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## Preliminary Plan 4-04174

| Application   | General Data                          |
|---|---------------------------------------|
| <b>Project Name:</b><br><b>CHADDSFORD, SECTION 2</b><br><br><b>Location:</b><br>Northwest corner of Chaddsford Drive and General Lafayette Boulevard.<br><br><b>Applicant/Address:</b><br>Washington Homes, Inc.<br>1802 Brightseat Road<br>Landover, MD. 20785 | Date Accepted: 10/26/04               |
|   | Planning Board Action Limit: 01/18/05 |
|   | Plan Acreage: 100.35                  |
|   | Zone: R-M                             |
|   | Lots: 307                             |
|   | Parcels: 10                           |
|   | Planning Area: 85A                    |
|   | Tier: Developing                      |
|   | Council District: 09                  |
|   | Municipality: N/A                     |
|   | 200-Scale Base Map: 219/220SE6&7      |

| Purpose of Application                                       | Notice Dates  |
|--|---|
| <b>RESIDENTIAL SUBDIVISION, SINGLE-FAMILY AND TOWNHOUSES</b> | Adjoining Property Owners<br>Previous Parties of Record<br>Registered Associations:<br>(CB-58-2003) |
|  | Sign(s) Posted on Site and<br>Notice of Hearing Mailed:   |
|  | 08/31/04  |
|  | 12/14/04  |

| Staff Recommendation |                          | Staff Reviewer: Whitney Chellis |            |
|----------------------|--------------------------|---------------------------------|------------|
| 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 4-04174  
Chaddsford Section II, Lots 1-307 and Parcels A-J

OVERVIEW

The subject property is located on Tax Map 154, Grid E-2, and is known as Outparcel 5 and Parcel I. This property was originally subdivided in accordance with preliminary plan of subdivision 4-01045 and recorded in Plat Book REP195@92 (2002). The property is approximately 100.78 acres and zoned R-M. The applicant is proposing to resubdivide the property in to 307 lots and 10 parcels for the construction of single-family detached and single-family attached dwelling units. The application for this preliminary plan proposes 172 single-family dwelling units and 132 attached (townhouse) dwelling units.

Chaddsford Section 2 is part of the property originally known as Brandywine Village that was zoned M-A-C (212 acres) and R-M (65 acres) in 1977. The R-M-zoned portion of the original Brandywine Village (65 acres) retains the R-M Zone and is known as McKendree Village, located northwest of the subject preliminary plan. McKendree Village is approved with 316 dwelling units (attached and detached). Chaddsford comprises the 212-acre portion of the property that had previously been zoned M-A-C. The Chaddsford property was rezoned in 1993 with the adoption of the Subregion V master plan and sectional map amendment to a combination of E-I-A-, L-A-C- and R-M-zoned properties (Amendment 2, CR-60-93).

The R-M-zoned portion of the Chaddsford development located west of General Lafayette Boulevard is 100.7 acres and is proposed for attached and detached dwellings. The E-I-A Zone (46 acres) is proposed for office/light manufacturing business park and the L-A-C Zone (16.4 acres) is proposed for commercial neighborhood activity center. The E-I-A and L-A-C portions of the property are located east of General Lafayette Boulevard and west of US 301. The entire Chaddsford development (212 acres) is subject to Comprehensive Design Plan CDP-0102 and the subsequent revisions. This portion of the development is subject to CDP-0102/01. A revision, CDP-0102/02, is pending and proposes revision to the L-A-C portion of the property.

The approved CDP-0102 for the Chaddsford development contained development standards for only a small residential portion of the property, in the northwest corner of the site (48.2 acres). That portion of the property is the subject of an approved specific design plan (SDP-0109) and was developed as an extension of the McKendree Village subdivision to the southwest. The 11 lots that are the subject of SDP-0109 have sole access from a stub street extending into the Chaddsford development from the McKendree Village subdivision (CDP-9202).

A revision to CDP (CDP-0102/01) was recently approved and provides the development standards for the R-M-zoned portion of the Chaddsford development. Section 24-119(b)(2) of the

Subdivision Regulations requires that a preliminary plan of subdivision conform to the comprehensive design plan. This preliminary plan of subdivision conforms to the design standards established by CDP-0102/01. Additional evaluation will occur at the time of review of the required specific design plan.

CDZ Amendment 2 (CR-60-93) of the sectional map amendment for Subregion V establishes the land use quantities for the Chaddsford development and specifically in the R-M-zoned portion of the property as follows:

|   |                          |
|---|--------------------------|
| Gross Residential Acreage:                | 149 acres (100.78+48.22) |
| Less Half Floodplain Acreage:             | 20 acres                 |
| Base Residential Acreage:                 | 129 acres                |
| Base Residential Intensity (5.8 du/acre)  | 748 units                |
| Increment                                 | 271 units                |
| Max. Residential Intensity (7.9 du/acre)* | 1,019 units              |

\*The actual number of dwelling units will be determined during review of the comprehensive design plan on the basis of adjusted gross acreage in the CDP application, the approved development density, and the proposed public benefit features.

CDP-0102/01 proposes a development maximum of 580 dwelling units or 4.3 dwelling units per acre as proposed by the original comprehensive design plan. The subject preliminary plan proposes 307 dwelling units. Preliminary Plan 4-03080 proposed 131 dwelling units, and Preliminary Plan 4-01045 for the extension from McKendree Village into the Chaddsford site proposed 11 dwellings; 9 of those dwellings will be constructed within the limits of CDP-0102/01. Therefore, if this preliminary plan is approved, the maximum proposed dwelling unit count within the development is 449 dwelling units, well below the allowable base density of 748 dwelling units.

The CDP establishes that the maximum allowable number of attached dwelling units (townhouses) shall not exceed 30 percent of the total proposed dwelling units. Therefore, based on a total dwelling unit count of 449 no more than a total of 134.7 or 134 attached dwelling units are allowed. The applicant has proposed 135, and exceeds the maximum allowable of 30 percent. Therefore, the preliminary plan should be revised to delete one-single-family attached dwelling unit (townhouse).

## SETTING

The property is located in the northwest quadrant of the intersection of General Lafayette Boulevard and Chadds Ford Drive, within the Chaddsford Development, west of US 301. The property is located in the Developing Tier and is generally surrounded by large-lot, single-family and scattered commercial development along US 301. All of the abutting properties are generally undeveloped and a mix of R-R and R-A undeveloped properties. The abutting properties within the Chaddsford Development are zoned R-M and proposed to be developed with townhouses. To the east of General Lafayette Boulevard the properties are zoned L-A-C and E-I-A and proposed for mixed commercial/office.

## FINDINGS AND REASONS FOR STAFF RECOMMENDATION

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

|                 | <b>EXISTING</b> | <b>PROPOSED</b>                     |
|-----------------|-----------------|-------------------------------------|
| Zone            | O-S             | O-S                                 |
| Use(s)          | Vacant          | Single-family attached and detached |
| Acreage         | 100.78          | 100.78                              |
| Lots            | 0               | 307                                 |
| Outlots         | 1               | 0                                   |
| Parcels         | 1               | 10                                  |
| Dwelling Units: |                 |                                     |
| Detached        | 0               | 172                                 |
| Attached        | 0               | 135                                 |

2. **Environmental**—The Environmental Planning Section previously reviewed this site for a Basic Plan (A-9878), a Comprehensive Design Plan (CDP-9202), a Preliminary Plan of Subdivision (4-96083), TCPI/47/96, TCPII/126/98, a new Comprehensive Design Plan (CDP-0102), a new Preliminary Plan of Subdivision (4-01045), Specific Design Plans for two portions of the site (SDP-0108 and SDP-0109) and a revision to the Comprehensive Design Plan (CDP-0102/01). A revised Type I Tree Conservation Plan, TCPI/47/96-01, was approved with CDP-0102; a revision, TCPI/47/96-02, was approved with CDP-0102/01, and a further revision, TCPI/47/96-03 was approved with Preliminary Plan 4-03080. With this subject application staff is reviewing TCPI/47/96-04.

There are extensive areas of woodlands, streams, wetlands, 100-year floodplain, steep slopes, and severe slopes on this property. The principal stream on the site is a tributary of Mattawoman Creek in the Potomac River Watershed. According to the *Prince George's County Soil Survey* the soils found on the property include Bibb silt loam, Beltsville silt loam, Galestown gravelly loam, Keyport silt loam and Sassafras gravelly sandy loam. 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, there are no rare, threatened, or endangered species found to occur in the vicinity of this lot. Traffic-generated noise from US 301 may impact portions of the property. The property is in the Developing Tier according to the approved *General Plan*.

Streams, wetlands, 100-year floodplains, and associated buffers are found throughout this property. The 100-year floodplain easement is shown on record plats VJ 186-63 and VJ-186-64. No conservation easements are shown on any of the record plats. Streams, wetlands and associated buffers appear to be correctly shown on the plans submitted with this application.

During the review and approval of Preliminary Plan of Subdivision 4-96083, variations to Section 24-129 and Section 24-130 of the Subdivision Regulations were approved for the proposed impacts to streams, stream buffers, 100-year floodplain, wetlands and wetland buffers associated with road crossings for Chadds Ford Drive and General Lafayette Boulevard. However, no variation associated with the proposed lake was requested or approved with 4-96083. The lake design was studied in detail during the review and approval of SDP-0108 and Preliminary Plan of Subdivision 4-01045 that created the parcel containing the lake approved variation requests for impacts to wetlands and wetland buffers. Additional variation requests were granted with the approval of Preliminary Plan 4-03080.

The revised Comprehensive Design Plan, CDP-0102/01, proposed additional impacts that require variation requests. The concepts of these impacts, including the general locations and magnitude of impacts, are shown on the revised Type I Tree Conservation Plan, TCPI/47/96-04.

Specifically, the plan shows proposed impacts for the installation of sewer lines, outfalls for stormwater management ponds and one street crossing.

All 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.

#### Review of Variation Requests

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.

Section 24-130 of the Subdivision Regulations restricts impacts to environmental 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. However, for purposes of discussion relating to Section 24-113(a) of the Subdivision Regulations the impacts were discussed collectively.

The eight variation requests were submitted for review. Request # 1 is to impact 22,250 square feet of expanded stream buffer and pipe a segment of stream for an internal street that connects a large development pod to the remainder of the site. Request #2 is for approximately 40,000 square feet of impact to expanded stream buffer for the installation of a sanitary sewer line to serve the development. Request #3 is for approximately 11,000 square feet of impact to the expanded stream buffer to construct the stream valley trail required by the Basic Plan. Requests 4-8 are for stormwater management facilities required by the approved Stormwater Management Concept Plan. Impact #4 is recommended for approval with one condition.

Section 24-113 of the Subdivision Regulations contains four required findings [text in bold] to be made before a variation can be granted. The Environmental Planning Section supports the variation requests for the reasons stated below.

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

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

The approval of the applicant's request does not have the effect of nullifying the intent and purpose of the Subdivision Regulations. In fact, strict compliance with the requirements of

Section 24-130 could result in practical difficulties to the applicant that could result in the applicant not being able to develop this property.

**The granting of the variation will not be detrimental to the public safety, health, or injurious to other property;**

**Comment:** Street construction is required to provide access for emergency vehicles and safe travel. The installation of sanitary sewer is required for public health. Stormwater management is required by County Code to ensure that no downstream flooding of property will occur. All designs of these types of facilities are reviewed by the appropriate agency to ensure compliance with other regulations. These regulations require that the designs are not injurious to other property.

**The Conditions on which the variation is based are unique to the property for which the variation is sought and are not applicable generally to other properties;**

**Comment:** The property is fragmented into eight developable areas by several streams. The degree of fragmentation is exceptional for a property of this size. In addition, the entire site has very little topographic relief that creates special engineering problems for the gravity flow of sewer and placement of stormwater management facilities. These conditions combine into a set of circumstances that are not generally applicable to other properties.

**The variation does not constitute a violation of any other applicable law, ordinance, or regulation;**

**Comment:** All of the proposed construction impacts are required by other regulations. Because the applicant will have to obtain permits from other local, state and federal agencies as required by their regulations, the approval of this variation request would not constitute a violation of other applicable laws.

**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 strict letter of these regulations is carried out;**

**Comment:** The property is fragmented into eight developable areas by several streams. The degree of fragmentation is exceptional for a property of this size. In addition, the entire site has very little topographic relief that creates special engineering problems for the gravity flow of sewer and placement of stormwater management facilities. The denial of Impact #1 would result in the loss of 57 of the proposed 309 lots. The denial of Impact #2 would result in the loss of 308 of the proposed 309 lots. The denial of Impact #3 would violate a condition of the Basic Plan. The denial of Impacts #4–#8 would require significant redesign of the site to reduce the impervious surface areas created by roads and rooftops.

The Environmental Planning Section supports requests #1 through #8 for the reasons stated above and request #4 with the following recommended condition:

At time of Specific Design Plan review, the impacts proposed for stormwater management pond #3 shall be reevaluated and the impacts to the stream buffers on both sides shall be reduced to the fullest extent possible.

A Detailed Forest Stand Delineation (FSD) was reviewed in conjunction with Preliminary Plan, 4-96083. That FSD was resubmitted with CDP-0102 and was found to address the requirements for an FSD in accordance with the *Prince George's County Woodland Conservation and Tree Preservation Technical Manual*.

This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because there are existing woodlands and there are previously approved Type I and Type II Tree Conservation Plans. The original CDP, Preliminary Plan, and TCPs were approved so that permits could be issued for the construction of sewer and water lines from US 301 to Phase I of "Brandywine Village" along McKendree Road. At that time, TCPI/47/96 was reviewed and was found to satisfy the requirements of the Prince George's County Woodland Conservation Ordinance. TCPI/47/96-01 was approved in conjunction with Comprehensive Design Plan CDP-0102 and TCPI/47/96-02 was approved in conjunction with Comprehensive Design Plan CDP-0102/01.

Preliminary Plan 4-04174 is for only a portion of the property contained in CDP-0102/01 and TCPI/47/96-02. The TCPI with this application proposes additional changes that constitute a major revision to the approved TCPI because more than 5,000 square feet of change to woodland conservation areas are proposed. In addition to a detailed TCPI submitted with this application that is at the same scale as the Preliminary Plan, a revised Type I Tree Conservation Plan, TCPI/47/96-04, at the same scale as the currently approved TCP (1" = 200') has been submitted.

The revised TCPI has been reviewed. The phased worksheet is detailed for three areas of the site (SDP-0109, 4-03080 and 4-04147); however, it fails to show the calculations for the remaining 76.59 acres within the entire Chaddsford development. The plan shows all proposed on-site woodland conservation for the entire Chaddsford development. The woodland conservation areas are concentrated in the areas containing sensitive environmental features and provide for the protection of the major streams and wetland on-site.

Traffic-generated noise may impact portions of the property. US 301 is the eastern boundary of the Chaddsford Development. The noise model used by the Environmental Planning Section predicts that the 65dBA noise contour is 531 feet from the centerline of US 301. This noise corridor will impact the L-A-C and E-I-A portions of the site but not the R-M zoned portion currently under review. General Lafayette Boulevard is designed as a master plan collector roadway and should not be a significant source of traffic-generated noise. Chadd Ford Drive is designed as a 70-foot access road and should not be a significant source of traffic-generated noise.

A Stormwater Management Concept Approval Letter and Plan, CSD#21274-2003-01, have been submitted. Multiple ponds are shown on the Tree Conservation Plan and their sizes and placements are consistent with those shown on the approved CSD.

### **Water and Sewer Categories**

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

3. **Community Planning**—The property is located within the limits of the 1993 Subregion V master plan and section map amendment, Planning Area 85A, in the Brandywine Community.

The property is recommended for a variety of land uses as part of the Brandywine Special Study Area. The 1993 sectional map amendment reclassified this property from the M-A-C Zone to the R-M Zone by CR-60-1993, CDZ Amendment #2 for zoning application A-9878. The proposed preliminary plan is consistent with A-9878 for mixed-use development. The 2002 General Plan locates the property in the Developing Tier. One of the visions of the Developing Tier is to maintain suburban residential communities and mixed-use centers that are increasingly transit oriented. The proposed preliminary plan is consistent with this recommendation.

This 100-acre application is part of a larger project known as Brandywine Village, which encompasses approximately 277 acres of land that has been classified in the R-M, E-I-A and L-A-C Comprehensive Design Zones with basic plans approved by application A-8838 (1977) and amended by A-9878 (1993). The property subject to this preliminary subdivision application is in the R-M Zone and is proposed for a variety of single-family residential dwellings and community facilities, which generally conforms to recommendations of the master plan for this area. All development proposed for this site is subject to site plan review in Comprehensive Design Plan application CDP-0102/01. Master plan development issues are addressed in context of the CDP application review process. There are no additional master plan issues pertaining to this preliminary subdivision application

4. **Parks and Recreation**—The staff of the Department of Parks and Recreation has reviewed the above-referenced preliminary plan for conformance with the requirements of Basic Plan A-9878, CDP-0102/01, the adopted sectional map amendment for Subregion V, (District Council Resolution No. CR-60-1993), the Land Preservation and Recreation Program for Prince George’s County, and current zoning and subdivision regulations as they pertain to public parks and recreation.

**Condition 2** of A-9878 states: “Conveyance of the stream valley of the tributary of Timothy Branch to MNCPPC as shown on Exhibit “B”.

Comment: The applicant shows that 100-year floodplain will be dedicated to M-NCPPC.

**Condition 3** of A-9878 states: “Lands to be conveyed to the MNCPPC shall be subject to the conditions of attached Exhibit “A” as submitted by the Park Planning and Development Division.” Condition 7 of Exhibit “A” prohibits encumbrances of dedicated parkland for stormwater management facilities, or tree conservation or utility easements on the lands owned by or to be conveyed to M-NCPPC without the prior written consent of DPR. Condition 5 of Exhibit “A” requires designing the storm drain outfalls to avoid adverse impact on land to be conveyed to or owned by M-NCPPC.

Comment: The applicant proposes that the dedicated parkland be placed in tree conservation. This action does not conform to Condition 7 of Exhibit “A” in A-9878.

The proposed storm water management outfall from SWM Ponds 2 and 3 will impact the environmentally sensitive area of the parkland. DPR should review and approve the design of these facilities at the time of SDP approval.

**Condition 5** of A-9878 states: “The applicant shall construct an eight-foot-wide hiker/biker trail in the above-referenced stream valley park from the northern to the southern end of the subject property. The applicant shall provide whatever structures necessary to ensure dry passage along the trail.”



Comment: The applicant shows the master planned trail on the dedicated parkland. The design of the trail and any needed structures to provide dry passage should be reviewed and approved by DPR at the time of SDP approval.

5. **Trails**—The subject application is in conformance with prior approvals with regard to trail and pedestrian recommendations and conditions. The submitted plan reflects the master plan trail along Timothy Branch, as well as the private trail along the east side of the lake. At the time of preliminary plan, an additional trail connection was recommended from the western edge of the subject site near stormwater management facility number 6 (SWM #6), through open space in the development, and to the master plan trail. This trail will serve to link more the subject site to the master plan trail and fulfills Condition 12 of the basic plan. The approved rezoning case (A-9878) requires that “trails provide linkages between all parts of the community to the master plan trail” (Condition 13 of CDP-0102/01). This also is reflected on the submitted plan.

The master plan trail along Timothy Branch will ultimately extend to the planned parkland and trail along Mattawoman Creek to the south and the planned trail along A-55 to the north. In addition to providing recreational opportunities for the residents of the subject site, the trail will also connect to a future library, elementary school, and park & ride within the Brandywine Special Study Area.

#### SIDEWALK CONNECTIVITY:

Due to the density of the subject application (4,000- and 5,000-square-foot lots), standard sidewalks are recommended along both sides of all internal roads. These sidewalks will further enhance the walkability of the community and provide additional connections to the proposed recreation areas and trails.

6. **Transportation**— The most recent study prepared in this area was for Comprehensive Design Plan CDP-0102/02 in February 2004, and it was prepared in accordance with the methodologies in the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*. That analysis has been used for the purpose of preparing findings and recommendations for the subject case, and a new traffic study was not required. 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 2002 General Plan for Prince George’s County. It is also within the Branch Avenue Metropolitan Center, as defined in same. 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 study

and install the signal (or other less costly 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:

- US 301/MD 5 and McKendree/Cedarville Roads (signalized)
- US 301/MD 5 and Chadds Ford Drive (future/signalized)

Existing traffic conditions were based on traffic counts done in February 2004. Existing conditions within the study area are summarized as follows:

| EXISTING TRAFFIC CONDITIONS   |                                |       |                                 |   |
|---|--------------------------------|-------|---------------------------------|---|
| Intersection  | Critical Lane Volume (AM & PM) |       | Level of Service (LOS, AM & PM) |   |
| US 301/MD 5 and McKendree/Cedarville Rds.   | 1,225                          | 1,876 | C                               | F |
| US 301/MD 5 and Chadds Ford Drive   | 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 <i>Guidelines</i> , delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy. |                                |       |                                 |   |

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:

| <b>BACKGROUND TRAFFIC CONDITIONS</b>  |   |       |                                    |
|---|---|-------|------------------------------------|
| Intersection  | Critical Lane Volume<br>(AM & PM)         |       | Level of Service<br>(LOS, AM & PM) |
|   | US 301/MD 5 and McKendree/Cedarville Rds. | 1,897 | 2,575                              |
| US 301/MD 5 and Chadds Ford Drive   | 2,251                                     | 2,559 | F                                  |
| *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 <i>Guidelines</i> , delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy. |   |       |                                    |

The site is proposed for a residential development of 172 single-family detached residences and 135 townhouse residences. The site trip generation would be 224 AM peak hour trips (45 in, 179 out) and 263 PM peak hour trips (172 in, 91 out). Therefore, we obtain the following results under total traffic:

| <b>TOTAL TRAFFIC CONDITIONS</b>   |   |       |                                    |   |   |
|---|---|-------|------------------------------------|---|---|
| Intersection  | Critical Lane Volume<br>(AM & PM)         |       | Level of Service<br>(LOS, AM & PM) |   |   |
|   | US 301/MD 5 and McKendree/Cedarville Rds. | 1,905 | 2,604                              | F | F |
| US 301/MD 5 and Chadds Ford Drive   |   | 2,    | 2,                                 | F | F |
|   |   | 26    | 62                                 |   |   |
|   |   | 0     | 2                                  |   |   |
| *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 <i>Guidelines</i> , delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy. |   |       |                                    |   |   |

In response to the inadequacies at both intersections within the study area, the applicant has indicated that the sole requirement is participation in the Brandywine Road Club. However, in addition to participation in the Brandywine Road Club, the applicant is also responsible for funding and constructing access improvements at the intersection of US 301/MD 5 and Chadds Ford Drive, including the minor street approach, all turning lanes, and any needed signalization.

Beyond these requirements, however, the traffic study states that additional north/south lanes along US 301/MD 5 would be needed to fully address the inadequacies, lacking the Brandywine Road Club. The study concludes by stating that such improvements are not reasonable. Therefore, the sole proffer made within the traffic study is the payment of money toward the Brandywine Road Club, which is consistent with the previous approvals of this project and actions of the District Council.

Approval of the plan should be made conditional upon the assumed improvements at US 301/MD 5 and Chadds Ford Drive, as may be modified by SHA to provide the same or better service levels at that location.

### **Plan Comments**

The subdivision plan is generally acceptable from the standpoint of access and circulation. In reviewing the initial submittal, one of the streets was recommended to be shown as a 60-foot street. The current plan has not been modified, however, and the street widths are acceptable as shown.

### **Conformance to Prior Plans**

This site was reviewed as Basic Plan A-9878 and CDP-0102/01, both of which were approved with several transportation-related conditions. The status of these conditions is summarized below:

#### **A-9878:**

Condition 13: This condition requires that the development participate in a road club to assist in funding the transportation improvements required for adequacy in the area. This lengthy condition sets the amount of payment for each type of land use. The condition also specifies a long list of improvements that are needed for adequacy in the area. The condition states that “the applicant’s sole funding responsibility toward the construction of these off-site transportation improvements shall be the payment” of the appropriate Road Club fee. For single-family detached residences the fee is set at \$1,472, and for townhouses the fee is set at \$1,338 (with the fees to be adjusted for inflation). The applicant has indicated a willingness to pay the appropriate Road Club fees at the time of building permit. This condition should be carried forward in its entirety to ensure that it is duly considered in future approvals.

Condition 14: This condition sets a trip cap on the site. During review of the CDP, it was assumed that 580 residences would be constructed on the site. Preliminary plan of subdivision 4-03080 included 132 lots, and the subject site (307 lots) added to the earlier subdivision would total 439 residences—well below the density that was assumed under prior plans.

Conditions 15 and 16: These conditions require that adequate dedication be shown along certain master plan facilities within and adjacent to the site. The current site shows adequate dedication exists where needed.

Condition 17: This condition requires that the applicant provide needed signalization at the US 301/MD 5 and Chaddsford Drive intersection. This condition is addressed by the recommended conditions of approval.

Condition 18: This condition provides for the potential future closure of the site’s access to US 301/MD 5 in the event that (a) other street connections are available and (b) SHA requests removal of the traffic signal at US 301/MD 5 and Chaddsford Drive. This condition is not affected by the current plan, but should be carried forward to ensure that it is duly considered in future approvals.

Condition 19: This condition requires that three street connections shown on the Basic Plan be

retained. All three street connections were present on the CDP and are not compromised by the current subdivision.

Condition 25: This condition requires that the CDP show future connections to the north and to the south. The area of this CDP does show the integration of the site with an adjacent property to the north with access. Therefore, the intent of this condition is accomplished within the context of this site.

**CDP-0102/01:**

Condition 5: This condition is virtually identical to Condition 13 of the Basic Plan.

Condition 6: This condition requires needed signalization and physical improvements at the US 301/MD 5 and Chaddsford Drive intersection. This condition should be carried forward to ensure full compliance and will be enforced at the time of building permit.

Condition 7: This condition is identical to Condition 18 of the Basic Plan.

Based on the above information, from the standpoint of transportation the submitted plan is in conformance to the approved Basic Plan and Comprehensive Design Plan.

A couple of issues were raised at the time of Subdivision Review Committee regarding layout of the site. The first issue concerned clarification of the locations of median breaks along General Lafayette Boulevard the applicant has indicated that median breaks would be placed opposite Court J (the street serving the single-family residences along General Lafayette Boulevard) and opposite the southernmost of the three entrances to the townhouse area. This is acceptable.

The second issue concerns a street connection to the north that is shown on the current plan with a 50-foot right-of-way. It was commented that the connection should be shown as a 60-foot street. However, the applicant has provided evidence that the adjacent property, shown as Parcel 23, has few elevation issues or environmental features that would isolate any portion of that site for the purpose of access. With a better idea that any uses at the end of that street would have other primary access available when Parcel 23 develops, it is determined that a 50-foot street is acceptable. Also, it is noted that a second connection shown on the initial submittal is now shown as a cul-de-sac, and that is acceptable.

Based on the preceding findings, the Transportation Planning Section concludes that adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code if the application is approved with conditions.

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 and concluded the following:

Impact on Affected Public School Clusters

| Affected School Clusters # | Elementary School Cluster 5 | Middle School Cluster 3 | High School Cluster 3 |
|----------------------------|-----------------------------|-------------------------|-----------------------|
| Dwelling Units             | 324 sfd                     | 324 sfd                 | 324 sfd               |
| Pupil Yield Factor         | 0.24                        | 0.06                    | 0.12                  |
| Subdivision Enrollment     | 77.76                       | 19.44                   | 38.88                 |
| Actual Enrollment          | 4,096                       | 4,689                   | 8,654                 |
| Completion Enrollment      | 180.48                      | 86.22                   | 158.07                |
| Cumulative Enrollment      | 339.84                      | 93.42                   | 186.84                |
| Total Enrollment           | 4,694.08                    | 4,888.08                | 9,037.76              |
| State Rated Capacity       | 4,214                       | 5,114                   | 7,752                 |
| Percent Capacity           | 111.39%                     | 95.58%                  | 116.59%               |

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

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

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

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.

8. **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 Brandywine Fire Station, Company 40, located at 14201 Brandywine Road, has a service travel time of 5.25 minutes, which is within the 5.25-minute travel time guideline for Block F, Lots 55-59 and 89-91. All other lots are beyond. It would take 6.25 minutes to reach the furthest point in the subdivision.
  - b. The existing ambulance service at Brandywine Fire Station, Company 40, located at 14201 Brandywine Road, has a service travel time of 6.25 minutes, which is within the 6.25-minute travel time guideline.

- c. The existing paramedic service at Brandywine Fire Station, Company 40, located at 14201 Brandywine Road, has a service travel time of 6.25 minutes, which is within the 7.25-minute travel time guideline.

In order 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.

The above 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*.

- 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 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 an additional 57 sworn personnel. This police facility will adequately serve the population generated by the proposed subdivision.
- 10. **Health Department**—The Health Department had no comments to offer.
- 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, #21274-2003-00, has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. Development must be in accordance with this approved plan.
- 12. **Urban Design**—The Urban Design Section has reviewed the preliminary plan for conformance to the CDP and offers the following comments:

**Trails:** The approved CDP-0102/01 (approved February 17, 2004; waiting for signatures) shows preservation of the existing drainage system, floodplains, wetlands and steep slopes. A variety of trails parallel the drainage system and link to proposed housing areas. There are five general CDP Conditions that discuss trails or open space (Conditions 9-13).

Condition 9: A private eight-foot-wide asphalt trail from the western part of the site at SWM #6 to the master plan trail through the open greenway space.

Condition 10 Standard sidewalks along all internal roads.

Condition 11 A six-foot-wide trail from the stream valley trail to Road "C."

Condition 12 A six-foot-wide trail from the stream valley trail to Road "B."

Condition 13 A six-foot-wide feeder trail from the stream valley trail to the potential school site.

All of these conditions have been shown except for Condition 12.

Condition 1. a.(5) requires the master plan trail along the lake to be located on parkland to be dedicated to M-NCPPC and connected to private feeder trails from townhouse development pod E, single-family pod F, and recreation pod K. No connection is shown between the townhouses or single-family and the master plan trail. A 100-foot wide, parallel greenway was created to separate lots along Road “F” from Road “B” but this greenway does not have a trail connection as mentioned in Condition 12.

**Streets:** The street pattern generally follows the CDP plan but has reduced connections to the townhouses and General Lafayette Boulevard. The original concept plan showed a connection using a traffic circle at the private road connections and Road “A,” but this is not shown. An additional connection was shown for the private street at Court “C” that is not shown. Some form of connection must be made for the townhouses on the southwestern side of the development. Court “C” could be eliminated and extended as a public street to Chadds Ford Drive providing access and circulation for the townhouses and will be further evaluated at the time of review of the SDP.

The appearance along General Lafayette Boulevard and open space for the townhouses can be improved by increasing the distance between the private roads. The single-family cul-de-sac should be moved away from General Lafayette Boulevard to allow more room for street trees and buffer space for the houses and will be further evaluated at the time of review of the SDP. These revisions could result in a loss of lots.

**Landscaping:** The developer’s CDP proposal has a variety of maps and graphics describing the entire development in Chapter 5 under *Landscape and Recreation Design Standards*. The areas of concern are along Chadds Ford Drive and General Lafayette Boulevard where proposed homes should be buffered from view. Additional buffers should be created to screen townhouses from single-family and the rear of homes from the street and will be further evaluated at the time of review of the SDP.

The Urban Design Section recommends approval of the preliminary plan for Chaddsford Section 2 with conditions.

13. **CDP-0102/01**—The following is applicable to the review of a preliminary plan of subdivision for lot standards:

- The minimum lot width at the street line shall be 40 feet. On cul-de-sacs the lot width may be measured at the front building line.
- No more than 25 percent of the total number of single-family lots subject to CDP-0102/01 shall be less than 50 feet in width.
- The remaining lots shall be 50 feet or more in width, with no less than 25 percent of the total number of lots at least 60 feet in width.
- Not more than twenty 36-foot-wide lots within CDP-0102/01 are permitted and shall be permitted only if the applicant demonstrates to the satisfaction of the Planning Board at the time of review of the SDP that the proposed dwellings on those lots have a superior architectural design.



**Comment:** The applicant has provided a “Lot Percentage Tracking Chart” on the preliminary plan, which demonstrates conformance to these requirements.

14. **CR-60-1993, CDZ Amendment 2**—The following conditions are applicable to the review of this preliminary plan and discussed in general terms:

**Condition (2)(A) and (B) Land Use Type and Quantities:** The proposed preliminary plan is consistent with the recommended land use type and quantities as described in the Overview section of this report.

**Condition (2)(C): Land Use Relationships:** Requires the conveyance of the stream valley to M-NCPPC. The applicant has proposed to convey Parcel E (4.10 acres) and Parcel G (10.84 acres) to M-NCPPC as part of this preliminary plan of subdivision. Parcel G includes the entire stream valley and is consistent with the recommendations of DPR. Parcel E is somewhat disconnected from the stream valley park. DPR shall determine if they will accept the conveyance of Parcel E at the time of review of the SDP, if not Parcel E will be conveyed to the HOA.

**Condition (4)** requires that the applicant provide private recreational facilities in accordance with the standards outlined in the park and recreational facilities guidelines. Recreational facilities will be provided in accordance with the recommendations of CDP-0102/01 and will be sited at the time of specific design plan. The tentative recreational facilities proposed with CDP-0102/01 for the Chaddsford development site include a sitting area, pre-teen playground, and access to an internal trail system that will be integrated into the overall Chaddsford development. Parcel G, located south of this property and part of the previously approved preliminary plan 4-03080, is proposed with a swimming pool, tennis court, picnic area, tot-lot, and community center to serve the residents of the Chaddsford development. As part of the subject property additional recreational facilities will be provided on the HOA common open space, which includes feeder trail connection to the M-NCPPC public parkland and master plan trail thereon, tot lots, and other miscellaneous facilities. Staff is concerned that adequate area exists to provide for the required recreational facilities. If determined at the time of review of the SDP, a loss of lots could occur to provide adequate usable open space areas for recreational facilities.

**Condition (5)** requires that the applicant construct an eight-foot-wide hiker/biker trail in the stream valley park and provide whatever structures necessary to ensure dry passage. The applicant has proposed the trail location consistent with CDP-0102/01. Detailed construction drawings will be required at the time of review of the SDP to ensure conformance.

**Condition (6)** requires that sensitive natural features be preserved as amenities that help to define the pattern of neighborhoods. The preliminary plan proposes to preserve the stream valley and associated buffers.

**Condition (10)** recommends development pod densities. With the approval of this preliminary plan the Chaddsford development will be below the base residential density of 748 dwelling units with the total dwelling unit proposed of only 449 dwelling units. The “Cumulative Total” table on the preliminary plan should be revised to reflect that the total dwelling units approved to date, based on the SDP, is 449.

**Condition (11)** requires a local road network with convenient access between all uses and to the regional road system. The proposed preliminary plan is developed on the south side of

Chaddsford Drive, a main spine road within the subdivision with easy access to General Lafayette Boulevard and US 301, and north to provide a connection to abutting properties.

**Condition (12)** requires that hiker/biker trails provide linkage between all parts of the community, employment areas, and the stream valley park. The proposed subdivision provides direct access to the stream valley park. In addition, other secondary and primary trail connections are proposed for this site. Refinement of the trail type and location shall be determined at the time of review of the SDP. The preliminary plan provides conceptual alignments and is consistent with the CDP.

**Condition (13)** relates to the applicant's responsibility for contribution to off-site transportation improvements as discussed in Finding 6 of this report.

**Condition (14)** establishes a trip cap for development as discussed in Finding 6 of this report.

**Condition (20a)** requires that a 10-acre school site be provided within the Chaddsford development. A tentative location has been selected as delineated on the proposed CDP-0102/01, within the subject preliminary plan. The preliminary plan has been referred to the Board of Education (BOE). While BOE has indicated the desire for the acquisition of land for a school site through dedication (12 to 15 acres minimum), BOE is not in a position to purchase the land currently nor would they be within a three-year reservation period. BOE has indicated that they are only interested if the applicant donates the land to BOE.

**Condition (21)** requires an open space network throughout the development. The proposed preliminary plan is consistent with the recommendations of the CDP for open space.

**Condition (22)** requires a complete pedestrian circulation system. The proposed preliminary plan is consistent with the recommendations of the CDP.

**Condition (23)** requires that possible connections with adjacent properties be provided. The CDP-0102/01 plan map proposes connections from Chaddsford Section 2 to the property to the north. The proposed preliminary plan is consistent with this recommendation

## 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. Delete one townhouse unit and revise the "Lot Percentage Table" to demonstrate conformance to the maximum allowable single-family attached units, or no more than 134 townhomes.
  - b. The "Cumulative Total" table on the preliminary plan should be revised to reflect that the total dwelling units approved to date, based on the SDP, is 449.
  - c. Revise both tables to reflect SDP-0109 as Section 1 and what is labeled Section 1 as Section 2.

- d. Clearly label the zoning.
2. A Type II Tree Conservation Plan shall be approved with the Specific Design Plan.
3. Development of this site shall be in conformance with the Stormwater Management Concept Plan, # 21274-2003-00, and any subsequent revisions.
4. The applicant and the applicant's heirs, successors and/or assignees shall provide the following, which shall be reflected on the SDP:
  - a. Construct the master plan stream valley trail per DPR standards at the location agreed to by the applicant and DPR. The applicant shall provide whatever structures necessary to provide dry passage along the trail. Timing for the construction and bonding of the trail shall be in accordance with the recommendations of CDP-0102/01 and further determined at the time of review of the SDP.
  - b. Standard sidewalks along both sides of the internal public streets, unless modified by the Department of Public Works and Transportation at the time of issuance of street construction permits.
  - c. An eight-foot-wide asphalt trail from the western portion of the subject site (in the vicinity of stormwater management pond #6) to the master plan trail through an open space greenway. The exact location of this trail shall be determined with the review of the SDP stage based on the ultimate configuration of the lots and the provision of an open space corridor.
  - d. A six-foot-wide asphalt feeder trail from the northern portion of the stream valley trail to the residential development shall be shown on the SDP. The applicant shall provide the construction of this trail in conjunction with the development of this pod.
5. Development of this property shall conform to the conditions of Basic Plan A-9878, CDP-0102/01, and District Council Resolution No. CR-60-1993.
6. Prior to the issuance of building permits, the applicant, his heirs, successors and/or assignees shall convey to the homeowners association (HOA) 46.14± acres of open space land (Parcels A-D, F, H-J). At the time of review of the SDP, DPR may decline the conveyance of Parcel E (4.10 acres); if so, it shall be conveyed to the HOA. 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 an unrecorded, special warranty deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division (DRD), Upper Marlboro, along with the final plat.
  - c. All waste matter of any kind shall be removed from the property prior to conveyance, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section or the entire project.
  - d. The conveyed land shall not suffer the disposition of construction materials, soil filling, discarded plant materials, refuse, or similar waste matter.

- e. Any disturbance of land to be conveyed to a homeowners association shall be in accordance with an approved 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 storm drain outfalls. If such proposals are approved, a written agreement and financial guarantee shall be required to warrant restoration, repair or improvements required by the approval process.
  - f. Storm drain 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 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.
7. 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.
  8. The applicant, his heirs, successors and/or assignees shall submit three (3) 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 DRD, the RFA shall be recorded among the county Land Records and noted on the Final Plat of Subdivision.
  9. 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.
  10. The applicant, his heirs, successors and/or assignees shall submit to the Park Planning and Development Division three (3) original Recreational Facilities Agreements (RFA) for construction of recreational trail facilities on park property. The RFA shall be approved prior to the approval of final plats. Upon approval by the Park Planning and Development Division, the RFA shall be recorded among the county Land Records and noted on the final plat of subdivision.
  11. 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 park property prior to the issuance of building permits.
  12. At the time of final plat, the applicant, his heirs, successors and/or assignees shall convey to M-NCPPC Parcels E and G, or 14.94± acres of land. If M-NCPPC declines the conveyance of Parcel E, it shall be conveyed to the HOA. Land to be conveyed to M-NCPPC shall be subject the following:
    - a. At the time of final plat the applicant an original, special warranty deed for the property to be conveyed (signed by the WSSC Assessment Supervisor) shall be submitted to the

Subdivision Section of the Development Review Division, The Maryland-National Capital Park and Planning Commission (M-NCPPC), along with the final plat.

- b. M-NCPPC shall be held harmless for the cost of public improvements associated with land to be conveyed, including but not limited to, sewer extensions, adjacent road improvements, drains, sidewalks, curbs and gutters, and front-foot benefit charges prior to and subsequent to final plat.
  - c. The boundaries and acreage of land to be conveyed to M-NCPPC shall be indicated on all development plans and permits, which include such property.
  - d. The land to be conveyed shall not be disturbed or filled in any way without the prior written consent of the Department of Parks and Recreation (DPR). If the land is to be disturbed, DPR shall require that a performance bond be posted to warrant restoration, repair or improvements made necessary or required by the M-NCPPC development approval process. The bond or other suitable financial guarantee (suitability to be judged by the General Counsel's Office, M-NCPPC) shall be submitted to DPR within two weeks prior to applying for grading permits.
  - e. Storm drain outfalls shall be designed to avoid adverse impacts on land to be conveyed to or owned by M-NCPPC. If the outfalls require drainage improvements on adjacent land to be conveyed to or owned by M-NCPPC, DPR shall review and approve the location and design of these facilities. DPR may require a performance bond and easement agreement prior to issuance of grading permits.
  - f. All waste matter of any kind shall be removed from the property to be conveyed. All wells shall be filled and underground structures shall be removed. DPR shall inspect the site and verify that land is in acceptable condition for conveyance, prior to dedication.
  - g. All existing structures shall be removed from the property to be conveyed, unless the applicant obtains the written consent of DPR.
  - h. The applicant shall terminate any leasehold interests on property to be conveyed to M-NCPPC.
  - i. No stormwater management facilities or tree conservation or utility easements shall be proposed on land owned by or to be conveyed to M-NCPPC without the prior written consent of DPR. DPR shall review and approve the location and/or design of these features. If such proposals are approved by DPR, a performance bond and an easement agreement may be required prior to the issuance of grading permits.
13. The review of the SDP shall include the following:
- a. Improve the road connections as in CDP-0102/01, especially to the townhouses and along General Lafayette Boulevard. The connections to the townhouses are not explained, so if the traffic circle is eliminated, show how the townhouses will connect to Chadds Ford Road and connect to townhouses off of Court C, Parcel A. A continuous public road connection that eliminates Court C may also connect the townhouses to Chadds Ford Road. A private road connection to Court C was shown in the CPD Illustrative Lotting

Plan but this is not acceptable and will be further evaluated at the time of review of the SDP.

- b. Combine public space/parks especially with SWM open space at the end of Court C. Create more natural looking SWM ponds at Road A at Chadds Ford Drive by eliminating straight lines and using a shallower (less slope) embankment. The Storm Drainage and Stormwater Management Design Manual has guidelines for landscaping SWM facilities, and Guidelines will be considered at the time of review of the SDP.
  - c. Provide more open space between the rear of townhouses (separate townhouses with 50-60 feet of open space) along General Lafayette Boulevard to allow more space between road access points; this will be further evaluated at the time of review of the SDP and could result in a loss of lots.
  - d. Continue the buffer concept and provide open space (30–40 feet wide) for street tree plantings along Chadds Ford Drive and General Lafayette Boulevard as indicated in the original CDP concepts under Landscape and Recreation Design Standards.
  - e. Separate the rear of townhouses from single-family homes by buffer space (50 feet) and tree planting along Road A. Townhouses are too close to the single-family lots and will be further evaluated at the time of review of the SDP.
  - f. Preserve more existing woodland adjacent to the existing drainage patterns at the end of Court H by changing lot dimensions.
  - g. Court K should be pulled back away from General Lafayette Boulevard (at least 75 feet) to improve the look from General Lafayette Boulevard. Open space (30–40 feet) is needed along General Lafayette Boulevard to plant street trees.
  - h. Single-family corner lots along General Lafayette Boulevard must be larger to account for setback from streets with open space to allow street tree plantings along the boulevard as in the CDP concepts under Landscape and Recreation Design Standards. Larger lots will also allow screening at the rear of houses and will be further evaluated at the time of review of the SDP.
  - i. A determination if a revision is required to SDP-0108 (SDP for the lake).
14. The applicant and/or the applicant's heirs, successors, or assignees 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 formation of a Road Club which will include 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  $\$1,472 \times (\text{Engineering News-Record Highway Construction Cost index at time of payment}) / (\text{Engineering News-Record Highway Construction Cost Index for first quarter, 1993})$ .
- For each single-family attached unit, a fee calculated as  $\$1,338 \times (\text{Engineering News-Record Highway Construction Cost index at time of payment}) / (\text{Engineering News-Record Highway Construction Cost Index for first quarter, 1993})$ .
- For each multifamily unit, a fee calculated as  $\$999 \times (\text{Engineering News-Record Highway Construction Cost index at time of payment}) / (\text{Engineering News-Record Highway Construction Cost Index for first quarter, 1993})$ .
- For development on the L-A-C and E-I-A portions of the subject property, the applicant's sole funding responsibility toward the construction of these off-site transportation improvements shall be the payment of a fee calculated as  $\$1.24 \text{ per gross square foot of space} \times (\text{Engineering News-Record Highway Construction Cost index at time of payment}) / (\text{Engineering News-Record Highway Construction Cost Index for first quarter, 1993})$ .
- The total fee to be paid shall not exceed an amount calculated as  $\$1,719,946.04 \times (\text{Engineering News-Record Highway Construction Cost index at time of payment}) / (\text{Engineering News-Record Highway Construction Cost Index for first quarter, 1993})$ .

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 the 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.
15. 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:
- a. Along US 301/MD 5 at Chadds Ford Drive, provide southbound acceleration and deceleration lanes as well as a northbound left-turn lane.
  - b. Along Chadds Ford Drive at the approach to US 301/MD 5, provide an exclusive right-turn lane and dual left-turn lanes.
  - c. Install a traffic signal at US 301/MD 5 and Chadds Ford Drive at the time it is deemed necessary by SHA.
16. Following the connection of C-502 to A-55 (and a planned partial interchange at US 301/MD 5 and A-55) on the north, and to McKendree Road on the south, the applicant and/or the applicant's heirs, successors, or assignees shall close the US 301/MD 5/Chadds Ford Drive at-grade intersection to traffic. In the event that a traffic signal has been installed at this location following approval of this plan, and removal of the signal is then required by direction of SHA following closure of the intersection, such modification or removal shall be at the sole expense of the applicant and/or the applicant's heirs, successors, or assignees.
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, 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.”

18. At time of Specific Design Plan review, the impacts proposed for stormwater management pond #3 shall be reevaluated and the impacts to the stream buffers on both sides shall be reduced to the fullest extent possible.
19. Prior to the issuance of any permits which 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.
20. Prior to signature approval of the TCPI/47/96-04 the worksheet shall be revised to include the entire acreage of the site and the revised plan shall be signed and dated by the qualified professional who prepared the plan.
21. At time of Specific Design Plan review all proposed easements shall be shown on the Type II Tree Conservation Plan. No woodland conservation shall be shown within these easements and the easements shall not be placed in areas that are required to be preserved.

STAFF RECOMMENDS APPROVAL OF TREE CONSERVATION PLAN TCPI