bikeway/trail corridor. MD 450 is a heavily traveled corridor and provides pedestrian access to Cheverly, the nearby Bladensburg Town Center, local parks, and school facilities. Currently, sidewalks are narrow and fragmented. Recommendation 4 of the trails element of the master plan recommends a Class II hiker/biker trail along MD 450 through the planning area. As noted in the master plan, upon its completion this trail will provide access to shopping, parks, schools, other trails and bikeways, and Metro (Bladensburg-New Carrollton and Vicinity Master Plan, page 173). Staff recommends the provision of one "Share the Road with a Bike" sign to alert motorists to the possibility of on-road bicycle traffic.

57th Avenue is designated as a master plan bikeway. There is an existing sidewalk along the subject site's frontage. Staff recommends the provision of one "Share the Road with a Bike" sign to alert motorists to the possibility of in-road bicycle traffic. Bicycle compatible road improvements (such as designated bike lanes can be considered at the time of road improvement or re-surfacing.

8. **Transportation**—The Transportation Planning Section has reviewed this subdivision application. The subject property consists of approximately 3.34 acres of land in the C-O & C-S-C Zones. The property is located on the south side of MD 450 (Annapolis Road), east of 57th Avenue and in the Town of Cheverly. The applicant proposes to develop the site with 244 residential condominium units, five of which will be live/work units, and up to 5,580 gross square feet of office space.

The transportation staff determined that a traffic study detailing weekday analyses was needed. In response, the applicant submitted a traffic study dated January 12, 2006. The study was reviewed and as a result of issues and concerns raised by staff, a revised traffic study was received in September 2006. This revised study was found to be acceptable, and was referred to Prince George's County Department of Public Works and Transportation (DPW&T), and Maryland State Highway Administration (SHA) for their review and comments. Comments from the State Highway Administration (SHA) and DPW&T are attached. The findings and recommendations outlined below are based upon a review of these materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the "Guidelines for the Analysis of the Traffic Impact of Development Proposals."

Growth Policy—Service Level Standards

The subject property is located within the Developed Tier, as defined in the General Plan for Prince George’s County. As such, the subject property is evaluated according to the following standards:

Links and signalized intersections: Level-of-service (LOS) E, with signalized intersections operating at a critical lane volume (CLV) of 1,600 or better. Mitigation, as defined by Section 24-124(a)(6) of the Subdivision Ordinance, is permitted at signalized intersections subject to meeting the geographical criteria in the Guidelines.

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

Analysis of Traffic Impacts

In addition to the existing limited access point along MD 450, and the proposed full access along 57th Avenue, the traffic study was required to examine the following five signalized intersections:

- MD 450 / MD 202 (Landover Road)
- MD 450 / 57th Avenue
- MD 450/ I-295 (Baltimore-Washington Parkway) Southbound Off-Ramp
- MD 450/ I-295 (Baltimore-Washington Parkway) Northbound Off-Ramp
- MD 202/ 57th Avenue

The existing conditions at the signalized intersections are summarized below:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 450 / MD 202 (Landover Road)	993	783	A	A
MD 450 / 57 th Avenue	927	743	A	A
MD 450/ I-295 B-W Parkway SB Off-Ramp	752	828	A	A
MD 450/ I-295 B-W Parkway NB Off-Ramp	1,180	951	C	A
MD 202/ 57 th Avenue	937	840	A	A

The existing conditions at the limited right-in/right-out access along MD 450, which is unsignalized, is determined to be at acceptable levels of service during both the morning and afternoon peak hours, with average vehicle delay for various movements through these intersections well below the acceptable range of 50.0 seconds, as required by the Guidelines.

The submitted traffic study provides an analysis for assessing the background traffic situation. The study considered the following:

- A two percent annual growth factor for through traffic along MD 450 and MD 202. This is consistent with past studies in the area and with SHA reported historical data.
- Background development in the area includes a total of 40 approved and not yet built residential units (12 units Landover Hill, and 28 units Landover Mews). Currently, there are no programmed improvements in the County Capital Improvement Program (CIP) or the State Consolidation Transportation Program (CTP).

Background traffic conditions at the signalized intersections are summarized below:

BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 450 / MD 202 (Landover Road)	1,059	837	B	A
MD 450 / 57 th Avenue	976	758	A	A
MD 450/ I-295 B-W Parkway SB Off-Ramp	791	872	A	A
MD 450/ I-295 B-W Parkway NB Off-Ramp	1,248	998	C	A
MD 202/ 57 th Avenue	966	882	A	A

The results of the capacity analysis with the Background Traffic show that limited right-in/right-out access along MD 450 would continue to operate with acceptable levels of service during both the morning and afternoon peak hours, with average vehicle delay for various movements through these intersections well below the acceptable range of 50.0 seconds, as required by the Guidelines.

The proposed development of 244 residential condominiums and approximately 5,255 gross square feet of office would generate 181 (43 in, 138 out) AM peak-hour vehicle trips and 205 (76 in, 129 out) PM peak-hour vehicle trips.

With the trip distribution and assignment as assumed, the following results are obtained for the five signalized intersections under total traffic:

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 450 / MD 202 (Landover Road)	1,101	893	B	A
MD 450 / 57 th Avenue	947	760	A	A
MD 450/ I-295 B-W Parkway SB Off-Ramp	897	888	A	A
MD 450/ I-295 B-W Parkway NB Off-Ramp	1,277	1,022	C	B
MD 202/ 57 th Avenue	995	855	A	A

The results of the capacity analysis with the projected 2008 total traffic show that the limited right-in/right-out access along MD 450 and the proposed access along 57th Avenue are projected to operate with acceptable levels of service during both the morning and afternoon peak hours,

with average vehicle delay for various movements through these intersections below the acceptable range of 50.0 seconds, as required by the Guidelines.

Plan Comments:

The subdivision plan is acceptable from the standpoint of access and circulation, including continued use of existing access along MD 450, which is an arterial facility. At the Subdivision Review Meeting, staff raised several access and rights-of-way issues, which have all been adequately addressed by the revised plan.

A variation request was received December 8, 2006. The plan proposes to maintain both of the existing driveways, one of which is a limited right in/right out driveway directly accessing Annapolis Road (MD 450). Since MD 450 is an arterial roadway, the applicant has prepared the variation request from Section 24-121(a)(3) to allow continued use of this existing driveway along an arterial roadway to serve the proposed development. Section 24-113(a) of the Subdivision Regulations sets forth the required findings for approval of variation requests. Section 24-113(a) reads:

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

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

Granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to other properties—the driveway has been in existence for many years, and has served not only the buildings previously located upon the subject property, but also the Howard Johnson’s Motel located just south of this property, which it will continue to serve. The driveway is located over 500 feet from the intersection of Annapolis Road and 57th Avenue, and especially given that this will remain, as it has been, right-in, right-out only, this will not be detrimental to the health, safety or welfare of the local citizens.

- (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;**

This variation request is for a driveway that exists and currently functions to provide access. This situation is not applicable generally to other properties.

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

The continued use of the existing driveway as proposed will not violate any applicable law, ordinance or regulation.

- (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.**

As described above, the topographical conditions of this property are such that the use of the existing driveway as the main entrance to the proposed development is the only way that this property can be developed to achieve the mixed-use development at densities consistent with county policies.

Staff review indicates that the submitted variation request has fully addressed all of the required findings as relates to transportation.

Transportation Staff Conclusions

Based on the preceding findings, the Transportation Planning Section concludes that adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code and based on the above-stated reasons, transportation staff finds the submitted variation request acceptable.

- 9. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and CB-30-2003 and CR-23-2003 and concluded the following.

Commercial

The proposed retail sections of The Pointe at Cheverly subdivision are exempt from the review for schools because it is a commercial use.

Residential

Impact on Affected Public School Clusters

Affected School Clusters	Elementary School Cluster 7	Middle School Cluster 4	High School Cluster 4
Dwelling Units	431 mfd, th	431 mfd, th	431 mfd, th
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	103.44	25.86	51.72
Actual Enrollment	35,388	11,453	16,879
Completion Enrollment	218	52	105
Cumulative Enrollment	102	25.50	51
Total Enrollment	35,811.44	11,556.36	17,086.72
State Rated Capacity	39,187	11,272	15,314
Percent Capacity	91.39	102.52	111.58

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

These figures are correct on the day this referral was written. They are subject to change under the provisions of CB-30-2003 and CR-23-2003. Other projects that are approved prior to the public hearing on this project will cause changes to these figures. The numbers shown in the resolution will be the ones that apply to this project.

County Council Bill CB-31-2003 establishes a school facilities surcharge 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 \$7,671 and 13,151 to be a 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. The Historic Preservation and Public Facilities Planning Section staff finds that this project meets the policies for review of 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 have reviewed this subdivision for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(B)(E) of the Zoning Ordinance.

Residential

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 Bladensburg, Company 9, using the Seven-Minute Travel Times and Fire Station Locations Map provided by the Prince George's County Fire/EMS Department. Pursuant to CR-69-2006, the Prince George's County Council and the County Executive suspended the provisions of Section 24-122.01(e)(1)(A, B) regarding sworn police and fire and rescue personnel staffing levels. The Fire Chief has reported that the department has adequate equipment to meet the standards stated in CB-56-2005.

Commercial

The existing fire engine service at Bladensburg Fire Station, Company 9, located at 4213 Edmonston Road, has a service travel time of 1.94 minutes, which is within the 3.25-minute travel time guideline. The existing paramedic service at Landover Hills Fire Station, Company 30, located at 68th and Annapolis Road, has a service travel time of 1.71 minutes, which is within the 7.25-minute travel time guideline. The existing ladder truck service at Tuxedo-Cheverly Fire Station, Company 22, located at 5711 Tuxedo Road, has a service travel time of 4.14 minutes, which is within the 4.25-minute travel time guideline

The proposed subdivision will be within the adequate coverage area of the nearest existing fire/rescue facilities for fire engine, ladder truck and paramedic services. These findings are in conformance with the standards and guidelines contained in the Approved Public Safety Master Plan (1990) and the "Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities."

11. **Police Facilities**—The Prince George’s County Planning Department has determined that this preliminary plan is located in Police District I. The response standard is 10 minutes for emergency calls and 25 minutes for nonemergency calls. The times are based on a rolling average for the preceding 12 months. The preliminary plan was accepted for processing by the Planning Department on September 17, 2006.

Reporting Cycle	Date	Emergency Calls	Nonemergency
Acceptance Date	01/05/05-06/05/06	10.00	18.00

The response time standards of 10 minutes for emergency calls and 25 minutes for nonemergency calls were met on July 5, 2006. The Police Chief has reported that the department has adequate equipment to meet the standards stated in CB-56-2005. Pursuant to CR-69-2006, the Prince George’s County Council and the County Executive suspended the provisions of Section 24-122.01(e)(1)(A, B) regarding sworn police and fire and rescue personnel staffing levels.

Commercial

The approved 2002 General Plan addresses the provision of public facilities that will be needed to serve existing and future developments. The plan includes planning guidelines for police and they are:

Station space per capita: 141 square feet per 1,000 county residents.

The police facilities test is performed on a countywide basis in accordance with the policies of the Planning Board. There is 267,660 square feet of space in all of the facilities used by the Prince George’s County Police and the latest population estimate is 825,520. Using the 141 square feet per 1000 residents, it calculates to 116,398 square feet of space for police. The current amount of space, 267,660 square feet, is above the guideline.

12. **Health Department**—The Health Department reviewed the application and has no comments to offer.
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, 18771-2004-00, was approved November 2, 2005. Development must be in accordance with this approved plan.
14. **Historic Preservation**—The subject application for preliminary plan of subdivision has no effect on historic resources.
15. **Archeology**—Based on the fact that the developing property has already been disturbed, a Phase I archeological survey is not recommended by staff. However, the applicant should be aware that Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effects of their undertakings on historic properties including archeological sites. This review is required when federal monies, federal properties or federal permits are required for a project. Section 106 review may require further archeological study.
16. **Public Utility Easement**—The preliminary plan reflects the required ten-foot-wide public utility easement. This easement will be recorded with the final plat.

17. **Town of Cheverly**— The Town of Cheverly has been involved with the Pointe at Cheverly project for many years. Town representatives have met with the developer on numerous occasions and have discussed various aspects of the proposal. The town supports this plan and looks forward to working with the developer in the near future.

RECOMMENDATION

APPROVAL, subject to the following conditions:

1. A detailed site plan (DSP) shall be approved by the Planning Board and the District Council in accordance with Division 9, Part 3 of the Zoning Ordinance.
2. As part of the detailed site plan submittal, a Phase II noise study shall be submitted for review. The Phase II noise study shall address how noise has been mitigated to 65 dBA Ldn in outdoor activity areas and 45dBA Ldn in the interior of residential buildings.
3. The applicant, his heirs, successors, and/or assignees shall provide adequate, private recreational facilities in accordance with the standards outlined in the Parks and Recreation Facilities Guidelines.
4. The applicant shall allocate appropriate and developable areas for the private recreational facilities. The private recreational facilities shall be reviewed by the Urban Design Review Section of the Development Review Division (DRD) for adequacy and property siting in accordance with the standards outlined in the Parks and Recreation Facilities Guidelines at the time of the detailed site plan.
5. The developer, his heirs, successor, and/or assignees shall submit three original, executed Recreational Facilities Agreements (RFA) to DRD for its approval three weeks prior to a submission of a final plat. Upon approval by DRD, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland. Submission to DRD of a performance bond, letter of credit, other suitable financial guarantee, or other guarantee in an amount to be determined by DRD within at least two weeks prior to applying for building permits.
6. The developer, his heirs, successor, and/or assignees shall satisfy the Planning Board that there are adequate provisions to ensure retention and future maintenance of the proposed recreational facilities.
7. The applicant and the applicant's heirs, successors, and/or assignees shall designate 57th Avenue as a Class III bikeway with appropriate signage. Because 57th Avenue is a county right-of-way, the applicant, and the applicant's heirs, successors, and/or assignees shall provide a financial contribution of \$210 to the Department of Public Works and Transportation for the placement of this signage. A note shall be placed on the final record plat for payment to be received prior to the issuance of the first building permit.
8. The applicant and the applicant's heirs, successors, and/or assignees shall provide a Class II hiker/biker trail along the subject site's entire frontage of Annapolis Road (MD 450), unless modified by SHA.
9. Development must be in accordance with the approved stormwater management concept plan (18771-2004-00) and any subsequent revisions.

10. Total development within the subject property shall be limited to 244 condominiums and 5,580 square feet of general office space, or equivalent development, which generates no more than 181 AM peak hour and 205 PM peak hour vehicle trips. Any development generating a traffic impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.