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Preliminary Plan 4-03098

Application	General Data
Project Name: BRANDYWOOD Location: Dead-end of Rison Drive, approximately 1,500 feet northwest of Dyson Road. Applicant/Address: Saddle Creek, LLC. 14416 Old Mill Road, Suite #201 Upper Marlboro, MD. 20772	Date Accepted: 10/06/03
	Planning Board Action Limit: 12/14/03
	Plan Acreage: 24.29
	Zone: R-R
	Lots: 16
	Election District: 11
	Planning Area: 85A
	Tier: Developing
	Council District: 09
	Municipality: N/A
200-Scale Base Map: 216/7SE07	

Purpose of Application	Notice Dates
RESIDENTIAL SUBDIVISION Note: This application was continued from 12/18/03.	Adjoining Property Owners: (CB-15-1998) N/A
	Previous Parties of Record: (CB-13-1997) N/A
	Sign(s) Posted on Site: 11/26/03

Staff Recommendation		Staff Reviewer: Del Balzo	
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 4-03098
Brandywood, Lots 1-16

OVERVIEW

The subject property consists of approximately 24.29 acres of land in the R-R Zone. It is generally rectangular and currently undeveloped and wooded. A PEPCO right-of-way runs from northwest to southeast along the southwestern portion of the property. There are severe environmental constraints generally located in the northern and eastern portions of the site.

Sole access to the property is from Rison Drive, an existing street in the adjoining Brandywine Landing Subdivision. Rison Drive, which currently dead-ends into the subject property, was designed to provide access to the subject property. Twelve of the proposed lots will be served by direct access to Rison Drive; four of the lots, each more than two acres in size, will be served by a private driveway easement in accordance with Section 24-128(b)(1) of the Subdivision Regulations.

The applicant proposes to subdivide the property into 16 lots for single-family detached homes using the lot size averaging technique. Net lot areas range from just over 15,000 square feet to nearly five acres.

SETTING

The property is located at the southwestern end of Rison Drive, approximately 1,000 feet northwest of Dyson Road in Brandywine. To the northwest is the Brandywine Landing Subdivision, a cluster subdivision in the R-R Zone. To the northwest is a Southern Maryland Electric Company, (SMECO) right-of-way. Other surrounding properties are large, undeveloped tracts, mostly wooded. Land directly to the south has been farmed.

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)	Vacant	Single-family detached homes
Acreage	24.29	24.29
Lots	0	16
Parcels	1	0
Detached dwelling units	0	16

2. **Environmental**—There are streams, wetlands and 100-year floodplain on the property associated with Piscataway Creek in the Potomac River watershed. Most of the site is wooded. No

designated scenic or historic roads are affected by this proposal. There are no nearby sources of traffic-generated noise. The proposed use is not expected to be a noise generator. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program publication entitled "Ecologically Significant Areas in Anne Arundel and Prince George's Counties," December 1997, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. According to the *Prince George's County Soils Survey*, the principal soils on this site are in the Beltsville, Bibb, Chillum and Sassafras series. Marlboro Clay does not occur in this area. The site is in the Developing Tier according to the adopted General Plan.

Woodland Conservation

This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the gross tract area is in excess of 40,000 square feet and there are more than 10,000 square feet of existing woodland on-site.

The forest stand delineation (FSD) has been reviewed. Based upon seven sample points, the FSD describes a single forest stand of 23.37 acres and one specimen tree. The plan shows the forest stand boundaries, wetlands, streams, severe slopes, steep slopes with highly erodible soils, and the 100-year floodplain. The FSD meets the requirements of the Woodland Conservation Ordinance.

The Type I Tree Conservation Plan, TCPI/63/03, has been reviewed. The plan proposes clearing 8.86 acres of the existing 20.65 acres of upland woodland and clearing .09 acre of the existing 1.00 acre of floodplain woodland. The woodland conservation requirement has been correctly calculated as 6.90 acres. The plan proposes retaining 6.90 acres of on-site woodland to meet the requirement and retaining an additional 4.89 acres of woodland on site but not part of any requirement.

The woodland conservation areas are designed to provide additional protection to the sensitive environmental features on the site. Each lot has a cleared area sufficient for a single-family residential structure and an adequate useable yard area. TCPI/63/03 is recommended for approval.

Streams, Wetlands and Buffers

The site contains significant natural features required to be protected by Section 24-130 of the Subdivision Regulations. Each element of the buffers described in Section 24-130(b)(6) and Section 24-130(b)(7) of the Subdivision Regulations and a single line showing the limits of the expanded buffer are clearly and accurately shown on the Preliminary Plan and the Type I Tree Conservation Plan.

At time of final plat, a conservation easement should be described by bearings and distances. The conservation easement should contain the expanded stream buffer and isolated wetlands and their buffers, excluding those areas where variation requests have been approved, and be reviewed by the Environmental Planning Section prior to approval of the final plat. An appropriate note should appear on the final plat.

The plan proposes impacts sensitive environmental features that occur on the site. Impacts to these buffers are prohibited by Section 24-130 of the Subdivision Regulations unless the Planning Board grants a variation to the Subdivision Regulations in accordance with Section 24-113. It is apparent from the plans that impacts are proposed.

Any disturbance not essential to the development of the site as a whole is prohibited within stream and wetland buffers. Essential development includes such features as public utility lines [including sewer and stormwater outfalls], streets and so forth, which are mandated for public health and safety; nonessential activities are those, such as grading for lots, stormwater management ponds, parking areas and so forth, which do not relate directly to public health, safety or welfare. Impacts for essential development features require variations to the Subdivision Regulations. Three variation requests were accepted for review on October 20, 2003 and revised requests were submitted on November 10, 2003.

Review of Variation Requests

The plan proposes impacts to stream buffers and wetland buffers. Impacts to these buffers are prohibited by Section 24-130 of the Subdivision Regulations 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. The additional permit review will assure that the impacts are minimized and that there will be no detrimental effects to public safety, health, or welfare, or be injurious to other property. Staff notes that the subject property is bisected by a major stream. Areas of steep and severe slopes adjacent to the streams increase the total area of sensitive environmental features.

Section 24-113(a) of the Subdivision Regulations sets forth the required findings for approval of variation requests. Although they must be accompanied by specific findings, variations are less strictly enforced than are variances. Section 24-113(a) reads:

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

- A. That the granting of the variation will not be detrimental to the public safety, health or welfare, or injurious to other property.**
- B. The conditions of which the variation is based are unique to the property for which the variation is sought and are not applicable generally to other properties.**
- C. The variation does not constitute a violation of any other applicable law, ordinance, or regulation.**
- D. Because of the particular 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 regulations is carried out.**

Variation request “1” is for the construction of the extension of existing Rison Drive, a principal road for the development and a combined stormwater outfall. The road has been designed to meet the standards of the Department of Public Works and Transportation. The construction will impact 5,945 square feet of expanded buffer. Impacts have been further reduced by placing a required stormwater outfall in the same area. The details of construction will be reevaluated during the review of the Type II Tree Conservation Plan to further reduce impacts. The proposal is not a violation of any other applicable law, ordinance or regulation because state and federal permits are required prior to construction. Access to the property would be denied if this variation were denied, creating a hardship for the owner. Staff supports variation request “1.”

Variation request “2” is for the construction of a common driveway to serve three lots. The shared driveway has been designed to meet standards of the Department of Public Works and Transportation. Potential additional impacts have been reduced by combining the three driveways. The construction will impact 22,400 square feet of expanded buffer. The details of construction will be reevaluated during the review of the Type II Tree Conservation Plan to further reduce impacts. The proposal is not a violation of any other applicable law, ordinance or regulation because state and federal permits are required prior to construction. Staff supports variation request “2.”

Variation request “3” is for the construction of a sewer line to connect the development to the sewer main serving the region. The sewer line has been designed to the standards of the Washington Suburban Sanitary Commission and is necessary to serve the entire development. The construction will impact 8,200 square feet of expanded buffer. The particular alignment is controlled by the topography of the property and the location of the existing sewer main. The details of construction will be reevaluated during the review of the Type II Tree Conservation Plan to further reduce impacts. The proposal is not a violation of any other applicable law, ordinance or regulation because state and federal permits are required prior to construction. Staff supports variation request “3.”

Soils

According to the *Prince George’s County Soils Survey*, the principal soils on this site are in the Beltsville, Bibb, Chillum and Sassafras series.

Water and Sewer Categories

The property is in water category W-3 and sewer category W-4; it will be served by public systems.

3. **Community Planning**—The property is in Planning Area 85A/Brandywine. It is in the Developing Tier as defined by the 2002 General Plan. 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 not inconsistent with the 2002 General Plan Development Pattern policies for the Developing Tier.

The 1993 Subregion V master plan recommends residential land use at the Low Suburban density of 1.6 to 2.6 dwelling units per acre. The Natural Features and Environmental Facilities map indicates that this site was primarily wooded in 1990. A Natural Reserve Area is shown on the northwest part of the property (identified as Lots 7 and 8 on the preliminary plan). A potential site for a stormwater management pond is indicated in the stream valley to the west of this site.

The plan map shows a floating symbol for a public elementary school site in the vicinity of this property. The 1993 Subregion V SMA classified this property in the R-R Zone. This application conforms to the residential land use recommendations of the master plan.

Other than the recommendation for an elementary school site in this area, there are no master plan land use issues pertaining to this residential preliminary subdivision proposal.

4. **Parks and Recreation**—The site is subject to the requirements of Section 24-134 of the Subdivision Regulations for mandatory park dedication. However, the size and location of land available for dedication is unsuitable for park purposes. Therefore, staff recommends a fee-in-lieu of park dedication be required.
5. **Trails**—There are no master plan trails issues identified for this property in the adopted and approved Subregion V master plan.
6. **Transportation**—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. Mitigation, as defined by Section 24-124(a)(6) of the Subdivision Ordinance, is permitted at signalized intersections within any tier subject to meeting the geographical criteria in the guidelines.

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

Staff Analysis of Traffic Impacts

The traffic analysis prepared by staff considered the following intersections:

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

Existing traffic conditions were based on traffic counts done in 2002. Existing conditions within the study area are summarized as follows:

EXISTING CONDITIONS				
Intersection	Critical Lane Volume		Level of Service	
	(AM & PM)		(LOS, AM & PM)	
US 301 and MD 381	1,165	1,163	C	C
MD 5 and Brandywine Road	1,655	1,723	F	F

There is considerable approved development in the area, and this approved development has been considered along with a two percent annual growth factor for through traffic along MD 5 and US 301. This is consistent with other studies in the area. There are no funded projects in either the county Capital Improvement Program (CIP) or the state Consolidated Transportation Program (CTP). Background conditions are summarized as follows:

BACKGROUND CONDITIONS				
Intersection	Critical Lane Volume		Level of Service	
	(AM & PM)		(LOS, AM & PM)	
US 301 and MD 381	1,640	1,472	F	E
MD 5 and Brandywine Road	1,994	2,300	F	F

The site is proposed for residential development of 16 single-family detached residences. The site trip generation would be 12 AM peak-hour trips (2 in, 10 out) and 14 PM peak-hour trips (10 in, 4 out). The site trip distribution is as follows:

- 15 percent—north along US 301
- 20 percent—south along US 301/MD 5
- 55 percent—north along MD 5
- 10 percent—west along MD 373 or Floral Park Road

The following results are obtained under total traffic:

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume		Level of Service	
	(AM & PM)		(LOS, AM & PM)	
US 301 and MD 381	1,641	1,474	F	E
MD 5 and Brandywine Road	1,995	2,307	F	F

Under total traffic, both signalized intersections would operate unacceptably. At the US 301/MD 381 intersection, an extra through lane northbound and southbound along US 301 would be required to provide adequacy. At the MD 5/Brandywine Road intersection, an interchange is ultimately required to provide adequacy at that location. 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.

The submitted plan is otherwise acceptable. The subject plan is not within or adjacent to any master plan rights-of-way.

Based on these findings, adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code if the applicant is approved with conditions requiring improvements at the US 301/MD 381 and MD 5/Brandywine Road intersections.

7. **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.

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 5	Middle School Cluster 3	High School Cluster 3
Dwelling Units	16 sfd	16 sfd	16 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	3.84	0.96	1.92
Actual Enrollment	4452	4598	8393
Completion Enrollment	180	66	132
Wait Enrollment	20	15	29
Cumulative Enrollment	269.28	162.60	325.20
Total Enrollment	4925.12	4842.56	8881.12
State Rated Capacity	4175	5114	7752
Percent Capacity	117.97	95.69	114.57
Funded School	N/A	N/A	N/A

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

These figures are correct on the day the referral memorandum was written. Other projects that are approved prior to the public hearing on this project will cause changes to these figures. The numbers that will be used in the resolution will be the ones that will apply to this project.

County Council Bill CB-31-2003 establishes a school facilities surcharge in the amount of: \$7,000 per dwelling if a building is located between Interstate Highway 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 on 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.

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. 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.

8. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of public fire and rescue facilities.
- a. The existing fire engine service at Brandywine Fire Station, Company 40, located at 14201 Brandywine Road, has a service travel time of 5.94 minutes, which is beyond the 5.25-minute travel time guideline.
 - b. The existing ambulance service at Brandywine Fire Station, Company 40, has a service travel time of 5.94 minutes, which is within the 6.25-minute travel time guideline.

- c. The existing paramedic service at Brandywine Fire Station, Company 40, has a service travel time of 5.94 minutes, which is within the 7.25-minute travel time guideline.

These findings are in conformance with the standards and guidelines contained in the *Adopted and Approved Public Safety Master Plan (1990)* and the *Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities*. To alleviate the negative impact on fire and rescue services due to the inadequate service discussed, an automatic fire suppression system shall be provided in all new buildings proposed in this subdivision, unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate. Because this is a matter of law for residential structures in Prince George's County, no condition is necessary.

9. **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 June 30, 2002, the county had 874 sworn staff and a total of 101,303 square feet of station space. Based on available space, there is capacity for an additional 69 sworn personnel. Therefore, in accordance with Section 24-122.01(c) of the Subdivision Regulations, existing county police facilities will be adequate to serve the proposed Brandywood development.
10. **Health Department**—The Health Department noted that the property is in Category 4 for water and sewer services. A change to Category 3 will be required prior to final plat approval as a matter of law. The Health Department offered no further comment.
11. **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, #35792-2003-00, has been filed, but has not yet been approved. To ensure that development of this site does not result in on-site or downstream flooding, a Stormwater Management Concept Plan must be approved prior to signature approval of the preliminary plan. Development must be in accordance with this approved plan, or any revisions thereto.
12. **Cemeteries?** There are no known cemeteries on or adjoining the property.
13. **Public Utility Easement**—The preliminary plan shows the required ten-foot-wide public utility easement along both sides of the proposed public street and shows an “ingress/egress and utility easement” to lots 6 through 9. The public utility easement will be included on the final plat.
14. **Lot Size Averaging?** The applicant proposes the use of lot size averaging. 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.** *Comment:* The design of this subdivision respects the natural features on this property. The property exhibits a large area of irreplaceable wetlands. While this area is incorporated into the lots, conservation easements will ensure its preservation. Although the minimum lot size in the R-R Zone for a standard lot is 20,000 square feet, five of the proposed lots exceed one acre in size. The proposed plan minimizes impacts to environmentally sensitive areas by incorporating them into the largest of the lots. Only

one lot is proposed at less than 20,000 square feet (17,000) and it abuts a 48,000-square-foot lot. Adjustments could be made to the lotting pattern that would add the necessary 3,000 square feet to eliminate the need for lot size averaging. However, that would result in an odd lot shape for both lots that should be avoided. The lotting pattern and shape is more appropriate than a conventional pattern in this location.

- 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.** *Comment:* The property abuts Brandywine Landing subdivision to the east and north. Proposed lots sizes along those property lines are much larger than those in Brandywine Landing. The sole smaller lot is in the interior of the subdivision and will have no effect on the adjoining properties.
- 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.** *Comment:* Again, a large area near the northeast corner of the property is wetlands. This area will remain densely wooded and provide an adequate transition and buffer to the wetlands as they extend onto adjoining properties.

In addition, Section 27-423 of the Prince George's County Zoning Ordinance sets the zoning requirements for lot size averaging. Specifically, in the R-E 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).** In this case, with 24.29 acres and a minimum lot size of 20,000 square feet, the maximum number of lots allowed is 50. The applicant proposes 16 lots.
- 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).** As proposed, 15 of the proposed 16 lots (or 93+ percent) exceed 20,000 square feet. Therefore the proposed subdivision meets the minimum zoning ordinance standards for lot size averaging. This proposal represents a good use of the lot size averaging technique.

RECOMMENDATION

APPROVAL, subject to the following conditions:

1. Prior to signature approval of the preliminary plan, Stormwater Management Concept Plan #35792-2003-00 shall be approved by the Department of Environmental Resources. The approval number and date shall be added to the plan.
2. 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 isolated wetlands and their buffers, excluding those areas where variation requests have been approved, and be reviewed by the Environmental Planning Section prior to certification. The following note shall be placed on the plat:

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

3. Prior to the issuance of any permits that impact jurisdictional wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.

4. A Type II Tree Conservation Plan shall be approved prior to the issuance of any permits.

5. 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/63/03), 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.”

6. At the time of final plat, the applicant shall pay a fee-in-lieu of mandatory park dedication for all lots smaller than one-acre in size.

7. 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/DPW&T, or be otherwise fully funded for construction in either the county CIP or the state CTP:

a. At the US 301/MD 381 intersection, construction of additional northbound and southbound through lanes along US 301.

b. At the MD 5/Brandywine Road intersection, construction of an intersection at or near this location.

STAFF RECOMMENDS APPROVAL OF THE TYPE I TREE CONSERVATION PLAN, TCP I/63/03, AND THE THREE VARIATIONS TO SECTION 24-130 OF THE SUBDIVISION REGULATIONS.