

C O R R E C T E D R E S O L U T I O N

WHEREAS, Accokeek Brandywine Investment is the owner of a 191.50-acre parcel of land known as Parcels 63, 131, 132, 150 and 169, *and Parcel 284 being located on Tax Map 144 and Grid F-3, said property being in the 11th Election District of Prince George's County, Maryland, and being zoned R-R; and

WHEREAS, on April 20, 2004, Accokeek Brandywine Investment filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 258 lots and 7 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-04072 for Lakeview at Brandywine, was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on June 24, 2004, for its review and action in accordance with Article 28, Section 7-116, Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

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

WHEREAS, on June 24, 2004, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED the Type I Tree Conservation Plan (TCPI/64/03), and further APPROVED Preliminary Plan of Subdivision 4-04072, for Lots 1-258, Block A; Parcels A-D, Block B; Block B, Parcel A, Block E; Parcel A, Block F with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision the plan shall be revised as follows:
 - a. To provide the stormwater management concept approval number and approval date.
 - b. To provide the square footage of the open space parcels within the public rights-of-way of Roads I, J and K. The preliminary plan should indicate that the rights-of-way are to be conveyed to DPW&T with an easement granted back to the HOA for maintenance purposes.
 - c. To label the 40-foot scenic easement outside the 10-foot PUE.
 - d. To revise General Note 11 to indicate that the historic easement is 40 feet wide next to the 10-foot PUE.

*Denotes correction

[Brackets] denotes deletion

Underlining denotes addition

- e. To provide square footage of open space easement areas within the right-of-way to be conveyed to the HOA for maintenance, and provide a note to this effect.
2. Prior to signature approval of the final plat of subdivision the applicant shall provide evidence from the Department of Public Works and Transportation (DPW&T) of the approval of the revised layout, specifically, that all proposed public streets conform to the minimum 300-foot centerline radii requirement, or as modified by DPW&T.
3. Prior to the issuance of permits or at the time of DSP, whichever comes first, a Type II tree conservation plan shall be approved.
4. Prior to the approval of building permits the Planning Board or its designee shall approve a limited detailed site plans for the following:
 - a. Amount and siting of recreational facilities for conformance to the *Parks and Recreation Facilities Guidelines*.
 - b. Planting plans for all common open space areas and the 40-foot scenic easement along Accokeek Road, which may include the provision of ornamental fencing and entrance features (to include the easement areas within Road I, J and K).
 - c. Ensure no adverse visual impacts to the character of the J.E. Hunt residence, Historic Site 85A-17, which is located across Accokeek Road to the northeast.
5. Prior to final plat approval, a limited detailed site plan shall be approved by the Planning Board or its designee to address noise mitigation along MD 5 and US 301.
6. Prior to 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.
7. The applicant, his heirs, successors and/or assignees shall submit three original recreational facilities agreements (RFA) to DRD for approval prior to the submission of final plats for construction of recreational facilities on homeowners land. Upon approval by the DRD, the RFA shall be recorded among the County Land Records.
8. The applicant, his heirs, successors and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee prior to building permits for the construction of recreational facilities on homeowners land.
9. At the time of final plat, the applicant, his heirs, successors and/or assignees shall convey to the homeowners association (HOA) 40.4± acres of open space land as delineated on the preliminary plan of subdivision. 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, discarded plant materials, refuse or similar waste matter.
 - e. Any disturbance of land to be conveyed to a homeowners association shall be in accordance with an approved limited detailed site plan or shall require the written consent of DRD. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement, and stormdrain outfalls. If such proposals are approved, a written agreement and financial guarantee shall be required to warrant restoration, repair or improvements, required by the approval process.
 - f. Permanent 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.
10. The applicant, and the applicant's heirs, successors, and/or assignees shall provide the installation of two "Share the Road with a Bike" signs in accordance with state requirements and per SHA concurrence. The developer shall purchase the signs from the state and install them in accordance with the state's *Manual on Uniform Traffic Control Devices* dealing with the section on bicycle facilities. A note shall be placed on the final plat that installation will take place prior to the issuance of the first building permit.
 11. The applicant, his heirs, successors and/or assignees shall provide a wide asphalt shoulder along the subject property's entire frontage of MD 373, unless modified by SHA at the time of street construction permits.
 12. The applicant, his heirs, successors and/or assignees shall provide standard sidewalks along one side of all internal roads, unless modified by DPW&T, at the time of street construction permits.
 13. The applicant and/or the applicant's heirs, successors, or assigns shall contribute toward and participate in the construction of certain additional off-site transportation improvements as identified hereinafter. These improvements shall be funded and constructed through the Brandywine Road Club, which includes the applicant, the Montgomery Wards Brandywine

Distribution Center, the Brandywine Commerce Center, the Mattawoman-Brandywine Commerce Center, the Brandywine Business Park, the Brandywine/301 Industrial Park, the Hampton CDZ, and other property owners in the area designated as Employment Area "C" in the Subregion V master plan, as well as any properties along US 301/MD 5 between T.B. (the intersection of US 301 and MD 5 in Prince George's County) and Mattawoman Creek, and any other properties for which participation is deemed necessary by the Planning Board. For development on the R-M portion of the subject property, the applicant's sole funding responsibility toward the construction of these off-site transportation improvements shall be the payment of the following:

- For each single-family detached unit, a fee calculated as $\$1,080 \times (\text{Engineering News-Record Highway Construction Cost index at time of payment}) / (\text{Engineering News-Record Highway Construction Cost Index for first quarter, 1993})$;

Payment is to be made in trust to the road club escrow agent and shall be due, on a pro rata basis, at the time of issuance of building permits. Prior to issuance of any building permit(s), the applicant shall provide written evidence to M-NCPPC that the required payment has been made.

The off-site transportation improvements to be constructed are set forth below. Construction of these improvements shall occur in the numerical sequence in which they appear. Each improvement shall be constructed if and only if sufficient funds for engineering, full design, and construction have been deposited into the road club escrow account by road club members or said funds have been provided by public agencies. The off-site transportation improvements shall include:

- a. Widen US 301/MD 5 from a four-lane road to a six-lane road beginning at Timothy Branch (north of Cedarville Road) and extending northerly to the US 301/MD 5 interchange (at T.B.). The construction shall be in accordance with presently approved SHA plans.
- b. Install a traffic signal at the A-63/Cedarville Road intersection, provided said signal is deemed warranted by DPW&T.
- c. Make minor widening/striping improvements to the US 301/MD 5 interchange ramps.
- d. Widen US 301 from a four-lane road to a six-lane road beginning at the T.B. interchange (US 301/MD 5) and extending northerly to a point approximately 2,500 feet north of MD 381.
- e. Reconstruct the traffic signal at US 301/MD 381.
- f. Install a traffic signal at the MD 381/A-63 intersection, provided said signal is deemed warranted by DPW&T and SHA.
- g. Provide a grade separation at the point the spine road crosses US 301 northeast of T.B.
- h. Reconstruct the traffic signal at MD 5/Brandywine Road.

- i. Construction of an interchange in the area of US 301/MD 5 and Cedarville/McKendree Roads.
 - j. Construction of an interchange in the area of MD 5 and A-63 north of T.B.
 - k. Construction of A-63 as a six-lane arterial roadway (where off-site) between the US 301/MD 5/Cedarville Rd./McKendree Rd. intersection and MD 5 north of T.B.
 - l. Widen US 301/MD 5 from a six-lane road to an eight-lane road beginning at the T.B. interchange (US 301/MD 5) and extending southerly to Mattawoman Creek.
 - m. Widen MD 5 from a four-lane road to a six-lane road beginning at the T.B. interchange (US 301/MD 5) and extending northerly to a point approximately 2,500 feet north of the planned intersection with A-63.
14. Prior to the issuance of any building permits within the subject property, the following road improvements shall have full financial assurances, have been permitted for construction, and have an agreed-upon timetable for construction with SHA and/or DPW&T:
- a. MD 5/MD 373:
 - (1) Widen eastbound MD 373 to result in dual left-turn lanes, a single through lane, and a single right-turn lane.
 - (2) Widen westbound MD 373 to result in a shared through/right-turn lane and a shared through left-turn lane.
 - b. MD 5/Brandywine Road
 - (1) Widen/reconfigure eastbound Brandywine Road to result in a shared through/left-turn lane and a single right-turn lane.
 - (2) Widen/reconfigure westbound Brandywine Road to result in a shared through/left-turn lane and a single right-turn lane.

These improvements shall be designed to the applicable agency's standards, and include any needed signal, signage, and pavement marking modifications.

15. The applicant, his heirs, successors, and/or assigns shall reserve the portion of the subject property along the eastern and southern property lines, as shown on the submitted plan and consistent with the delineation provided by SHA, as right-of-way for the proposed relocation of US 301 as the F-10 facility and the future F-9/F-10 interchange, as recommended in the Subregion V master plan, per the requirements of Sections 24-139, 24-140, and 24-141 of the Subdivision Regulations. This reservation shall be subject to the following requirements:
- a. The reservation period shall continue for three years and commence with the recordation of a reservation plat recorded with the final plat of subdivision. The reservation area

shall also be shown on the final plat. The reservation plat shall comply with all requirements for recording plats among the land records of Prince George's County.

- b. At the end of the reservation period, if the reservation has not been renewed or if the land reserved has not been acquired for public use and proceedings for acquisition have not been initiated, the reservation shall expire. Prior to the expiration of the three-year reservation period and with the written consent of all landowners, the Planning Board may renew the reservation for additional periods of time (not less than one year).
 - c. During the reservation period, no building or structure, other than validly approved utilities, roads and public infrastructure, shall be erected upon the reserved land unless otherwise approved by the Planning Board. No trees, topsoil, or cover shall be removed or destroyed, no grading shall be done, and no drainage structures shall be built so as to discharge water upon the reserved land except as provided in Section 24-140(d) of the Subdivision Regulations.
 - d. All reserved land shall be maintained by the owner as required by county law. The Planning Board shall be notified immediately upon the sale of any land so reserved.
 - e. If, prior to the expiration of the reservation period, the Planning Board determines that the reservation no longer appears necessary, the Planning Board may cancel the reservation with the written consent of the owner.
16. At the time of final plat approval, the applicant shall dedicate right-of-way along MD 373 of 40 feet from centerline, as shown on the preliminary plan.

*17. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the expanded stream buffer and all wetlands and their associated buffers. The easement shall be reviewed by the Environmental Planning Section prior to certificate approval. In addition, the following note shall be placed on the plat:

"Conservation easements described on this plat are areas where the installation of structures 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 permitted."

18. 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/64/03), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation/Tree Preservation Policy."

*Denotes correction

[Brackets] denotes deletion

Underlining denotes addition

- *19. The 40 foot-wide landscape buffer adjacent to Accokeek Road shall be shown on the final plats as a scenic easement and the following note shall be placed on the plats:

"Scenic easements described on this plat are areas where the installation of structures 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 permitted."

20. A groundwater study that contains a map of groundwater elevations on the site shall be included as part of the building permit submittal.

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

1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.
2. The property is located in the northwest quadrant of the intersection of Branch Avenue (US 5) and southbound US 301, in Brandywine.
3. **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)	Vacant	Residential
Acreage	191.51	191.51
Lots	0	258
Parcels	5	7
Dwelling Units:		
Detached	0	258

4. **Environmental**—The forest stand delineation (FSD) was submitted with this application and has been reviewed. The FSD is based on 19 sample areas and identifies two forest stands totaling 185.91 acres and one specimen tree. The plan clearly shows soils boundaries that conform to the *Prince George's County Soils Survey*. The soils chart indicating the erodibility and hydric characteristics of each soil type is correct. The FSD meets the requirements of the Woodland Conservation Ordinance.

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This site is subject to the provisions of the Woodland Conservation Ordinance because the entire site is more than 40,000 square feet in area and contains more than 10,000 square feet of woodland. The Type I Tree Conservation Plan, TCPI/64/03, has been reviewed. The plan includes two different development scenarios at the request of staff. One reflects the proposed new freeway (F-10 Waldorf bypass) and a new interchange with MD 5 (F-9) across the southern part of this property and the other scenario does not.

If the land for the Waldorf by-pass is not deducted, the total site is 191.15 acres and contains 185.91 acres of woodland. This scenario proposes clearing 165.91 acres of woodland and has correctly calculated the woodland conservation requirement as 93.51 acres. The plan proposes 32.87 acres of on-site preservation, 5.43 acres of on-site reforestation, and 55.21 acres of off-site conservation. The design provides the threshold of 38.30 acres of woodland on-site, provides preservation of significant environmental features, and avoids forest fragmentation.

If the land for the Waldorf by-pass is deducted, the total site is 132.77± acres and contains 130.62 acres of woodland. This scenario proposes clearing 119.49 acres of woodland and has correctly calculated the woodland conservation requirement as 67.99 acres. The plan proposes 21.65 acres of on-site preservation, 4.90 acres of on-site reforestation and 41.44 acres of off-site conservation. The design provides the threshold of 26.55 acres of woodland on-site, provides preservation of significant environmental features, and avoids forest fragmentation. If the by-pass is constructed, all woodland removed will have to be replaced on an equal-area basis.

Branch Avenue is an existing source of traffic-generated noise. Proposed roads shown in the Subregion V master plan may be future sources of traffic-generated noise. The noise model used by the Environmental Planning Section predicts that the 65 dBA (Ldn) noise contour is 397 feet from the centerline of Branch Avenue.

A Phase I noise study was submitted with the application. The noise study shows 20 locations where sound measurements were taken and the predicted noise level without mitigation and the predicted noise level with the mitigation measures proposed by the study. The mitigation proposed is the construction of sound barriers within a homeowners' open space parcel adjacent to the US 301 and MD 5 rights-of-way. These include: (1) a 1,580-foot length of barrier ranging from 4 to 14 feet in height (averaging 11.5 feet) along MD 5, (2) a 720-foot length of barrier ranging from 2 to 12 feet in height (averaging 9 feet) along US 301, and (3) a 300-foot length of barrier 4 feet high at the top of the US 301 embankment just west of MD 5.

Even with these measures, rear yard areas on many lots close to the highways will be impacted by noise exceeding 65 dBA (Ldn). Prior to final plat, a limited detailed site plan should be approved to address traffic-generated noise and its impact on each lot. If the applicant is unable to provide 40-foot usable rear yard areas outside the 65dBA, the lot should be deleted and the area of the lot incorporated into abutting lots. A Phase II noise study should be submitted with this detailed site plan submission. Lots that do not provide a minimum 40-foot useable rear yard area with noise levels less than 65 dBA (Ldn) should be eliminated. This recommendation would include lots impacted if the Waldorf bypass is acquired for road improvements.

Accokeek Road is designated in the Subregion V master plan as a historic road. Although the master plan proposes that the existing rural roadway be upgraded to primary residential street

standards in a 60-foot-wide right-of-way, there are historic characteristics that should be identified and preserved as part of the proposed subdivision.

The *Design Guidelines and Standards for Scenic and Historic Roads* provides guidance for the review of applications that could result in the need for roadway improvements. The manual currently states that when a scenic or historic road is adjacent to a proposed subdivision "...a team (to include M-NCPPC staff) will complete a study of the scenic or historic roads around or within the subject site which will include an inventory of scenic and historic features and an evaluation of features most worthy of preservation." A visual inventory prepared by the applicant was received that shows that the length of the property along Accokeek Road is wooded, with man-made features restricted to several telephone poles.

On the south side of Accokeek Road the plan provides two well-spaced entrances to the development and a 40-foot-wide landscape buffer adjacent to the 10-foot-wide public utility easement parallel to the land to be dedicated for Accokeek Road. These features serve to retain the historic character of Accokeek Road.

This site contains streams and wetlands associated with Piscataway Creek in the Potomac River watershed. These natural features are required to be protected under Section 24-130 of the Subdivision Regulations. The subject property was visited several times prior to the preparation of the Brandywine Special Study Final Report, 1991. The *Approved Master Plan and Sectional Map Amendment for Subregion V, Planning Areas 81A, 81B, 83, 84, 85A and 85B*, adopted in 1993, indicates that there are wetlands and substantial areas designated as natural reserve on the site. A wetlands study and approved jurisdictional determination were included in the review package. The wetlands and waters of the U.S. shown on the forest stand delineation, the Type I tree conservation plan, and the preliminary plan of subdivision do not conform well with those shown on the Subregion V master plan, the National Wetland Inventory Map, or the Maryland Department of Natural Resources Nontidal Wetlands Guidance Map.

A field visit by staff on October 31, 2003, was conducted to examine the discrepancies. Observations made on the field visit allowed staff to conclude that the distribution of wetlands on the site conforms to the pattern shown on the Subregion V master plan, the National Wetland Inventory Map, and the Maryland Department of Natural Resources Nontidal Wetlands Guidance Map. Additionally, wetland flagging was found in an area of the property not indicated as wetlands on the plans.

Some wetlands occurring on the property should be regarded as problem areas as discussed in Part IV, Section G of the Corps of Engineers' *Wetlands Delineation Manual*. The general lack of topographic relief in concert with D-hydric Leonardtown soils and C-hydric Beltsville soils provides for isolated wetland inclusions and jurisdictional wetlands with indistinct boundaries. Because seasonal rainfall, not groundwater seepage, is the principal source for the local hydrology, vegetation must be carefully analyzed to make the correct determination for any particular area.

The wetlands and wetland buffers shown on the plans are acceptable for the review of this application; however, if during the subsequent review of a wetlands permit by the Maryland Department of the Environment or the U.S. Army Corps of Engineers the extent of wetlands

increases and impacts to these areas are proposed, a new preliminary plan of subdivision shall be required to evaluate additional variation requests.

Section 24-130 of the Subdivision Regulations restricts impacts to these buffers unless the Planning Board grants a variation to the Subdivision Regulations in accordance with Section 24-113. Even if approved by the Planning Board, the applicant will need to obtain federal and state permits prior to the issuance of any grading permit. Each variation is described individually below and then for purposes of discussion relating to Section 24-113(a) of the Subdivision Regulations the impacts were discussed collectively. Two variation requests, dated April 16, 2004, in conformance with Section 24-113 of the Subdivision Regulations, have been submitted.

Impact 1 is required for the construction of a sanitary sewer to serve the proposed development. This will disturb a total of 1,960 square feet of wetland buffer.

Impact 2 is required for necessary improvements to Accokeek Road requested by the Maryland State Highway Administration. These will disturb a total of 8,800 square feet of wetlands and wetland buffer.

Section 24-113(a) of the Subdivision Regulations sets forth the required findings for approval of variation requests. Section 24-113(a) reads:

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

The installation of the sanitary sewer line and road improvements is required by other regulations to provide for public safety, health and welfare. All designs of these types of facilities are reviewed by the appropriate agency to ensure compliance with the regulations. These regulations require that the designs are not injurious to other property.

- (2) **The conditions on which the variations are based are unique to the property for which the variation is sought and are not applicable generally to other properties;**

The specific topography of the site requires the grading proposed to adequately serve the proposed development with sanitary sewer. The required road improvements are specific to this location.

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

The installation of the sanitary sewer and road improvements are required by other regulations. The proposed impacts are not a violation of any other applicable law, ordinance or regulation because additional federal and state permits will be required.

- (4) **Because of the peculiar physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulation is carried out.**

A failure to make the required road improvements to Accokeek Road could negatively impact all future development to the west. The failure to install the required sanitary sewer would result in the loss of a significant number of lots that would otherwise be permitted in the R-R zone.

The Planning Board approves the variation requests to Section 24-130 of the Subdivision Regulations.

Water and Sewer Categories

The water and sewer service categories are W-4 and S-4 according to maps obtained from the Department of Environmental Resources dated June 2003.

5. **Community Planning**—The subject property is located within the limits of the 1993 Subregion V master plan, Planning Area 85A in the Brandywine Community. The property is located within the Brandywine Special Study Area. That plan recommends employment-office/light manufacturing/ business park land uses for the eastern half of the property adjacent to MD 5 and US 301 and high suburban residential land use, at up to 7.9 dwelling units per gross acre for the western half of the property. However, the 1993 Subregion V SMA classified this property in the R-R Zone. The applicant's proposal is consistent with the requirements of the R-R Zone.

This application is located in the South Village of the Brandywine community. Brandywine is characterized as a community for suburban development in the MD 5 corridor. The core of the South Village contains an area that received special attention during preparation of the master plan, specifically the Brandywine Special Study Area (BSSA) located between MD 5/US 301, McKendree Road and Accokeek Road. This area is recommended for development as a comprehensively planned new community that complements the large employment park planned on the east side of MD 5/US 301. Applications for flexible zoning techniques (such as comprehensive design or mixed-use zones) are specifically recommended by the master plan for development in the BSSA. Until such applications are filed, the BSSA area is classified in the R-R Zone as the "base density" zoning category by the 1993 Subregion V SMA. It is also noted that the master plan "recommendations are long range and may well need to be interpreted with some flexibility to respond to changing conditions or analysis in the future."

The BSSA vision concepts that were translated into guidelines for area development are still relevant to review of development applications; these are listed in the plan text. Guidelines relevant to review of this preliminary plan of subdivision for single-family residential land use include:

- "Sensitive natural features should be preserved as amenities that help to define the pattern of neighborhoods.
- Individual neighborhoods should be developed with a clear identity or architectural theme.
- There should be a variety of home designs within, and among development projects to avoid visual monotony and enhance neighborhood appeal and identity.

- Trails and parks should be an integral part of neighborhood design and should be distributed throughout the community, serving as buffers and connecting routes to other neighborhoods, work, and retail areas.
- Subdivisions should include homeowners association “pocket parks” throughout.
- Residential areas located along Freeway rights-of way should be buffered by extreme setbacks (up to 300 feet) to provide space for dense vegetation and, if necessary, structural barriers to minimize impact of highway noise on residential uses. Flexible development provisions of the zoning ordinance should be utilized aggressively for this purpose.”

The applicant’s proposal has integrated all of these recommendations into the layout and design for the community. Additional review of a limited detailed site plans for open space areas, stormwater management facilities, recreational facilities, and noise attenuation measures are recommended. This will assist in the implementation of these recommendations at a more detailed level of review not provided for with the review of a preliminary plan of subdivision. Staff recommends that the limited detailed site plans be reviewed by the Planning Board or its designee and prior to the issuance of building or grading permits.

6. **Parks and Recreation**—In accordance with Section 24-134(a) of the Subdivision Regulations the applicant will provide private on-site recreational facilities for the fulfillment of the mandatory dedication of parkland requirement. The applicant will convey 40.4 acres of open space to a homeowners association. A centrally located 3±-acre open space parcel is to be developed with a swimming pool facility. Also proposed is a private internal trail system to connect passive and active recreational facilities. These facilities are strategically located throughout the development to be available to all of the residence of the community.

Section 27-445 of the Zoning Ordinance requires the review and approval of a detailed site plan (DSP) for a homeowners association recreational use as defined by Section 27-107.01(120). Staff would recommend that the DSP be limited in the scope of the review and that the order of approvals allow for the applicant to proceed to final plat of subdivision prior to approval of the limited DSP, as provided for in Section 27-270 of the Zoning Ordinance.

At the time of review of the limited DSP a determination as to the extent of the recreational facilities required to conform to Section 24-134(a) of the Subdivision Regulations will be made, as well as assuring conformance to the *Parks and Recreation Facilities Guidelines*.

7. **Trails**—One master plan trail issue impacts the subject site. Accokeek Road is designated as a master plan bikeway west of C-527. Area bicyclists currently use Accokeek Road when traveling in southern Prince George’s County. It is recommended that this master plan bikeway be accommodated through the provision of “Share the Road” signage and wide asphalt shoulders along the subject site’s frontage. Although the master plan only identifies a portion of the roadway as a master plan bikeway, staff recommends the provision of a wide asphalt shoulder for its entire length to safely accommodate cyclists traveling to the east of the subject site along MD 373.

Sidewalk Connectivity:

Existing roads in the vicinity of the subject site are open section. Most of the immediate vicinity is rural in nature with open section roads and no sidewalks. However, based on the size of the lots on the subject application, generally 15,000 to 20,000 square feet, staff recommends the provision of standard sidewalks along one side of all internal roads, unless modified by DPW&T. This will facilitate pedestrian movement through the subdivision and to the centrally located community pool shown on the subject plan.

8. **Transportation**—The Transportation Planning Section has reviewed the subdivision application referenced above. The subject property consists of approximately 191.50 acres of land in the R-R Zone. The property is located at the southwest corner of MD 5 and MD 373, to the west of the existing US 301/MD 5 interchange. The applicant proposes a residential subdivision of 258 lots.

The applicant prepared a traffic impact study dated April 2004, prepared in accordance with the methodologies in the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*. The findings and recommendations outlined below are based upon a review of relevant materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the guidelines.

Growth Policy—Service Level Standards

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

Links and signalized intersections: Level-of-service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better.

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

Staff Analysis of Traffic Impacts

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

- MD 5 and MD 373 (signalized)
- MD 5 and Brandywine Road (signalized)
- US 301 and MD 381 (signalized)

- MD 381 and Dyson Road (unsignalized)
- MD 373 and east site access (future/unsignalized)
- MD 373 and west site access (future/unsignalized)

Existing traffic conditions were based on traffic counts done during 2003. Existing conditions within the study area are summarized as follows:

EXISTING CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (AM & PM)	
MD 5 and MD 373	1,385	1,752	D	F
MD 5 and Brandywine Road	1,851	2,064	F	F
US 301 and MD 381	1,316	1,262	D	C
MD 381 and Dyson Road	16.5*	11.8*	--	--
MD 373 and east site access		future	--	--
MD 373 and west site access		future	--	--

*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the guidelines, an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Delays of +999 are outside the range of the procedures, and should be interpreted as excessive.

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

- A 2.5 percent annual growth factor for through traffic along US 301/MD 5. This is consistent with past studies in the area. It is also consistent with historical data.
- Background development in the area, including several million square feet of industrial development within Employment Area C, as defined in the Subregion V master plan and located on the opposite side of US 301/MD 5.

Background conditions are summarized as follows:

BACKGROUND CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (AM & PM)	
MD 5 and MD 373	3,422	3,694	F	F
MD 5 and Brandywine Road	3,729	4,141	F	F
US 301 and MD 381	1,642	1,599	F	E
MD 381 and Dyson Road	19.2*	12.6*	--	--
MD 373 and east site access		Future	--	--
MD 373 and west site access		Future	--	--

*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the guidelines, an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Delays of +999 are outside the range of the procedures, and should be interpreted as excessive.

The site is proposed to contain 258 residences, and the site trip generation would be 194 AM peak-hour trips (39 in, 155 out) and 232 PM peak-hour trips (155 in, 77 out). The trip distribution used in the traffic study is acceptable. Therefore, the following results are obtained under total traffic per the traffic study:

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (AM & PM)	
MD 5 and MD 373	3,525	3,765	F	F
MD 5 and Brandywine Road	3,742	4,168	F	F
US 301 and MD 381	1,667	1,599	F	E
MD 381 and Dyson Road	19.7*	13.0*	--	--
MD 373 and east site access	10.6*	10.1*	--	--
MD 373 and west site access	9.9*	9.7*	--	--

*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the guidelines, an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Delays of +999 are outside the range of the procedures, and should be interpreted as excessive.

The applicant, in response to the inadequacies at the three intersections within the study area, has proffered improvements at two of the three. Each intersection is summarized below:

MD 5/MD 373: This intersection serves 90 percent of the trips generated by the site. The applicant proposes the following improvements:

- a. Widen eastbound MD 373 to result in dual left-turn lanes, a single through lane, and a single right-turn lane.
- b. Widen westbound MD 373 to result in a shared through/right-turn lane and a shared through left-turn lane.

These improvements would result in LOS F, with a CLV of 3,416 in the AM peak hour and LOS F, with a CLV of 3,652 in the PM peak hour. These improvements mitigate 106 percent and 159 percent of the site's impact in the AM and PM peak hours respectively, at an estimated cost to the applicant of \$500,000.

MD 5/Brandywine Road: This intersection serves 60 percent of the trips generated by the site. The applicant proposes the following improvements:

- a. Widen/reconfigure eastbound Brandywine Road to result in a shared through/left-turn lane and a single right-turn lane.

- b. Widen/reconfigure westbound Brandywine Road to result in a shared through/left-turn lane and a single right-turn lane.

These improvements would result in LOS F, with a CLV of 3,480 in the AM peak hour and LOS F, with a CLV of 3,867 in the PM peak hour. These improvements mitigate 2,015 percent and 1,158 percent of the site's impact in the AM and PM peak hours respectively, at an estimated cost to the applicant of \$150,000.

US 301/MD 381: This intersection serves 15 percent of the trips generated by the site. While the level of service information is presented to the Planning Board for consideration, the intersection serves less than the 20 percent level specified in guidelines for inclusion in the traffic study. This intersection should not have been scoped in the traffic study, and is not deemed to be critical for the development of the subject property.

It is noted that the above improvements do not achieve adequacy as required in Section 24-124 in the Subdivision Ordinance. As a means of achieving adequacy, the applicant will participate in the Brandywine Road Club.

It is well recognized that the use of the Brandywine Road Club in approving developments generally poses an issue of concurrency. In other words, Section 24-124 of the Subdivision Ordinance, the section that governs findings of adequate transportation facilities, is intended to ensure that needed transportation facilities occur concurrently with development or within a reasonable time thereafter. Transportation inadequacies in the area have been documented since 1989. Many properties have been approved with a condition to pay funds toward a Brandywine Road Club, beginning in 1990. But since those initial approvals, no improvements have been constructed. Furthermore, there is nothing in either the current county Capital Improvement Program or the state Consolidated Transportation Program that suggests that needed improvements are funded for construction. The subject property has, however, proffered improvements that will mitigate the impact of the site at the two critical signalized intersections. Therefore, the proffer helps to address the concurrency issue.

Council Resolution CR-60-1993 approved the master plan and the sectional map amendment for the Subregion V master plan. As a part of that resolution, A-9878 for Brandywine Village was approved with conditions that allow that particular property to participate in the Brandywine Road Club as a means of determining transportation adequacy. The same condition allows such road club participation by "any properties along US 301/MD 5 between T.B. (the intersection of US 301 and MD 5 in Prince George's County) and Mattawoman Creek." There is a lack of clarity here, as historically T.B. is located at the intersection of MD 5 and Brandywine Road. It is recognized that the subject property may meet the geographic criteria for inclusion in the road club. Furthermore, even if the site were not deemed to meet the geographic criteria noted above, the same condition in CR-60-1993 allows Brandywine Road Club participation for properties "for which participation is deemed necessary by the Planning Board." This language clearly suggests that the Planning Board determines circumstances where Brandywine Road Club participation is appropriate.

The improvements needed to address the adequacy issues noted above would include an extra through lane northbound and southbound along US 301, along with an interchange at the MD 5/Brandywine Road intersection (the master plan does in fact propose an interchange near that location at the point where the proposed A-63 facility would cross MD 5). There is recognition that the scope and cost of improvements needed in the vicinity of this site far exceed the ability of an applicant of this size to fund them.

For these reasons, it is determined that adequate transportation facilities can only be found if the proffered improvements at the MD 5/MD 373 and the MD 5/Brandywine Road intersections are constructed and there is participation in the Brandywine Road Club.

The Subregion V master plan includes a recommendation that existing US 301 be upgraded to a freeway facility, F-10, with a major interchange at the location where F-10 crosses the F-9 (existing MD 5) facility, along with an extension of F-10 into Charles County (often termed the Waldorf bypass). In the area of the subject property, the ramps for that major interchange and the extension of F-10 would have a significant impact on the site.

In response to a proffer by the applicant to put the needed right-of-way into reservation, the transportation staff referred the plan for potential reservation to the County Department of Public Works and Transportation (DPW&T), the County Executive, the County Council, and the State Highway Administration (SHA). Transportation planning staff's initial delineation of the right-of-way suggested that possibly one-quarter of the property could be required for future right-of-way. Comments by the SHA indicated support for the reservation of about one-third of the site, and a delineated map was provided. SHA suggested that funding could be identified for purchase of the right-of-way. DPW&T's comments indicated general support for reservation, but made no specific proposal.

The Corridor Preservation Team met concerning the subject application in April 2004 at SHA District 3 offices in Greenbelt. There was general agreement for reservation in accordance with the SHA's current alternatives analysis, which is in accordance with the mark-up provided by SHA. Dedication was not an issue, as the property would obtain access via existing MD 373, both now and in the future, and the plat shows appropriate dedication along that facility. The SHA indicated that an appropriate determination of the need to purchase all or part of the property could be made within a year or two and that any acquisitions could be completed within three years. The applicant has agreed to the proposed limits of the reservation, and it is reflected on their plans. Therefore, the right-of-way for proposed F-9 and F-10 will be placed in reservation.

MD 373 is a master plan collector facility along the frontage of the subject property. The plan correctly indicates dedication of 40 feet from centerline.

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

9. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of school facilities in accordance with Section 24-122.02 of the

Subdivision Regulations and CB-30-2003 and CR-23-2003 and concluded the following.

Finding

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 5	Middle School Cluster 3	High School Cluster 3
Dwelling Units	258 sfd	258 sfd	258 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	61.92	15.48	30.96
Actual Enrollment	4096	4689	8654
Completion Enrollment	180.48	86.22	158.07
Cumulative Enrollment	186	51.90	103.80
Total Enrollment	4524.40	4842.60	8946.83
State Rated Capacity	4214	5114	7752
Percent Capacity	107.37%	94.69%	115.41%

Source: Prince George's County Planning Department, M-NCPPC, December 2003

County Council bill CB-31-2003 establishes a school facilities surcharge in the amount of: \$7,000 per dwelling if a building is located between I-495 and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$12,000 per dwelling for all other buildings.

The school surcharge may be used for the construction of additional or expanded school facilities and renovations to existing school buildings or other systemic changes. The Historic Preservation and Public Facilities Planning Section staff finds that this project meets the adequate public facilities policies for school facilities contained in Section 24-122.02, CB-30-2003 and CB-31-2003 and CR-23-2003.

10. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of public facilities and concluded the following.
 - a. The existing fire engine service at Brandywine Fire Station, Company 40, located at 14201 Brandywine Road, has a service travel time of 4.63 minutes, which is within the 5.25-minute travel time guideline.
 - b. The existing ambulance service at Brandywine Fire Station, Company 40, located at 14201 Brandywine Road, has a service travel time of 4.63 minutes, which is within the 6.25-minute travel time guideline.

- c. The existing paramedic Brandywine Fire Station, Company 40, located at 14201 Brandywine Road, has a service travel time of 4.63 minutes, which is within the 7.25-minute travel time guideline.

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

11. **Police Facilities**—The proposed development is within the service area for Police District V-Clinton. The Planning Board's current test for police adequacy is based on a standard for square footage in police stations relative to the number of sworn duty staff assigned. The standard is 115 square feet per officer. As of January 2, 2004, the county had 823 sworn staff and a total of 101,303 square feet of station space. Based on available space, there is capacity for additional 57 sworn personnel. This police facility will adequately serve the population generated by the proposed subdivision.

The Subregion V master plan recommends a police station in the general vicinity of the proposed subdivision. A reservation request was referred to the Police Department. No indication of the ability to purchase land within a three-year reservation period was provided. Therefore, reservation is not recommended for a police station on this property, at this time.

12. **Health Department**—The Health Department has no comments.
13. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan, # 34126-2003-01, 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 or any approved revisions thereto.
14. **Lot Size Averaging**—The applicant has proposed to utilize the lot size averaging (LSA) provision provided for in Section 24-121(a)(12) of the Subdivision Regulations for the portion of this property in the R-R Zone.

Section 27-423 of the Prince George's County Zoning Ordinance establishes the zoning requirements for lot size averaging. Specifically, in the R-R Zone:

- A. The maximum number of lots permitted is equal to the gross acreage divided by the largest minimum lot size in the zone (20,000 square feet).
- B. At least 50 percent of the lots created shall equal or exceed the largest minimum lot size in the zone (20,000 square feet).

For the 191.51 acres located in the R-R Zone, 417 lots would be allowed. The applicant proposes 258 lots. Of the proposed lots, 129 lots must meet or exceed 20,000 square feet; the remaining lots have a minimum lot size requirement of 15,000 square feet. The applicant has proposed 215

lots, or 83.3 percent of the lots at 20,000 square feet in lot size, with the remaining lots between 15,000 and 20,000 square feet. Therefore, the proposed subdivision exceeds the minimum Zoning Ordinance standards for lot size averaging.

Further, Section 24-121(a)(12) requires that the Planning Board make the following findings in permitting the use of lot size averaging:

A. The subdivision design provides for better access, protects or enhances historic resource or natural features and amenities, or otherwise provides for a better environment than that which could be achieved by the exclusive use of standard lots.

The applicant's proposal provides for open space areas greater than necessary for a conventional development. By utilizing LSA, the applicant has been able to provide homeowners open space adequate to accommodate an enhanced recreational amenities package. The additional open space areas are also provided to buffer the site from adverse noise impacts from MD 5 and US 301 within common open space parcels. By utilizing homeowners open space, the applicant avoids creating easements on private homeowners lots. The applicant has also proposed to locate the required scenic easement along Accokeek Road on a homeowners open space parcel in lieu of encumbering private homeowners lots. The proposal will provide a better overall environment for the future residents than that could be achieved by the exclusive use of standard lots.

B. The subdivision design provides for an adequate transition between the proposed lot sizes and locations of lots and the lots, or lot size standards, of any adjacent residentially zoned parcels.

The southern property line abuts generally vacant unsubdivided R-R-zoned land. The applicant has proposed standard lot sizes along this property line to provide for appropriate transitions with possible future developments to the south. The northern and eastern property lines front public streets. Although this finding does not require transitions to public streets, the use of LSA has enabled the applicant to provide open space parcels to contain noise attenuation measures and visual buffers from the public streets that abut the property without encumbering private lots for these purposes.

C. The subdivision design, where applicable, provides for an adequate transition between the proposed natural features of the site and any natural features of adjacent parcels.

The applicant has proposed the creation of Parcel A (16 acres) along the west property line. Parcel A will contain several of the significant environmental features on the property that extend onto the abutting properties to the west. The eastern portion of Parcel A will also be utilized for passive and active recreation. Open space Parcel A creates an appropriate transition to the abutting residential properties to the west.

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

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Squire, seconded by Commissioner Harley, with Commissioners Squire, Harley, Eley, Vaughns and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, June 24, 2004, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 15th day of July 2004.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:WSC:meg