



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

Preliminary Plan 4-07047

Application	General Data
<p>Project Name: RIVER BEND ESTATES</p> <p>Location: Located along the northwest side of Fort Foote Road, approximately 600-feet west of its intersection with Bluffwood Lane.</p> <p>Applicant/Address: Friendship Greens at The Potomac, LLC. 111 Center Way, Suite 202 Greenbelt, MD 20770</p> <p>Property Owner: Friendship Greens at The Potomac, LLC. 111 Center Way, Suite 202 Greenbelt, Md. 20770</p>	Date Accepted: 7/24/2007
	Planning Board Action Limit: 1/27/2008
	Plan Acreage: 12.81
	Zone: R-R/R-C-O
	Lots: 9
	Parcels/Outlots/Outparcels 1/1/1
	Planning Area: 80
	Tier: Developing
	Council District: 08
	Election District: 12
	Municipality: N/A
200-Scale Base Map: 211SW01	

Purpose of Application	Notice Dates
The development of nine single-family detached dwellings units	Adjoining Property Owners Previous Parties of Record Registered Associations: (CB-58-2003) 4/30/2007
	Sign(s) Posted on Site and Notice of Hearing Mailed 12/21/2007

Staff Recommendation		Staff Reviewer: John Ferrante	
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, 4-07047
Re-subdivision of River Bend Estates, Lots 1 thru 9,
Parcel C, Outparcel A, and Outlot A

OVERVIEW

The subject property is located on Tax Map 113, Grid C-2, and is known as Parcel A. The property consists of approximately 12.81 acres and is located within the R-R Zone. The northwestern portion of the property includes approximately 4.78 acres of land within the Chesapeake Bay Critical Area (CBCA), which is currently zoned R-R/R-C-O. The property has been previously subdivided and the final plat of subdivision was recorded in land records in September of 1969 as "Parcel A, River Bend Estates," WWW72@86. The site is primarily wooded and is currently unimproved.

Section 27-548.11(b) of the Prince George's County Zoning Ordinance states the following: "Concurrently with, or prior to, the approval of a preliminary plat of subdivision within the Chesapeake Bay Critical Area Overlay Zones, a Conservation Plan and Conservation Agreement shall be submitted in accordance with the Conservation Manual for review by the Subdivision Review Committee and approval by the Planning Board." A companion CBCA conservation plan, CP-07011, has been submitted for the 4.78-acre portion of the property within the R-C-O Overlay Zone. On November 16, 2007, the Subdivision Review Committee determined that the conservation plan was not in general conformance with the requirements of the R-C-O Zone and the Chesapeake Bay Critical Area Conservation Manual, as clearing was proposed within the limits of the R-C-O Zone for the construction of a stormwater management facility. Since that time, the conservation plan has been revised to eliminate any clearing within the R-C-O-zoned portion of the site, and the Environmental Planning Section has recommended approval of CP-07011, subject to conditions. The CBCA plan application is currently scheduled for public hearing, and will be heard by the Planning Board on the same day, and prior to, the subject preliminary plan application in accordance with the requirements of Section 27-548.11(b) of the Zoning Ordinance.

No development is proposed within the R-C-O-zoned portion of the property as part of this preliminary plan application. A zoning map amendment application, A-9986, has been submitted to the Planning Department and is currently under review by the Zoning Section. ZMA application A-9986 proposes the rezoning of the portion of the property within the Resource Conservation Overlay Zone (R-C-O) to the Limited Development Overlay Zone (L-D-O).

General Note 2 on the submitted preliminary plan states the following: "Outlot A will be retained by the applicant and reserved for possible future conveyance to M-NCPPC or the National Parks Service, or for future development pending the outcome of ZMA A-9986." Outlot A, which will contain the 4.78 acres within the R-C-O Overlay Zone, will have no direct access to a public street and will therefore be "landlocked." This portion of the property has been properly designated as an outlot, which by definition is a piece or parcel of land that remains within a subdivision but which does not meet the minimum requirements of the Zoning Ordinance for a buildable lot and is, therefore, not usable as a legal building site. The land area within Outlot A, which is also the subject of pending ZMA application A-9986, would require the approval of a new preliminary plan of subdivision application for any future development as a result of the outlot designation.

The applicant now proposes to resubdivide the property into nine lots, one parcel, one outparcel, and one outlot, and proposes the development of detached single-family dwellings in accordance with the conventional standards of the R-R Zone. Revised plans have eliminated the proposed internal roadways and cul-de-sac which were initially proposed to serve 12 lots. Three lots have been eliminated, and the remaining nine lots are now proposed to have direct access to Forte Foote Road. The Transportation Planning Section and the Department of Public Works and Transportation have not identified any concerns with the proposed access points along Fort Foote Road, as the prevailing development pattern along this roadway includes many lots which front on Fort Foote Road. However, compliance with sight-distance requirements will need to be demonstrated to DPW&T at the time of street construction permits.

By removing the internal roadways which were initially proposed, the impacts to the isolated wetland area have also been eliminated. The plans initially submitted for this application also proposed to construct a majority of the required stormwater management facility within the R-C-O-zoned portion of the property, and proposed to meet the woodland conservation requirement by providing all off-site preservation. The revised plans submitted have removed the stormwater management facility and its associated clearing from the R-C-O-zoned portion of the site. The Type I tree conservation plan has been revised to reduce the overall clearing which was initially proposed and is now providing all of the required tree conservation areas on-site. Further revisions to the tree conservation plan have been requested by the Environmental Planning Section prior to signature approval. The revisions include relocating the required stormwater management facility further to the northeast to allow a 50-foot-wide tree preservation area to be provided along the common boundary line shared with the Fort Foote National Park.

Outparcel A (86,325 square feet) is proposed to be conveyed to the future homeowners association and will contain a majority of the site's provided woodland conservation area. Parcel C will contain the stormwater management facility required to serve the proposed development, which is also proposed to be conveyed to the future homeowners association. Because Outparcel A will be conveyed to the homeowners association and will contain a majority of the site's required tree conservation area, which must remain indefinitely with the subdivision, the outparcel designation be revised to a parcel designation prior to any signature approval of the preliminary plan. Unless the Department of Public Works and Transportation has requested that the stormwater management facility remain on a separate and individual parcel, staff is recommending that Outparcel A and Parcel C be combined into one overall parcel to be conveyed to the homeowners association. The homeowner's association-owned parcel containing the woodland conservation area will create a natural buffer which separates the developed portion of the site from the land area within the Chesapeake Bay Critical Area (R-C-O Zone).

The location of the property is sensitive in nature and requires careful planning techniques to ensure appropriate development. The property shares a common boundary line to the west with the Fort Foote Historic Site, a National Register (80-006) Civil War fort built in 1863 for the protection of Washington D.C. The National Park Service, who owns and operates the historic site, has expressed concerns with the development proposed under this application. A 50-foot-wide tree preservation area, which is being required adjacent to the Fort Foote Historic Site (pursuant to the *Prince George's County Landscape Manual* and the *Woodland Conservation and Tree Preservation Ordinance*), may result in the loss of at least one of the proposed nine lots. To allow adequate land area for a 50-foot buffer adjacent to the Fort Foote Historic Site, the stormwater management facility will have to be shifted further to the northeast. The stormwater management facility's current location does not provide any buffering or screening from the adjacent proposed dwelling units on Lots 1 and 2, which must be addressed when the pond is relocated to the northeast. The pond's access road, as currently proposed, is directly adjacent to the Fort Foote Historic Site property to the west and abuts proposed Lot 1 to the east. The plan also provides no buffering or screening measures for the pond access road from either of the two abutting properties.

Since all of the proposed dwellings will be clearly visible from Fort Foote Road, staff is also concerned that the proposed architecture of the homes will be compatible with the surrounding area. In light of these issues, staff is compelled to recommend that a detailed site plan be approved by the Planning Board for this property. A condition has been established as part of this report to require the approval of a detailed site plan prior to any final plat of subdivision.

SETTING

The subject property is situated along the northwest side of Fort Foote Road, approximately 600 feet west of its intersection with Bluffwood Lane. Abutting the property to the north is the Waterside Subdivision (NLP132@95), recorded in 1987 and consisting of 15 single-family detached dwellings within the R-R/L-D-O Zone. Also to the north and to the northeast are portions of the River Bend Estates Subdivision (WWW75@98), recorded in 1970 and consisting of four lots within the R-R/L-D-O Zone, and (WWW63@87), recorded in 1967 and consisting of 77 lots within the R-R and R-R/L-D-O Zones. Directly abutting the site to the east is an acreage parcel (Parcel 35) within the R-R-Zone that is improved with a detached single-family dwelling. To the west and southwest is the Fort Foote Historic Site, which is located on an acreage parcel (Parcel 155) owned by the National Park Service within the R-O-S and R-O-S/R-C-O Zones. Directly across Fort Foote Road from the subject property are three acreage parcels (Parcels 3, 63 and 64) within the R-80 Zone and the Botley Estates Subdivision (NLP123@77), (WWW50@21) consisting of detached single-family dwellings within the R-80 Zone.

FINDINGS AND REASONS FOR STAFF RECOMMENDATION

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

	EXISTING	PROPOSED
Zone	R-R (8.03 acres) R-C-O (4.78 acres)	R-R (8.03 acres) R-C-O (4.78 acres)
Use(s)	Undeveloped	Single-Family Detached
Acreage	12.81	12.81
Lots	0	9
Outlots	0	1
Parcels	1	1
Outparcels	0	1
Dwelling Units: Detached	0	9
Public Safety Mitigation Fee		No

2. **Environmental**—The Environmental Planning Section has reviewed the revised preliminary plan of subdivision for River Bend Estates, 4-07047, and the revised Type I tree conservation plan, TCPI/029/07, stamped as received by the Environmental Planning Section on October 24, 2007.

Background

This site portion has been previously reviewed by the Environmental Planning Section as zoning map amendment A-9986. This 12.81-acre property includes approximately 4.78 acres of land in the Chesapeake Bay Critical Area (CBCA) that is currently zoned R-R/R-C-O. The zoning map amendment application, A-9986, is proposing to rezone the portion of the property within the Resource Conservation Overlay Zone (R-C-O) to the Limited Development Overlay Zone (L-D-O). The portion of the property including that within the zoning map amendment

application is located between 700 feet and 1,000 feet from the mean high tide line and does not contain any portion of the primary buffer or secondary buffer.

In June 1984, the Maryland General Assembly adopted the Chesapeake Bay Critical Area Law (Subtitle 18) after finding that there exists a critical and substantial state interest in fostering more sensitive development along the shoreline of the Chesapeake Bay so as to minimize damage to water quality and natural habitats. The framework for the Prince George's County Chesapeake Bay Critical Area Program was created when the District Council adopted CB-72-1987, CB-73-1987, and CB-74-1987 on November 17, 1987.

Council Resolution CR-120-1987 directed the Planning Board to initiate an overlay zoning map amendment to add the CBCA with the following overlay zones: Intense Development Overlay Zone (I-D-O), Limited Development Overlay Zone (L-D-O), and Resource Conservation Overlay Zone (R-C-O). The initial Chesapeake Bay Critical Area Overlay Zones were adopted and approved in September 1989. The subject property was placed within the R-C-O Zone because at the time of adoption it was undeveloped and was not served by public water or sewer. The zoning map amendment application for the subject property, A-9986, is currently pending and is tentatively scheduled to be heard by the Planning Board on March 6, 2008.

Site Description

There are no streams or 100-year floodplain on the property. An isolated wetland occurs on the property. According to the "Prince George's County Soil Survey" the principal soils are in the Aura, Beltsville, Chillum and Leonardtown series. Marlboro clay is not found to occur in the vicinity of this property. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program, 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 the property. This property is located in the Potomac River watershed.

Environmental Issues Addressed in the Henson Creek Master Plan.

Except for noting that the property is within the Chesapeake Bay Critical Area, there are no specific recommendations pertaining to the environmental elements of the master plan that relate to the subject property.

Countywide Green Infrastructure Plan

The Countywide Green Infrastructure Plan designates the portion of the property within the R-C-O Zone as a regulated area and the remainder of the site is within a designated evaluation area.

Environmental Review

An approved natural resources inventory, NRI/049/07-01, was submitted with the application. The forest stand delineation (FSD) submitted in accordance with the "Prince George's County Woodland Conservation and Tree Preservation Technical Manual," identifies one forest stand containing 12.31 acres. The woodland is dominated by mature chestnut oak, northern red oak, white oak, and southern red oak. The understory contains mountain laurel, red maple, and pawpaw. There are no invasive plants. No additional information with regard to sensitive environmental features is required for the review of this preliminary plan of subdivision.

Wetlands and wetland buffers occur on proposed Lots 2 and 3. These areas will be unusable by the property owners because of the required restrictive easement. The area of encumbrance on the lots will bring each of them to less than 20,000 square feet of useable lot area, which is the minimum lot size required in the R-R Zone.

A portion of the property is within the CBCA. Section 24-151 of the Subdivision Regulations requires Planning Board approval of a Chesapeake Bay Critical Area conservation plan prior to any approval of the preliminary plan of subdivision application.

A conservation plan is required for the R-C-O portion of the site but must include the entire property to determine if the proposed development outside of the R-C-O Zone creates any adverse impacts. The Chesapeake Bay conservation plan, CP-07011, is a separate agenda item. All conditions of approval of the Chesapeake Bay Critical Area plan apply to the R-C-O portion of the subject property.

The portion of the property which is located outside of the CBCA is subject to the requirements of the Prince George's County Woodland Conservation and Tree Preservation Ordinance. The portion located within the CBCA is subject to more stringent requirements than the Woodland Conservation Ordinance.

The revised Type I tree conservation plan, TCPI/029/07, has been reviewed. The plan proposes clearing 4.13 acres of the existing 7.53 acres of woodland within the portion of the site outside of the CBCA. The woodland conservation threshold has been correctly calculated as 1.61 acres and the woodland conservation requirement has been correctly calculated as 2.64 acres. The plan proposes to meet the requirement by providing 2.43 acres of on-site preservation and 0.21 acre of on-site planting. An additional 0.97 acre of woodland will be retained along the northwest portion of Lots 2 thru 9; however, none of this preservation area is proposed to be used to meet any requirement.

The design of the woodland conservation area can be improved by shifting the stormwater management pond to the northeast. This will result in excavation to create a pond of the same dimensions and allow for preservation of more woodland abutting Fort Foote National Park. Moving the pond location to the northeast will require a change in the location of the 20-foot-wide surface drainage easement that is currently shown on Lots 2 thru 5.

According to the "Prince George's County Soil Survey" the principal soils are in the Aura, Beltsville, Chillum and Leonardtown series. Aura soils are highly erodible and are in the B-hydric series. Beltsville soils are highly erodible, may have a perched water table, and are in the C-hydric group. Leonardtown soils may have a perched water table, poor drainage, wetlands inclusions, and are within the D-hydric group. This information is provided for the applicant's benefit. Prince George's County will require a soils report in conformance with CB-94-2004 during the permit review process.

Copies of the signed and approved stormwater management concept plan and approval letter were not submitted with this application. At least two copies of the stormwater management concept plan, signed by DPW&T, and the associated concept approval letter will need to be submitted prior to any signature approval of the preliminary plan or the Type I tree conservation plan.

Water and Sewer Categories

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

3. **Community Planning**—The property is located in Planning Area 80 in the South Potomac Community and is within the limits of the 2006 approved Henson Creek-South Potomac master plan. The master plan land use recommendation for the subject property is for a residential, low-density land use at up to 3.5 dwelling units per acre and includes a Chesapeake Bay Critical Area overlay on a portion of the property. This application proposes a residential, low-density land use that is consistent with the land use recommendation within the 2006 approved Henson Creek-South Potomac master plan.

The 2002 General Plan locates the subject property within the Developing Tier. One of the visions for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial centers, and employment areas that are increasingly transit serviceable. This application proposes a low- to moderate-density suburban residential community which is consistent with the 2002 General Plan Development Pattern policies for the Developing Tier.

The 2006 approved Henson Creek-South Potomac master plan and sectional map amendment retained the existing, underlying R-R Zone and retained the Resource Conservation Overlay (R-C-O) Zone on a portion of the subject property.

4. **Parks and Recreation**—In accordance with Section 24-134(a) of the Subdivision Regulations, the Park Planning and Development Division recommends that the applicant pay a fee-in-lieu of parkland dedication because the land available for dedication is unsuitable due to its size and location.
5. **Trails**—The approved Henson Creek-South Potomac master plan recommends the following policies pertaining to bicycle and pedestrian access:

Policy 3: Provide adequate pedestrian and bicycle linkages to schools, parks and recreation areas, commercial areas, and employment centers.

Policy 5: Continue strategies to implement the Potomac Heritage National Scenic Trail on-road bicycle route and off-road trail.

More specifically, a strategy under Policy 5 recommends designated bike lanes and continuous sidewalks along Fort Foote Road (as well as other roads along the bike route). Fort Foote Road is included as part of the Potomac Heritage Trail On-road Bicycle Route. This route, which was first mapped in 2000, was officially accepted by the National Park Service in 2005 as a segment of the Potomac Heritage National Scenic Trail.

Currently, a variety of cross sections exist along Fort Foote Road. Some areas are open section with no shoulders or sidewalks, while other areas have been improved with standard sidewalks and/or wide curb lanes. The site is adjacent to Fort Foote National Park. This park is administered by the National Park Service and includes a network of natural surface trails leading to the Potomac River and the historic resources in the park. The Transportation Planning Section recommends the provision of one “Share the Road with a Bike” sign along Fort Foote Road to

alert motorists to the possibility of bicycle traffic, and the construction of a standard sidewalk along the site's frontage to safely accommodate pedestrians and fulfill the recommendation of the master plan. Appropriate bicycle-compatible pavement markings can be determined by DPW&T at the time of road resurfacing or improvement.

6. **Transportation**—Due to the size of the subdivision, the Transportation Planning Section did not require a traffic study. Traffic counts were requested, and counts dated September 2007 were provided for analysis and for the purpose of making an adequacy finding. Therefore, the findings and recommendations outlined below are based upon a review of these materials and analyses conducted by 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 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 is required in the Developing Tier.

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

Staff Analysis of Traffic Impacts

The intersection of Fort Foote Road and Oxon Hill Road (more northerly intersection/signalized) is determined to be the critical intersection for the subject property. The existing conditions at the study intersection is summarized as follows: AM peak hour, a critical lane volume (CLV) of 1,322, operating at Level-of-service (LOS) D; and PM peak hour, a CLV of 1,193 operating at LOS C.

There are no funded projects within the study area in either the county Capital Improvement Program (CIP) or the state Consolidated Transportation Program (CTP). Three approved but unbuilt developments that would directly affect the critical intersection were identified. Annual through traffic growth of 1.8 percent per year was added to account for development and traffic growth in the general area. With background growth added, the following results are obtained: AM peak hour, a CLV of 1,440, operating at LOS D; and PM peak hour, a CLV of 1,329 operating at LOS D.

A residential subdivision consisting of nine single-family detached lots is proposed. This amount of development would generate 7 AM (2 in and 5 out) and 8 PM (6 in and 2 out) peak-hour vehicle trips. The site was analyzed with the following trip distribution:

85 percent —North along Oxon Hill Road
10 percent—South along Fort Foote Road
5 percent—South along Oxon Hill Road

Given this trip generation and distribution, the Transportation Planning Section has analyzed the impact of the proposal and the following results were obtained: AM peak hour, a CLV of 1,444, operating at LOS D; and PM peak hour, a CLV of 1,332 operating at LOS D. It is noted that the critical intersection operates adequately and within the standards identified.

The site is not within or adjacent to any master plan transportation facilities. A previous subdivision of River Bend Estates, recorded in 1969 as WWW72@86, created the subject property as Parcel A. At the time of the previous subdivision, a right-of-way of 40 feet from centerline along Fort Foote Road was dedicated. Since the time of that subdivision, Fort Foote Road has been downgraded in function to a primary roadway. Nonetheless, dedication along this roadway has generally been consistent with an 80-foot right-of-way even after it was downgraded. Therefore, existing dedication along Fort Foote Road is acceptable and no further dedication is needed. It is clearly noted that despite the dedication, Fort Foote Road is generally treated as a primary roadway.

It is noted that the original subdivision was submitted showing 12 lots along two proposed internal streets. Since that time, the preliminary plan has been revised to show nine lots fronting on Fort Foote Road. Given the function of the roadway, along with the prevailing development pattern which includes many lots fronting along Fort Foote Road, there is no objection to having lots within this development front on Fort Foote Road as well.

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.

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

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 6	Middle School Cluster 3	High School Cluster 3
Dwelling Units	13 DU	13 DU	13 DU
Pupil Yield Factor	.24	.06	.12
Subdivision Enrollment	3.12	.78	1.56
Actual Enrollment	4,518	5,968	9,696
Completion Enrollment	168.96	90	181
Cumulative Enrollment	23.76	36.96	73.92
Total Enrollment	4,713.84	6,095.74	9,952.84
State Rated Capacity	4,775	6,114	10,392
Percent Capacity	98.71%	99.70%	95.77%

Source: Prince George's County Planning Department, M-NCPPC, January 2007

County Council bill CB-31-2003 establishes a school facilities surcharge in the amounts 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 \$7,870 and \$13,493 to be paid at the time of issuance of each building permit.

The school surcharge may be used for the construction of additional or expanded school facilities and renovations to existing school buildings or other systemic changes.

The Historic Preservation and Public Facilities Planning Section finds that this project meets the adequate public facilities policies for school facilities contained in Section 24-122.02, CB-30-2003 and CB-31-2003, and CR-23-2003.

8. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section have reviewed the preliminary plan for fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(B)-(E) of the Subdivision Ordinance.

Public facilities staff have determined that this preliminary plan is within the required seven-minute response time for the first due fire station, Oxon Hill Company No. 21, using the *7 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 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.

9. **Police Facilities**—The property is located within Police District IV. The standard for emergency calls response is 10 minutes and 25 minutes for non-emergency calls. The times are based on a rolling average for the proceeding 12 months. This preliminary plan was accepted for processing by the Planning Department on July 24, 2007.

Reporting Cycle	Previous 12 Month Cycle	Emergency Calls	Non-emergency
Acceptance Date July 24, 2007	6/06-6/07	10 minutes	17 minutes
Cycle 1	7/06-7/07		
Cycle 2	8/06-8/07		
Cycle 3	9/06-9/07		

The response time standards of ten minutes for emergency calls and 25 minutes for nonemergency calls were met on July 31, 2007.

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 personnel staffing levels.

10. **Health Department**—The Environmental Engineering Program has reviewed the preliminary plan of subdivision for River Bend Estates and has no comments to offer.
11. **Stormwater Management**—The Department of Public Works and Transportation (DPW&T), Office of Engineering has determined that on-site stormwater management is required. A stormwater management concept plan, #28239-2007-01, has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. Development must be in accordance with this approved plan.
12. **Historic**—A Phase I archeological survey was completed on the River Bend Estates Property in September and October 2007. A draft report, *A Phase I Archeological Survey of the Estates at River Bend, Fort Washington, Prince George's County, Maryland, Preliminary Plan #4-07047*, has been received by the Historic Preservation and Public Facilities Planning Section and was reviewed on November 28, 2007. No archeological sites or standing structures were identified on the property. No further archeological investigations were recommended. Staff concurs with the report's findings that no further archeological work is necessary on the River Bend Estates Property. All archeological conditions for this property have been fulfilled.

However, Section 106 review may require archeological survey for state or federal agencies. Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effects of their undertakings on historic properties, to include archeological sites. This review is required when state or federal monies, or federal permits are required for a project.

RECOMMENDATION

APPROVAL, subject to the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision the plan shall be revised as follows:
 - a. Provide all adjacent uses, zones, and parcel designations.
 - b. Label the property to the west (Parcel 155) as the Fort Foote Historic Site operated by the National Park Service.
 - c. Correct the subdivision name for the abutting property to the north to "Waterside" (WWW75@98).
 - d. Remove the outparcel designation from Outparcel A and delete the property line separating Outparcel A from Parcel C to create one overall parcel to be conveyed to the HOA (unless DPW&T has requested the SWM facility to remain on a separate parcel).

- e. Provide a separate acreage breakdown by zoning category.
 - f. Revise the acreage of the property to 12.81 acres, consistent with the prior recorded record plat for the subject property (WWW72@86).
 - g. Revise general note 12 to reference the companion CBCA Conservation Plan (CP-07011).
 - h. Revise general note 13 to reference the companion TCPI (TCPI/029/07).
 - i. Revise general note 14 to reference the approved stormwater management concept plan (Case #28239-2007-01) and date of approval (November 14, 2007).
2. Prior to the issuance of permits, a Type II tree conservation plan shall be approved.
 3. Development of this site shall be in conformance with the stormwater management concept plan, #28239-2007-01, and any subsequent revisions.
 4. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the wetlands and wetland buffers and be reviewed by the Environmental Planning Section prior to certification. The following note shall be placed on the plat:

"Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed."
 5. Prior to signature approval of the preliminary plan or the Type I tree conservation plan, the Chesapeake Bay Critical Area plan shall be approved by the Planning Board and signed.
 6. The following note shall be placed on the final plat of subdivision:

"Development is subject to restrictions shown on the approved Chesapeake Bay Critical Area Conservation Plan, CP-07011."
 7. Prior to signature approval of the preliminary plan, the Type I tree conservation plan shall be revised to:
 - a. Shift the stormwater management pond to the northeast and submit an approved stormwater management concept plan, signed by DPW&T, which reflects the new pond location.
 - b. Provide a minimum, 50-foot-wide preservation area which abuts the common boundary line shared with the Fort Foote National Park.
 - c. Revise the worksheet as needed.
 - d. Have the revised plan signed and dated by the qualified professional who prepared the plan.

8. The following note shall be placed on the Final Plat of Subdivision:

“Development is subject to restrictions shown on the approved Type I tree conservation plan (TCPI/029/07), or as modified by the Type II tree conservation plan and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved tree conservation plan and will make the owner subject to mitigation under the Woodland Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005. Copies of all approved tree conservation plans for the subject property are available in the offices of The Maryland-National Capital Park and Planning Commission, Prince George’s County Planning Department.”
9. Prior to signature approval of the preliminary plan of subdivision, the applicant shall submit two copies of the approved stormwater management concept plan, case #28239-2007-01, signed by DPW&T, and two copies of the approval letter. The stormwater management concept plan approval number and approval date shall be noted on the preliminary plan and TCPI. Any required stormwater management facilities shall be shown on the TCPI.
10. The applicant, his heirs, successors and or assignees shall provide standard sidewalks along the property’s entire street frontage of Fort Foote Road unless modified by the Department of Public Works and Transportation at the time of issuance of street construction permits.
11. Prior to approval of the final plat of subdivision the applicant, his heirs, successors and or assignees shall pay a fee-in-lieu of parkland dedication.
12. Prior to the issuance of building permits, the applicant, his heirs, successors or assignees shall provide a financial contribution of \$210.00 to the Department of Public Works and Transportation for the placement of a bikeway sign along Fort Foote Road, designated a Class III bikeway. A note shall be placed on the final plat for payment to be received prior to the issuance of the first building permit. If the Department of Public Works and Transportation declines the signage, this condition shall be void.
13. Prior to the approval of building permits, the applicant, his heirs, successors and/or assignees shall convey to the homeowners association (HOA) 3.8± acres of open space land (Parcel C and Outparcel A). Land to be conveyed shall be subject the following:
 - a. Conveyance shall take place prior to the issuance of building permits.
 - b. A copy of unrecorded, special warranty deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division (DRD), Upper Marlboro, along with the final plat.
 - c. All waste matter of any kind shall be removed from the property, prior to conveyance, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section or the entire project.
 - d. The conveyed land shall not suffer the disposition of construction materials, soil filling, discarded plant materials, refuse or similar waste matter.
 - e. Any disturbance of land to be conveyed to a homeowners association shall require the written consent of DRD or be in accordance with an approved detailed site plan if one is

required. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement and storm drain outfalls. If such proposals are approved, a written agreement and financial guarantee shall be required to warrant restoration, repair or improvements required by the approval process.

- f. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to a homeowners association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by DRD prior to the issuance of grading or building permits.
 - g. Temporary or permanent use of land to be conveyed to a homeowners association for stormwater management shall be approved by DRD.
 - h. The Planning Board or its designee shall be satisfied that there are adequate provisions to assure retention and future maintenance of the property to be conveyed.
14. Prior to the approval of building permits the applicant, his heirs, successors and/or assignees shall demonstrate that a homeowners association has been established and that the common areas have been conveyed to the homeowners association.
15. Prior to approval of the final plat, the applicant, his heirs, successors and/or assignees shall have a detailed site plan approved by the Planning Board in accordance with Part 3, Division 9, of the Zoning Ordinance. The detailed site plan shall be consistent with the following items:
- a. The revised location of the proposed stormwater management facility including the construction, landscaping, access road, and fencing, if deemed appropriate, and to ensure pleasing views from the abutting residential lots, the Fort Foote Historic Site, and potential views from Fort Foote Road.
 - b. Appropriate buffering of the abutting Fort Foote Historic Site in accordance with the *Landscape Manual*, to include recommendations for plant materials.
 - c. Elevations and architecture of the proposed dwellings to ensure compatibility with the surrounding community and the abutting Fort Foote Historic Site

STAFF RECOMMENDS APPROVAL OF TYPE I TREE CONSERVATION PLAN TCPI/029/07.