The Maryland-National Capital Park and Planning Commission
Prince George's County Planning Department
Development Review Division
301-952-3530

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

Preliminary Plan 4-09042

Application	**General Data**	
Project Name: Smith Lake Estates	Planning Board Hearing Date:	02/03/11
	Staff Report Date:	01/27/11
Location: Southeast of the intersection of Commo Road and Frank Tippett Road, northwest of Robert S. Crain Highway (US 301).	Date Accepted:	09/09/10
	Planning Board Action Limit:	02/11/11
	Plan Acreage:	21.0485
	Zone:	R-R
Applicant/Address: Daniel H. and F. Douglas Smith c/o The Michael Companies 4930 Parliament Place, Suite A Lanham, MD 20706	Gross Floor Area:	N/A
	Lots:	6
	Parcels:	3
	Planning Area:	82A
Property Owner: Daniel H. and F. Douglas Smith c/o The Michael Companies 4930 Parliament Place, Suite A Lanham, MD 20706	Tier:	Developing
	Council District:	09
	Election District	11
	Municipality:	N/A
	200-Scale Base Map:	214SE09

Purpose of Application	**Notice Dates**	
Residential development of six single-family dwellings, three parcels, and one outparcel.	Informational Mailing	11/20/09
	Acceptance Mailing:	09/07/10
	Sign Posting Deadline:	01/04/11

Staff Recommendation			**Staff Reviewer:** Ray Dubicki **Phone Number:** 301-952-4384 **E-mail:** Raymond.Dubicki@ppd.mncppc.org
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 4-09042
Smith Lake Estates
Lots 7, 8, 9, 60, 61, and 62
Parcels A and D
Outlot A

OVERVIEW

The subject property is located on Tax Map 126 in Grid F-3 and is divided into two portions. The smaller portion, a 2.20-acre property known as Parcel 18, has not been the subject of a previous approved preliminary plan of subdivision. The majority of the property is currently known as Parcel 10 which is the subject of Preliminary Plan of Subdivision 4-05035 for the Smith Property, which was approved by the Planning Board (PGCPB Resolution No. 05-267) on January 5, 2006 for the development of 60 single-family detached lots and 5 homeowners association (HOA) parcels. Preliminary Plan of Subdivision 4-05035 remains valid until December 31, 2011, and has not yet gone to record plat.

Parcel 18 is located in the northeast corner of the Smith Property. This application proposes to add Parcel 18 to the development with several adjustments to internal roads, approved lot boundaries, and approved parcel boundaries. Only those portions of the Smith Property that are being changed are part of this subdivision. The entire project is zoned Rural Residential (R-R). The total property under consideration is 21.0485 acres. Parcel 18 is currently developed with a single-family dwelling that is to be razed.

As stated, the site has been the subject of previous preliminary plans of subdivision. The proposed modifications integrate the new property into the existing subdivision without making wholesale changes to the Smith Property. Upon the approval of Preliminary Plan of Subdivision 4-09042, it will supersede the validity of Preliminary Plan of Subdivision 4-05035 for Parcels A and D, as well as Lots 7, 8, and 9. Conditions of approval of Preliminary Plan of Subdivision 4-05035 (PGCPB Resolution No. 05-267) have been brought forward with this application as applicable.

Parcel 18 was the subject of Preliminary Plan 4-08065, then called The Pranger Property. This application was withdrawn on March 16, 2010 for the purpose of filing a water and sewer category change. The Prince George's County Council approved Council Resolution CR-52-2009 on September 29, 2009 amending the 2008 Water and Sewer Plan to move this property from Category 5 to Category 4.

The preliminary plan for the Smith Property was approved by the Planning Board with conditions of approval that required the applicant to provide private on-site recreational facilities to serve the residents. Subtitle 27 of the Zoning Ordinance requires a detailed site plan for private recreational facilities; however, a detailed site plan is not required for the entire subdivision. Subsequent to the

approval of the preliminary plan, the applicant filed Detailed Site Plan DSP-07002 for the construction of private recreational facilities on Parcel E (0.9717 acre). The DSP is pending. Prior to final plat, the applicant should receive approval of the DSP as amended. This application should be approved in accordance with the *Park and Recreation Facilities Guidelines.* The recreational facilities are required to be constructed prior to the issuance of the 25th building permit in Section 1. Based on available information, there have been no building permits issued and the recreational facilities have not yet been constructed.

Access to the site is via Frank Tippet Road, provided through the approved Smith Property subdivision. The site is immediately adjacent to Commo Road, which is a public road maintained by Prince George's County. No access is proposed via Commo Road. Outlot A is proposed for the east side of Road D. As approved in 4-05035, Road D is immediately adjacent to the property boundary and provides access to a public road for the neighboring parcel, Parcel 136 (not part of this application). Under the present application, Road D will move westward to provide adequate frontage to the new lots. The narrow parcel created by moving the road away from the property line is Outlot A 4521.5 square feet. Per conversations with the owner of Lot 136, access to a public road is necessary to support a contemplated subdivision on that property. Outlot A will be conveyed to the HOA, who will be able to convey Outlot A to the owner of Lot 136 in the future. Re-platting will be required for Outlot A at the time it is incorporated into a future neighboring subdivision.

Environmental features separate the proposed houses from Commo Road, including wetlands and the expanded stream buffer. These features are adjacent to Parcel D, and the applicant proposes to include them in that open space to create a continuous feature running the length of the total development. Some of the adjustments to Lots 7, 8, and 9 are proposed in order to move the new lots out of this open space parcel. Several specimen trees are proposed for removal, with the required variance findings addressed below.

SETTING

The property is located south of Commo Road at the northern terminus of Road D, a public street approved as part of the Smith Property subdivision (4-05035), which has not yet been dedicated to public use. This connects to the west side of Frank Tippet Road through an internal street network, approximately 800 feet south of its connection with Commo Road. The site is developed with several single-family residences, barns, and outbuildings which are proposed to be razed at the time of development. Most of the surrounding properties are zoned R-R and are developed with single-family residences. To the south and west is the approved Smith Property subdivision. To the east are two single-family dwellings. To the north, across Commo Road, is the Tippet Estates subdivision of single-family detached homes. Commo Road is a private road serving the Federal Law Enforcement Training Center to the west of this site.

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	R-R
Use(s)	Agriculture	Single-family dwellings

Acreage	22.05	22.05
Lots	3	6
Outlots	0	1
Parcels	2	2
Dwellings		
Detached	1 (to be razed)	6
Public Safety Mitigation Fee	Yes	Yes
Variance	No	Section 25-122(b)(1)(G)
Variation	No	No

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations this case was heard before the Subdivision Review Committee Meeting on October 1, 2010.

2. **Environmental**—This site was previously reviewed for the approval of Natural Resources Inventory (NRI/010/2005), Preliminary Plan 4-05035, and Type I Tree Conservation Plan TCPI/035/05. Preliminary Plan 4-05035 was approved for 59 lots and two parcels in the R-R Zone.

The approved Preliminary Plan (4-05035) and associated Type I Tree Conservation Plan (TCPI/035/05) contain 60.33 acres. The originally approved Natural Resources Inventory (NRI/010/2005) contained 60.31 acres, and the -01 revision approved on July 18, 2008 added 2.2 acres for the addition of Parcel 18, which was purchased after the original approval. The addition of Parcel 18 increased the total area of the subject property to 62.51 acres as shown on the approved NRI. The Type 1 tree conservation plan (TCP1) submitted with this application shows an area of 62.53 acres on the woodland conservation worksheet.

The current application is a preliminary plan of subdivision for the resubdivision of previously approved lots (Lots 7, 8, and 9) and parcels (Parcels A and D) to create three single-family lots; and for the subdivision of Parcel 18 for the creation of three additional single-family lots.

Site Description
There are streams, wetlands, and 100-year floodplain on the property. The site drains into Piscataway Creek in the Potomac River watershed. According to the *Approved Countywide Green Infrastructure Plan,* the site contains areas within the network designated as regulated areas, evaluations areas, and gap areas. According to the *Prince George's County Soil Survey,* the principal soils on this site are in the Aura, Beltsville, Bibb, Croom, Galestown, Ochlockonee, Rumford, and Sassafras series. Marlboro clay does not occur in this area. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program publication titled "Ecologically Significant Areas in Anne Arundel and Prince George's Counties," December 1997, rare, threatened, or endangered species do not occur in the vicinity of this property. No designated scenic or historic roads will be affected by the proposed development. There are no nearby sources of traffic-generated noise. The proposal is not expected to be a noise generator. This property is located in the Developing Tier as reflected in the *Prince George's County Approved General Plan.*

Master Plan Conformance
The 2009 *Approved Subregion 6 Master Plan and Sectional Map Amendment* contains the following policies, guidance, and strategies (in part) with regard to the long-term view of

sustainability for this portion of the county in the Environment Section:

> **Subregion 6 contains environmental assets of county, state, and even national importance…protecting and enhancing the ecological integrity of the subregion depends upon smart transportation and land use development choices both in and around the study area, as well as individual decisions on energy and water consumption, waste disposal, etc.**
>
> **The term green infrastructure is used to encompass the interconnected system of public and private lands containing significant areas of woodlands, wetlands, wildlife habitat, and other sensitive areas that provide valuable ecological functions to current and future generations. Maintaining the longevity of the assets within this environmental infrastructure requires minimal intrusions from land development, light, and noise pollution, as well as an overall orientation to creating a sustainable subregion.**
>
> **The following sustainability goals relate to restoring the integrity of environmental infrastructure in Subregion 6:**
>
> - **Protect and restore the quality of air, water, and land to preserve biodiversity and environmental health while providing a natural resource base for current and future generations.**
>
> - **In order to mitigate land use-related impacts of climate change and development to ecological functions, implement a watershed-level approach to preserving and restoring the natural environment.**

The master plan further identified Piscataway Creek as a primary corridor, and provides the following strategy:

> **2. Protect primary corridors (Patuxent River, Charles Branch, Collington Branch, Piscataway Creek, Mattawoman Creek, and Swanson Creek) during the review of land development proposals to ensure the highest level of preservation and restoration possible, with limited impacts for essential development elements. Protect specific environmentally-related guidelines pertaining to the subject site.**

The development proposal is in conformance with the Subregion 6 Master Plan by preserving the significant environmental features that exist on-site.

Conformance with the Green Infrastructure Plan

The green infrastructure network, identified in the *Approved Countywide Green Infrastructure Plan,* is a comprehensive framework for conserving significant environmental ecosystems in Prince George's County. The network is divided into three categories: countywide significant regulated areas, evaluation areas, and network gaps. One of the strategies for implementation of the Green Infrastructure Plan states that the network boundaries should be refined during the master plan process to reflect areas of local significance and consider additional opportunities for connectivity and resource protection.

The overall property contains regulated features of countywide significance identified within the designated network of the Countywide Green Infrastructure Plan and regulated features of local

significance located within the primary management area (PMA). The current application provides the opportunity for refinement of the green infrastructure network at the subwatershed level. In addition, the site is located within the Piscataway watershed which is designated as a special conservation area in the Countywide Green Infrastructure Plan. Preservation of resources within this corridor is critical to the long-term viability and preservation of the overall green infrastructure network and is critical to preserving the subregion's water quality.

The development proposal is in conformance with the Countywide Green Infrastructure Plan by preserving the significant environmental features that exist on-site.

Environmental Review

A signed Natural Resources Inventory, NRI/010/05, was submitted with the original review package. The -01 revision to the NRI, signed on July 18, 2008, was for the addition of Parcel 18, which increased the gross tract by 2.20 acres. The NRI indicates that there are streams, wetlands, and 100-year floodplain on the portion of the property that is the subject of the current application.

The subject property, with the exception of Parcel 18, has a previously approved preliminary plan, making that portion of the property not included in this application grandfathered with regard to the environmental regulations that took effect on September 1, 2010. The area that is the subject of the current application includes Parcel 18 and portions of the previously approved preliminary plan. The area of the current application is not grandfathered with respect to the new requirements of Subtitle 24 of the County Code with regard to stream buffer widths and labeling of regulated environmental features.

A revised NRI was submitted and stamped as received by the Environmental Planning Section on December 10, 2010. This will be the -02 revision to the NRI when signed. The plans show the correct stream buffer widths for the area of the current application, and the buffers have been correctly expanded to include all elements of the PMA. The preliminary and TCP plans submitted show the NRI information correctly with respect to the new requirements of Subtitle 24 with regard to stream buffer widths and labeling of regulated environmental features. However, the revised NRI has not received signature approval. A revised NRI should be approved with appropriate corrections prior to signature approval of this preliminary plan.

The property is subject to the Woodland and Wildlife Habitat Conservation Ordinance because the majority of the properties that are part of the subject application have a previously approved Tree Conservation Plan (TCPI/035/05).

The land area that is within the previously approved subdivision, that is not part of the subject application, retains grandfathering with regard to woodland conservation design elements, such as the sizes of woodland conservation areas and the removal of specimen trees. The land area that is within the limits of the current application is not grandfathered and as such must meet the design criteria of the current regulations contained in Subtitle 25, Division 2 of the County Code. In addition, a variance request is required if specimen trees within the area of the current application are proposed to be removed.

A revised Type 1 tree conservation plan was submitted, and stamped as received by the Environmental Planning Section on December 10, 2010. The new legislation changed the numbering convention of TCPs; the number assigned to the current application is TCP1-035-05/01. The plans must be revised to add the TCP number to the approval blocks on all sheets.

The woodland conservation worksheet shows a gross tract area of 62.53 acres with 2.38 acres of floodplain and a net tract area of 60.15 acres. The plan proposes clearing 11.28 acres of the existing 20.12 acres of woodland. The plan does not use all of the standard symbols and line types as required per the approved Environmental Technical Manual. The plans must be revised to use the standard symbols and line types required per the approved Environmental Technical Manual within the area of the current application. The 50-foot 100-year floodplain buffer should be removed from the overall plan and legend. The required 25-foot floodplain building restriction line must be placed on the plan within the area of the current application. The correct symbol should be added to the legend. The correct wetland symbol should also be used on the plan within the area of the current application and placed in the legend. The steep slopes do not need to be shown on the TCP. Remove the steep slopes from the overall plan and legend. The legend must be revised to replace the wording "Existing" streams with "Regulated" streams. The correct symbol for specimen trees must be used within the area of the current application and added to the legend. The plan shows a different numbering for the specimen trees located within Parcel 18 than that shown on the pending NRI. The numbering for the specimen trees located within Parcel 18 must be revised to match the numbering for the specimen trees shown on the approved NRI.

The woodland conservation requirement for TCP1-035-05/01 is 12.03 acres (20 percent of the net tract area) plus additional acres due to clearing, for a total woodland conservation requirement of 17.75 acres. The TCP1 proposes to meet the requirement with 6.55 acres of on-site preservation, 10.22 acres of reforestation, and 0.98 acre of off-site mitigation. The woodland preservation proposed on Lot 62 of the current application must be removed. Woodland conservation on lots less than one acre is prohibited under Division 2 of Subtitle 25, Section 25-122(b)(F), which states "Woodland conservation shall not be placed on lots one (1) acre or less in size." This area should not be included in the total woodland preservation area reported on the worksheet. The area does not need to be calculated as cleared, but should be labeled as "Woodland preserved—not credited." The correct symbol must be used to designate the area and must also be added to the legend. The same symbol should be used for all woodland preserved—not credited areas. Woodland preserved—not credited areas within the floodplain do not need to be shown with a different symbol than those areas outside of the floodplain. Refer to the approved Environmental Technical Manual for the correct symbols and line types. The woodland conservation worksheet should be revised to reflect the reduction in area for the removal of the woodland preservation on Lot 62 and demonstrate how the woodland conservation requirement will otherwise be met.

To meet the woodland conservation requirements, a hierarchy of priorities has been established in Division 2 of Subtitle 25, in Section 25-121(b). This site contains priority areas for preservation within the PMA. The 6.55 acres of on-site preservation proposed includes portions of the woodland preservation areas that were previously approved on TCPI/035/05. The preservation areas proposed for the current application are located within or adjacent to the PMA, which is a high priority for preservation.

A specimen tree table showing the specimen trees located on the overall site has been placed on the TCP1 plan. The table should be revised to use the correct numbering for the specimen trees located within Parcel 18 to match the specimen tree table shown on the pending NRI. The specimen tree table must be revised to replace the word "status" with "Disposition," and to include the disposition of the individual trees identified based on the approval of the variance for removal. A note should be placed under the specimen tree table denoting the outcome of the variance request.

Prior to signature approval of the preliminary plan, the TCP1 should be corrected and a revised copy submitted. Appropriate notes are recommended for the final plat.

The site contains an area of PMA that is required to be preserved to the fullest extent possible (Section 24-130 of the Subdivision Regulations). The TCP1 shows no disturbance to the delineated PMA. This complete preservation results in the PMA being preserved to the fullest extent possible.

The subject property must demonstrate compliance with the tree canopy coverage (TCC) requirements of Division 3 of Subtitle 25. The requirement in the R-R Zone is 15 percent of the gross tract area. Prior to the issuance of permits, the Smith Property should demonstrate compliance with Subtitle 25, Division 3, Tree Canopy Coverage Ordinance, by the addition of a tree canopy coverage schedule to the landscape plan.

According to the *Prince George's County Soil Survey,* the principal soils on this site are in the Aura, Beltsville, Bibb, Croom, Galestown, Ochlockonee, Rumford, and Sassafras series. Aura and Croom soils are only problematic when associated with extensive areas of steep slopes; however, there are only limited areas where this occurs on the property. Beltsville soils are highly erodible and may have areas with perched water tables and impeded drainage. Bibb soils are associated with floodplains. Galestown, Ochlockonee, Rumford, and Sassafras soils pose no special problems for development.

3. **Variance for the Removal of Specimen Trees—**A variance to Section 25-122(b)(1)(G) of the Woodland and Wildlife Habitat Conservation Ordinance was requested for the removal of six specimen trees located on the subject property. The requested variance to Division 2 of Subtitle 25 is recommended for approval.

A total of 27 specimen trees were identified, located, and evaluated on the overall site. However, only nine of the 27 specimen trees are located within the area of the current application. Information on these trees is provided in a table on the TCP1. A variance request to Section 25-122(b)(1)(G) was received on September 9, 2010 requesting approval for the removal of six specimen trees located on the subject property, not subject to grandfathering.

Specimen trees are defined as trees having a diameter at breast height of 30 inches or more; trees having 75 percent or more of the diameter at breast height of the current champion or that species; or a particularly impressive or unusual example of a species due to its size, shape, age, or any other trait that epitomizes the character of the species. Staff evaluated whether they were located in a high-priority area for preservation. The trees were then reviewed for their existing condition. If the trees were located in a high-priority area for preservation and the condition quality was found to be poor or lower, the removal of the tree is supported. The table below summarizes the recommendations of staff using this methodology:

In summary, staff supports the removal of the six trees requested to be removed.

Tree(s) for which Variance for Removal is Requested (As numbered on pending NRI-010-05/02)	Comment	Staff Recommendation
Tree #21	Not within a high priority area for preservation, fair condition	Support variance for removal
Tree #22	Not within a high priority area for preservation, fair condition	Support variance for removal
Tree #23	Not within a high priority area for preservation, good condition	Support variance for removal
Tree #24	Not within a high priority area for preservation, good condition	Support variance for removal
Tree #25	Not within a high priority area for preservation, good condition	Support variance for removal
Tree #26	Not within a high priority area for preservation, good condition	Support variance for removal
Tree #27	Not within a high priority area for preservation, good condition	Support variance for removal

Section 25-119(d) contains six required findings [text in bold below] to be made before a variance from the Woodland and Wildlife Habitat Conservation Ordinance can be granted. An evaluation of the variance request with respect to the required findings is provided below.

(A) Special conditions peculiar to the property have caused the unwarranted hardship;

Access to Commo Road from the property (Parcel 18) is restricted and is partially encumbered by a PMA, greatly reducing the developable area of the property. Based on the proposed lot reconfiguration and the development envelope, the trees present an obstacle to development on this portion of the subject site.

Trees 21, 22, 23, 24, 25, 26, and 27 are isolated specimens located outside of a PMA. Due to the special circumstances of their location, preservation of these trees in a developable portion of the site would represent an unwarranted hardship due to impacts on site grading.

(B) Enforcement of these rules will deprive the applicant of rights commonly enjoyed by others in similar areas;

If other properties encounter trees in similar conditions and in similar locations on a site, the same considerations would be provided during the review of the required variance application.

(C) Granting the variance will not confer on the applicant a special privilege that would be denied to other applicants;

If other properties encounter trees in similar conditions and in similar locations on a site, the same considerations would be provided during the review of the required variance application.

(D) The request is not based on conditions or circumstances which are the result of actions by the applicant;

The six specimen trees that are proposed to be removed are located outside of other regulated environmental features and are rather centrally located to the land area available for development. The removal of these specimen trees, also, does not impact the provision of a buffer of existing trees between the rear yard of the proposed lots and the nearby roadway. There is no other feasible development proposal which would allow the preservation of these trees; therefore, the request is not based on conditions which are the result of the applicant.

(E) The request does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; and

The request to remove the trees does not arise from any condition on a neighboring property.

(F) Granting of the variance will not adversely affect water quality.

Granting a variance to remove the specimen trees will not directly affect water quality because the specimen trees are not located within or adjacent to regulated environmental features and the reduction in tree cover due to specimen tree removal is minimal in comparison to the clearing of 6.58 acres (91 percent) of woodlands on the site. Specific requirements regarding stormwater management for the site will be further reviewed by the Department of Public Works and Transportation (DPW&T).

The required findings of Section 25-119(d) have been addressed for the removal of Trees 21, 22, 23, 24, 25, 26, and 27, and staff recommends approval of the variance to Section 25-122(b)(1)(G).

4. **Community Planning**—This application is located in the Developing Tier of the 2002 General Plan for Prince George's County. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial centers, and employment areas that are increasingly transit serviceable. This application is consistent with the General Plan Development Pattern policies for the Developing Tier because it creates three new lots within an approved low-density suburban community.

   The property is located in Planning Area 82A—Upper Marlboro and vicinity, and is a part of the 2009 Sectional Map Amendment (SMA) for the Subregion 6 Master Plan. The 2009 SMA retained this property in the R-R (Rural Residential) Zone. As an addition of three more single-family detached dwellings to an approved subdivision of single-family detached dwellings in the R-R Zone, this application conforms with the 2009 Subregion 6 Master Plan land use recommendations.

5. **Parks and Recreation**— The preliminary plan has been reviewed for conformance to the previously approved Preliminary Plan of Subdivision 4-05035, the 2009 Approved Subregion 6 Master Plan and Sectional Map Amendment, the Land Preservation and Recreational Program for Prince George's County, current subdivision regulations and existing conditions in the vicinity of the proposed development. In accordance with Section 24-134 of the Prince George's County Subdivision Regulations, staff recommends the provision of on-site recreational facilities.

   This preliminary plan is a re-subdivision of three unrecorded lots and two parcels into six lots (three new) that are a part of Smith Lake Estates (4-05035) subdivision. These three additional

lots will become a part of the same homeowner's association as the approved but un-platted Smith Lake Estates (4-05035). The Planning Board required (PGCPB No. 10-72) private on-site recreational facilities for the fulfillment of the mandatory dedication of parkland (24-135) for the 60 lot Smith Lakes Estates subdivision in the first section. Detailed Site Plan DSP-07002 has been filed but not yet approved for the construction of private on-site recreational facilities which were required as a part of the preliminary plan approval. At the time of submittal of DSP-07002 the subdivision consisted of 60 lots. If this preliminary plan is approved the total lots will be 63. DSP-07002 should be evaluated to ensure that the private recreational facilities proposed are sufficient to serve the entire development, and if not revised appropriately prior to approval.

6. **Trails**— This proposal has been reviewed for conformance with the *Countywide Master Plan of Transportation* (MPOT) and the *Subregion 6 Master Plan and Sectional Map Amendment* (area master plan).

The Planning Board requires that plats conform to Section 24-123 of the Subdivision Regulations. This section contains the requirements for transportation and circulation. In terms of bikeway and pedestrian facilities, land for bike trails and pedestrian circulation systems should be shown on the preliminary plan and, where dedicated or reserved, shown on the final plat when the trails are indicated on a master plan, the Countywide Trails Plan, or where the property abuts an existing or dedicated trail, unless the Planning Board finds that previously proposed trails are no longer warranted.

The MPOT recommends that bikeway be developed along Commo Road, which abuts the subject property. The area master plan recommends a trail along Piscataway Creek, which is located west of the subject site. It is recommended that Commo Road be signed with a bicycle warning sign to indicate the presence of bicycles on the Commo Road master-planned bikeway. Internal sidewalks are also recommended along the internal road that is proposed on the subject property.

The area master plan recommends that Frank Tippett Road be improved as a bikeway. Frank Tippet Road will be signed with a bicycle warning sign and improved with sidewalks via an approval condition of an adjacent Preliminary Plan, 4-05035.

The MPOT recommends that sidewalks be provided along the sides of all new roads within the Developed and Developing Tiers. The subject property is within the Developing Tier. Thus, sidewalks are recommended to be constructed along both sides of the internal roads of the proposed subdivision.

Based on the preceding analysis, adequate bicycle and pedestrian transportation facilities would exist to serve the proposed subdivision as required under Section 24-123 of the Subdivision Regulations if the application is approved with conditions regarding sidewalks and the installation of appropriate bike signage.

7. **Transportation**—The subject property consists of approximately 21.0485 acres of land in the R-R Zone. The property is located on the south side of Commo Road and on the west side of Frank Tippett Road. The applicant proposes a residential subdivision consisting of six lots.

Based on the "Guidelines for the Analysis of the Traffic Impact of Development Proposals," the six-lot, single-family development will generate 4 AM peak-hour trips and 5 PM peak-hour trips. The subject property is located within the Developing Tier as defined in the General Plan. Since three of the six lots are already counted as background, the net increase in traffic will be 2 A.M.

peak hour trips and 3 PM peak hour trips. As such, properties are generally evaluated according to the following standards:

Links and signalized intersections: Level-of-service (LOS) C, with signalized intersections operating at a critical lane volume (CLV) of 1,300 or better.

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

Pursuant to provisions in the guidelines, the Planning Board may find that traffic impact of small developments is de minimus. A de minimus development is defined as one that generates five trips or fewer in any peak period. This finding is made dependent on the completion of roads as approved in Preliminary Plan of Subdivision 4-05035.

There are no issues regarding on-site circulation of traffic. An easement exists on the Smith Property for the benefit of Parcel 18 and no other property. This access easement is extinguished by the theory of merger.

Based on the fact that the subject application is considered to be de minimus, the Transportation Planning Section concludes that adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Subdivision Regulations if the application is approved with conditions.

8. **Schools**—This preliminary plan of subdivision was reviewed for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and County Council Resolution CR-23-2003 and concluded the following:

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 4	Middle School Cluster 3	High School Cluster 2
Dwelling Units	6 DU	6 DU	6 DU
Pupil Yield Factor	.16	.13	.14
Subdivision Enrollment	1.0	.8	.8
Actual Enrollment	4,001	3,923	12,737
Total Enrollment	4,002	3,923.8	12,737.8
State Rated Capacity	4,144	4,983	13,026
Percent Capacity	96.5%	78.7%	97.8%

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

County Council Bill CB-31-2003 established a school facilities surcharge in the amounts of: $7,000 per dwelling if a building is located between the Capital Beltway (I-95/495) 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 (WMATA); or $12,000 per dwelling for all other buildings. County Council Bill CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts are $8,299 and $ 14,227 to be paid at the time of issuance of each building permit.

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

9. **Fire and Rescue**—This preliminary plan of subdivision was reviewed for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(C) and (E) of the Subdivision Regulations.

This preliminary plan is within the seven-minute required response time for the first due fire station using the *Seven Minute Travel Times and Fire Station Locations Map* provided by the Prince George's County Fire/EMS Department.

First Due Fire/EMS Company #	Fire/EMS Station	Address
40	Brandywine	14201 Brandywine Road

Pursuant to CR-69-2006, the Prince George's County Council and the County Executive temporarily suspended the provisions of Section 24-122.01(e)(1)(A) and (B) regarding sworn fire and rescue personnel staffing levels. The Fire/EMS Chief has reported that the Fire/EMS Department has adequate equipment to meet the standards stated in CB-56-2005.

Capital Improvement Program (CIP)
The Capital Improvement Program FY 2011–2016 programmed for replacing the existing station with a new four-bay fire/EMS station. The above findings are in conformance with the 2008 *Approved Public Safety Facilities Master Plan* and the "Guidelines for the Mitigation of Adequate Public Facilities: Public Safety Infrastructure."

10. **Police Facilities**—The subject property is located in Police District V, Clinton. The response time standard is ten 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 9, 2010.

Reporting Cycle	Previous 12 Month Cycle	Emergency Calls	Nonemergency Calls
Cycle 1	9/2009–8/2010	12 Minutes	10 Minutes
Cycle 2	10/2009–9/2010	12 Minutes	10 Minutes
Cycle 3	11/2009–10/2010	12 Minutes	9 Minutes

The response time standard of ten minutes for emergency calls was not met while 25 minutes for nonemergency calls was met on December 21, 2010.

The rolling 12-month average for response times in District V were provided for three monthly

cycles following the acceptance of the subject application. The response time standards of ten minutes for emergency calls and 25 minutes for nonemergency calls were not met by the third monthly cycle. Because the response time reports and the actual response times for both emergency and/or nonemergency calls do not exceed 20 percent above the required response times, the applicant may offer to mitigate. The applicant may enter into a mitigation plan with the county and file such plan with the Planning Board. The Planning Board may not approve the preliminary plan until a mitigation plan is submitted and accepted by the county.

In accordance with CR-78-2005, the applicant may offer to mitigate by paying a mitigation fee per dwelling unit, providing in-kind services or pooling resources. The applicant is proposing to pay the Public Safety Mitigation fee, as was also approved in 4-05035. The Mitigation Fee agreement will be completed prior to the Planning Board hearing.

Public Safety Mitigation Fee
The mitigation fee shall be $3,780 per unit since the test failed in Police District V. Beginning in FY 2007, the fee shall be adjusted by July 1 of each year by the percentage change in the Consumer Price Index for All Urban Consumers published by the United States Department of Labor from the previous fiscal year. The number was derived from the costs associated with building and equipping police stations to house the police officers that are necessary to help meet the response times associated with CB-56-2005. The public safety surcharge shall not be reduced by the payment of any public safety mitigation fee. The fee shall be paid at the time of issuance of a grading permit for the development.

In-kind Services
The applicant may mitigate by offering to provide equipment and or facilities that equal or exceed the cost of the public safety mitigation fee or offer a combination of in-kind services and supplemental payment of the public safety mitigation fee. Acceptance of in-kind services are at the discretion of the county based on the public safety infrastructure required to bring the subdivision in conformance with the standards mandated by CB-56-2005.

Pooling Resources
The applicant may pool together with other applicants to purchase equipment or build facilities that would equal or exceed the cost of paying the public safety mitigation fee. Acceptance of pooled resources to provide in-kind services are at the discretion of the county based on the public safety infrastructure required to bring the subdivision in conformance with the standards mandated by CB-56-2005.

11. **Health Department**—The Prince George's County Health Department, Environmental Engineering Program, has reviewed the preliminary plan of subdivision for Smith Lake Estates. Staff found septic tanks and existing structures that are proposed for removal and an abandoned shallow well. Conditions are recommended to attain proper permits and remove these structures. The plans indicate a "concrete well 12" diameter" at the stream edge on proposed "Open Space." The well's location could not be verified by the Health Department during the September 21, 2010 site investigation due to the dense vegetation. If this well is actually an abandoned well (deep or shallow) and not just a discarded well ring, then it must be backfilled and sealed in accordance with Code of Maryland Regulations (COMAR) 26.04.04 by a licensed well driller or witnessed by a representative from the Health Department as part of the raze permit.

12. **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, 42748-2004-01, has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. This is a revision of the stormwater plan approved for 4-05035. Development must be in accordance with this approved plan.

13. **Urban Design—**This preliminary plan of subdivision was reviewed for conformance with the 2010 *Prince George's County Landscape Manual* and the Zoning Ordinance regulations for the R-R Zone.

Conformance with the 2010 Prince George's County Landscape Manual
The property is subject to the following requirements of the 2010 *Prince's George's County Landscape Manual*: Section 4.1, Residential Requirements; and Section 4.9, Sustainable Landscaping Requirements. Compliance with these requirements will be determined at the time of permit review.

Conformance with the Requirements of the Zoning Ordinance, Section 27-428, Regulations for the R-R Zone
The proposed single-family lots are in general conformance with the regulations for the R-R Zone in terms of lot size, street pattern, and lotting pattern. The application's conformance with the regulations will be thoroughly reviewed at the time of permit review for the construction of single-family dwellings. However, General Note 6, which lists the acreage of the various lots and parcels, does not match the areas as labeled on Sheet 4, and should be corrected prior to signature approval.

The preliminary plan does not indicate what total land area is being used to calculate the proposed density of this development. It should also be clarified whether existing Parcels A and D are contributing to the proposed density calculations for this development or for the previously approved Smith Property subdivision, 4-05035.

While this needs to be clearly stated prior to signature approval, the bulk requirements of the Zoning Ordinance are met. The total property for the purposes of the NRI is 62.51 acres, which accommodates 135 single-family dwellings in the R-R Zone. Were Parcel 18 not included in this subdivision, the remaining 60.31-acre property would accommodate 130 dwellings. Also, as stated in the Environmental section, the applicant has met all requirements of Subtitle 25 including the expanded buffer and wetland preservation.

14. **Archeology—**The subject property comprises 55.38 acres and was previously reviewed as Preliminary Plan 4-05035. Condition 3 of that approval (PGCPB Resolution No. 05-267) dated January 5, 2006 states:

> **3. Prior to approval of the final plat the applicant shall submit a Phase I archeological investigation and a Phase II and Phase III investigation, as determined appropriate by Planning Department staff. If necessary, the final plat shall provide for the avoidance and preservation of the resources in place or shall include plat notes to provide for mitigating the adverse effect upon these resources. All investigations must be conducted by a qualified archaeologist and must follow The Standards and Guidelines for Archeological Investigations in Maryland (Schaffer and Cole: 1994) and must be presented in a report the same guidelines.**

A Phase I archeological survey was completed on the 55.38-acre Smith Lake Estates property in

February 2008. A draft report, Phase I Archeological Survey of the Smith Property, Cheltenham, Prince George's County, Maryland, Preliminary Plan Number 4-05035, was received by Historic Preservation staff and a review letter sent April 15, 2008. Five archeological sites were identified, 18PR927, 18PR928, 18PR929, 18PR930, and 18PR931. Site 18PR927 is an early 20th century domestic site located on the eastern side of the property. Site 18PR928 is a late 19th to 20th century domestic site located in the northeastern part of the property. Site 18PR929 is a prehistoric lithic scatter located in the east central portion of the property. Site 18PR930 is a multicomponent 19th century historic artifact scatter and prehistoric lithic scatter located to the north and slightly west of site 18PR928. Site 18PR931 is a Woodland Period (900 BC–1500 AD) lithic and ceramic concentration.

Site 18PR927 is not believed to contain information that could contribute to the understanding of historic lifeways in Prince George's County and, therefore, no further work was recommended. Site 18PR928 was not considered to have a high level of depositional integrity due to the razing and removal of the former Holland dwelling and the construction of a pond. No further work was recommended on site 18PR928. Site 18PR929 contained mixed deposits from a plow zone and exhibited a high degree of disturbance. Therefore, no further work was recommended on site 18PR929. Site 18PR930 also contained mixed deposits in a plow zone and no further work was recommended. Site 18PR931 contained a small amount of prehistoric material, with three small sherds of pottery, mixed in a plow zone context. Due to the lack of cultural features and the low density of artifacts, no further work was recommended on site 18PR931.

Four copies of the final Phase I archeology report were received and accepted by Historic Preservation staff on May 26, 2009. No further archeological investigations were requested on the Smith Property.

Staff concurs with the report's findings that, due to the lack of intact features or middens, no further archeological investigations are necessary on sites 18PR927, 18PR928, 18PR929, 18PR930, and 18PR931. However, the historical data collected on these sites could be used to develop interpretive signage that discusses the development of Cheltenham and its connection with the Boys' Village of Maryland. All artifacts and associated documentation should be deposited at the Maryland Archeological Conservation Lab in St. Leonard, Maryland.

15. **Water and Sewer Facilities—**Section 24-122.01(b)(1) of the Subdivision Regulations states that "the location of the property within the appropriate service area of the Ten-Year Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for preliminary or final plat approval."

The 2008 Water and Sewer Plan designates Parcels A and D and Outparcel A in water and sewer Category 3, inside the sewer envelope and within the Developing Tier. Parcel 18 is designated in water and sewer Category 4. Therefore, the site will be served by public water and sewer.

16. **Public Utility Easement (PUE)—**In accordance with Sections 24-122(a) and 24-128(b)(12) of the Subdivision Regulations, when utility easements are required by a public utility company, the subdivider should include the following statement in the dedication documents recorded on the final plat:

> "Utility easements are granted pursuant to the declaration recorded among the County Land Records in Liber 3703 at Folio 748."

The preliminary plan of subdivision correctly delineates a ten-foot PUE along the public rights-

of-way as requested by the utility companies.

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. Remove "Private Road" from Commo Road.

   b. Revise the plans to indicate the land area being used to calculate the proposed density, and provide gross and net tract area.

   c. Revise General Note 6 to list the correct lot and parcel acreages and two notes under Zoning Regulations.

   d. Revise Notes 2 and 3 under Zoning Regulations to match what is proposed on the preliminary plan.

   e. Label the street as "public to be dedicated to public use," and dimension the width.

   f. Label the lot width at the front building line on Lots 60 and 9.

   g. Identify the location of septic systems and abandoned wells on the property.

   h. Add a note stating that structures shall be razed and well(s) and septic systems properly abandoned before the release of a grading permit.

2. Prior to signature approval of the preliminary plan and the Type 1 tree conservation plan (TCP1), the revised natural resources inventory (NRI) shall be approved by the Environmental Planning Section. The boundary of the subject application shall be shown with a bold line and labeled "Area of NRI revision #02 for Preliminary Plan 4-09032."

3. Prior to signature approval of the preliminary plan, the preliminary plan and TCP1 shall correctly reflect the information on the revised and approved NRI.

4. Prior to signature approval of the preliminary plan, the TCP1 shall be revised as follows:

   a. Add the correct TCP number to the approval block on all sheets. The previous approval by staff for TCPI/035/05 must be typed in the approval blocks with the environmental reviewer's name and date of the approval.

   b. Remove the 50-foot 100-year floodplain buffer from the overall plan and legend.

   c. Add the required 25-foot floodplain building restriction line within the area of the current application per the approved Environmental Technical Manual. Add the correct symbol to the legend.

   d. Add the correct wetland symbol to the plan within the area of the current application and

add the symbol to the legend.

e. Remove the steep slopes from the overall plan and legend.

f. Revise the legend to replace the wording "Existing" streams with "Regulated" streams.

g. Use the correct symbol for specimen trees within the area of the current application and add the symbol to the legend.

h. Revise the numbering for the specimen trees located within Parcel 18 to match the numbering for the specimen trees shown on the pending NRI.

i. Remove the woodland preservation proposed on Lot 62 of the current application. This area shall not be included in the total woodland preservation area reported on the worksheet. The area shall be labeled as "Woodland preserved—not credited." Use the correct symbol to designate the area and add the symbol to the legend. The symbol for "Woodland preserved—not credited" shall be the same for all areas of woodland preserved not credited including areas inside and outside of the floodplain.

j. Revise the woodland conservation worksheet to reflect the reduction in area for the removal of the woodland preservation on Lot 62 and demonstrate how the woodland conservation requirement will otherwise be met.

k. Revise the specimen tree table to use the correct numbering for the specimen trees located within Parcel 18 to match the specimen tree table shown on the pending NRI. Replace the word "Status" in the table with "Disposition" and include the disposition of the individual trees identified based on the approval of the variance for removal.

l. Place a note under the table denoting the outcome of the variance request.

m. Have the revised plan signed and dated by qualified professional who prepared them.

5. Development of this subdivision shall be in compliance with an approved Type 1 Tree Conservation Plan, TCP1-011-10. The following note shall be placed on the final plat of subdivision:

> "This development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan (TCP1-011-10 or most recent revision), or as modified by the Type 2 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 and Wildlife Habitat 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."

6. Prior to the issuance of permits, the Smith Property shall demonstrate compliance with Subtitle 25, Division 3, Tree Canopy Coverage Ordinance, by the addition of a tree canopy coverage schedule to the landscape plan.

7. At time of final plat, a conservation easement shall be described by bearings and distances. The

conservation easement shall contain the delineated primary management area (PMA), except for approved impacts, and shall be reviewed by the Environmental Planning Section prior to approval of the final plat. The following note shall be placed on the plat:

> "Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed."

8. The applicant and the applicant's heirs, successors, and/or assignees shall provide a standard sidewalk along both sides of all internal roads unless modified by the Department of Public Works and Transportation (DPW&T).

9. The applicant and the applicant's heirs, successors, and/or assignees shall provide a financial contribution of $210 to DPW&T for the placement of a "Share the Road with a Bike" warning sign along Commo Road. A note shall be placed on the final record plat for payment to be received prior to the issuance of the first building permit. If road frontage improvements are required by DPW&T, a paved asphalt shoulder or wide outside curb lane is also encouraged to implement the master-planned bikeway and safely accommodate bicycle traffic.

10. Prior to approval of a grading permit, any abandoned septic tanks associated with the existing houses at 10605 and 10609 Frank Tippett Road shall be pumped out by a licensed scavenger and either removed or backfilled in place as part of the grading permit.

11. Prior to approval of a grading permit, any hazardous materials located in any structures on-site must be removed and properly stored or discarded prior to the structures being razed.

12. Prior to approval of a grading permit, all abandoned wells located on the site shall be backfilled and sealed in accordance with Code of Maryland Regulations (COMAR) 26.04.04 by a licensed well driller or witnessed by a representative from the Prince George's County Health Department as part of the raze permit.

13. Prior to signature approval of this preliminary plan, the curated artifact collection and associated documentation shall be deposited at the Maryland Archeological Conservation Lab in St. Leonard, Maryland.

14. Prior to the approval of grading permits or any ground disturbance, the applicant and the applicant's heirs, successors, and/or assignees shall obtain Historic Preservation Commission or Historic Preservation staff approval for an interpretive sign, its location, design, and trigger for installation.

15. Prior to the approval of the final plat, the public street extension of Roads A and D in Preliminary Plan 4-05035 (PGCPB Resolution No. 05-267) shall be dedicated to public use to provided frontage on and direct access to the public street system for the six lots which are the subject of this application.

16. Prior to the issuance of a grading permit for the development, a public safety mitigation fee shall be paid in the amount of $22,680 ($3,780 x 6 dwelling units). Notwithstanding the number of dwelling units and the total fee payments noted in this condition, the final number of dwelling units shall be as approved by the Planning Board and the total fee payment shall be determined by multiplying the total dwelling unit number by the per unit factor noted above. The per unit factor

of $3,780 is subject to adjustment on an annual basis in accordance with the percentage change in the Consumer Price Index for All Urban Consumers. The actual fee to be paid will depend upon the year the grading permit is issued.

17. Approval of this preliminary plan shall supersede Preliminary Plan 4-05035 (PGCPB Resolution No. 05-267) for the development of the property that is the subject of this application.

18. Prior to the approval of building permits, the applicant and the applicant's heirs, successors, and/or assignees shall convey to the homeowners association (HOA) 14.97 ± acres of open space land (Parcels A and D). 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 the unrecorded, special warranty deed for the property to be conveyed shall be submitted to the Maryland-National Capital Park and Planning Commission (M-NCPPC), Prince George's County Planning Department, Subdivision Review 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 HOA shall be in accordance with an approved plan or shall require the written consent of DRD. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement, and stormdrain outfalls. If such proposals are approved, a written agreement and financial guarantee shall be required to warrant restoration, repair, or improvements required by the approval process.

    f. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to a HOA. 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 HOA 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.

    i. Further subdivision of this land is strictly controlled.

19. Prior to the approval of building permits, the applicant and the applicant's heirs, successors, and/or assignees shall demonstrate that a HOA has been established and that the common areas have been conveyed to the HOA.

20. Development of this site shall be in conformance with Stormwater Management Concept Plan 23-2008-00 and any subsequent revisions.

21. At the time of final plat, the applicant shall dedicate a minimum ten-foot public utility easement along the public rights-of-way.

22. Prior to the approval of building permits, a limited detailed site plan shall be approved by the Planning Board or its designee for the construction of private on-site recreational facilities. The DSP shall establish appropriate bonding amounts and triggers for the construction of the facilities. The facilities shall be provided in accordance with the *Park and Recreation Facilities Guidelines*.

23. The applicant, his heirs, successors and/or assignees shall submit three original recreational facilities agreements (RFAs) to DRD for construction of recreational facilities on homeowners land for approval prior to the submission of final plats. Upon approval by DRD, the RFA shall be recorded among the County Land Records.

24. The applicant, his heirs, successors and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for the construction of recreational facilities on homeowners land, prior to the issuance of building permits.

STAFF RECOMMENDS APPROVAL WITH CONDITIONS OF TYPE 1 TREE CONSERVATION PLAN TCP1-035-05/01 AND A VARIANCE TO SECTION 24-122(b)(1)(G).