

R E S O L U T I O N

WHEREAS, Kase Builders is the owner of a 12.86-acre parcel of land known as Parcel 15, Tax Map 164 in Grid F-1, said property being in the 11th Election District of Prince George's County, Maryland, and being zoned R-R & C-M; and

WHEREAS, on June 12, 2007, Kase Builders filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 8 lots and 1 parcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-07040 for McKendree Road Property was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on October 18, 2007, for its review and action in accordance with Article 28, Section 7-116, Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

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

WHEREAS, on October 18, 2007, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED the Type I Tree Conservation Plan (TCPI/002/06), and further APPROVED Preliminary Plan of Subdivision 4-07040, McKendree Road Property, including a Variation from Section 24-130 for Lots 1-8 and Parcels A-D with the following conditions:

1. 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.
2. At the time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the expanded stream buffers, excluding those areas where variation requests have been approved, and be reviewed by the Environmental Planning Section prior to APPROVAL. 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. 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/002/06), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005. Copies of all approved Tree Conservation Plans for the subject property are available in the offices of the Maryland-National Capital Park and Planning Commission Prince George’s County Planning Department.”

4. The Type II Tree Conservation Plan shall show the landscaping in the 40-foot-wide scenic easement adjacent to the 10-foot public utility easement parallel to the land to be dedicated for McKendree Road. The landscaping shall be sufficient to preserve the historic character of McKendree Road.

5. Landscape buffers, a minimum of 40-foot-wide easements adjacent to the 10-foot public utility easements parallel to the land to be dedicated for McKendree Road, shall be shown on the final plats as scenic easements and the following note shall be placed on the plats:

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

6. The applicant’s engineer shall remove the Parcel B notation from the preliminary plan prior to signature approval.

7. In conformance with the Adopted and Approved Subregion V Master Plan, the applicant and the applicant’s heirs, successors, and/or assigns shall provide a 35-foot-wide public use trail easement along the subject site’s entire portion of Timothy Branch. This easement shall be located within Parcel “A” outside of the expanded buffer and shall be marked and labeled on the final plat as reflected on the preliminary plan.

8. 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 that 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 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  $\$1,472 \times (\text{Engineering News-Record Highway Construction Cost index at time of payment}) / (\text{Engineering News-Record Highway Construction Cost Index for first quarter, 1993})$ .

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

9. 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.
10. At the time of final plat approval, the applicant shall indicate dedication of right-of-way of 50 feet from the master plan centerline of McKendree Road, as shown on the submitted plan.
  11. The applicant or the applicant's heirs, successors, and/or assigns shall provide a standard sidewalk along the subject property's entire frontage of Adders Court, unless modified by DPW&T.
  12. The applicant or the applicant's heirs, successors, and/or assigns shall provide a standard sidewalk along the subject property's entire frontage of McKendree Road, unless modified by DPW&T.
  13. Prior to approval of the final plat of subdivision the applicant, his heirs, successors and or assignees shall pay a fee-in-lieu of parkland dedication.
  14. Development of this site shall be in conformance with an approved stormwater management concept plan 27060-2005-01 and any subsequent revisions.
  15. Prior to the issuance of the grading permit, a note shall be affixed to the preliminary plan that requires that the structures are to be razed and the well and septic systems properly abandoned.
  16. At the time of final plat, the applicant, his heirs, successors and/or assignees shall convey to the homeowners association (HOA) 7.97 ± acres of open space land (Parcel A). The land to be conveyed to a homeowner's association or other entity shall be subject to the applicable conditions as follows:
    - a. Conveyance shall take place prior to the issuance of building permits.
    - b. A copy of unrecorded, special warranty deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division (DRD), Upper Marlboro, along with the final plat.

- c. All waste matter of any kind shall be removed from the property, prior to conveyance, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section, or the entire project.
- d. The conveyed land shall not suffer the disposition of construction materials, soil filling, discarded plant materials, refuse or similar waste matter.
- e. Any disturbance of land to be conveyed to a homeowner's association shall be in accordance with an approved specific design plan or shall require the written consent of the DRD. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement and stormdrain outfalls. If such proposals are approved, a written agreement and financial guarantee shall be required to warrant restoration, repair or improvements, required by the approval process.
- f. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to a homeowner's 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 homeowner's association for stormwater management shall be approved by DRD.
- h. The Planning Board or its designee shall be satisfied that there are adequate provisions to assure retention and future maintenance of the property to be conveyed.

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

1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.
2. Situated in the Developing Tier, the subject property is located on the north side of McKendree Road, approximately 350 feet west of Crain Highway.

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

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone	R-R (11.47) and C-M (1.39 acres)	R-R (11.47) and C-M (1.39 acres)
Use(s)	Single-Family Residence	Single-Family Residence
Acreage	12.86	12.86
Parcels	1	1
Lots	0	8
Dwelling Units	1 (To be Removed)	8
Public Safety Mitigation Fee		No

4. **Environmental**—The site is partially wooded with hardwood forests and pine forests. There is a stream, wetlands and 100-year floodplain on the property. The site drains into Mattawoman Creek in the Potomac River watershed. According to the “Prince George’s County Soil Survey”, the principal soils on the site are in the Beltsville, Bibb, Croom, Iuka and Sassafras series. Marlboro clay is not found to occur in the vicinity of this property. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. There are no nearby sources of traffic-generated noise. The proposed use is not expected to be a noise generator. McKendree Road is a designated historic road. This property is located in the Developing Tier as reflected in the 2002 Approved General Plan.

**Conformance with the Henson Creek Master Plan**

The master plan shows an area of Natural Reserve in the western portion of the subject property. Implementation of Section 24-130 of the Subdivision Regulations and the Woodland Conservation Ordinance will result in conformance with the requirements of the master plan concerning development in Natural Reserve areas.

**Conformance with the Countywide Green Infrastructure Plan**

The western portion of the subject property is located in a Regulated Area as designated by the Countywide Green Infrastructure Plan and the remainder of the property is a designated Evaluation Area. The applicant proposes to meet all woodland conservation on-site and preserve the sensitive environmental features to the extent possible.

**ENVIRONMENTAL REVIEW**

A signed Natural Resources Inventory (NRI), NRI/082/06, was submitted with the application. There is a stream, wetlands and 100-year floodplain, on the property. The expanded stream buffers as delineated on the NRI are correctly shown on the Preliminary Plan and the Type I Tree Conservation Plan.

The Forest Stand Delineation indicates one forest stand totaling 5.66 acres and notes three specimen trees. The dominant trees are sweetgum and red maple with diameters ranging from 6-16 inches at breast height. There is also a substantial amount of Japanese honeysuckle present.

The Preliminary Plan correctly shows that no proposed lot will be encumbered by a future conservation easement. No further action regarding identification of sensitive environmental features is required for this Preliminary Plan of Subdivision review.

There is a stream, wetlands and 100-year floodplain on the subject property associated with Mattawoman Creek in the Potomac River watershed. Impacts to these significant environmental features that are required to be protected by Section 24-130 of the Subdivision Regulations are proposed. The design should avoid any impacts to streams, wetlands or their associated buffers unless the impacts are essential for the development as a whole. The expanded stream buffers are correctly shown on the NRI, Preliminary Plan and Type I Tree Conservation Plan.

Staff generally does not support impacts to sensitive environmental features that are not associated with essential development activities. Essential development includes such features as public utility lines [including sewer and stormwater outfalls], road crossings, and so forth, which are mandated for public health and safety; non-essential 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 to sensitive environmental features require variations to the Subdivision Regulations.

One impact for the installation of a sanitary sewer connection and another impact for a stormwater outfall combined with improvements to McKendree Road are indicated on the TCPI. The proposed impacts are the minimum necessary and sufficient to permit orderly development of the subject property. A variation request, dated July 30, 2007, was submitted in conformance with Section 24-113 of the Subdivision Regulations.

Section 24-113 of the Subdivision Regulations contains four required findings [text in bold] to be made before a variation can be granted.

**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:**

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

The installation of a sanitary sewer connection, improvements to McKendree Road and the installation of stormwater management facilities are required by Prince George's County to provide for public safety, health and welfare. All designs of these types of facilities are reviewed by the appropriate agency to ensure compliance with the regulations. These regulations require that the designs are not injurious to other property.

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

The expanded stream buffers and wetland buffers include approximately (31) thirty-one percent of the subject property. The only existing sanitary sewer main to which a connection can be made is wholly within the expanded stream buffer. McKendree Road abuts the expanded stream buffer and any required improvements create an impact.

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

The installation of a sanitary sewer connection and street improvements are required by other regulations. Because the applicant will have to obtain permits from other federal, state and local agencies as required by their regulations, the approval of this variation request would not constitute a violation of other applicable laws.

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

Without the required public street improvements, stormwater management facilities and sanitary sewer connection, the subject property could not be properly developed in accordance with the R-R Zoning.

The Environmental Planning Section supports the variation request for the reasons stated above.

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

At the time of final plat, a conservation easement should be described by bearings and distances. The conservation easement should contain the expanded stream buffers, excluding those areas where variation requests have been approved, and be reviewed by the Environmental Planning Section prior to certification. A note detailing the conservation easements should be placed on the final plat.



This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the property is greater than 40,000 square feet in area and contains more than 10,000 square feet of woodland. A Tree Conservation Plan is required.

A Type I Tree Conservation Plan, TCPI/2/06, has been reviewed. The worksheet indicates clearing 1.39 acres of the existing 1.98 acres of upland woodland and the clearing of 0.12 acres of the 3.68 acres of woodland within the 100-year floodplain. The woodland conservation threshold for the project is 1.70 acres. Based upon the proposed clearing, the woodland conservation requirement is 3.00 acres. The plan proposed preserving 0.59 acres of woodland on-site and planting 2.42 acres of woodland on-site for a total of 3.01 acres of woodland.

The design of the woodland conservation areas provides protection to the stream valley, buffers the residential development for adjacent commercial development and provides for the retention of the historic character of McKendree Road. The plan fulfills the goals and purposes of the Green Infrastructure Plan and the Woodland Conservation Ordinance. A note should be placed on the Final Plat of Subdivision citing the restrictions of the approved Type I Tree Conservation Plan (TCPI/002/06), or as modified by the Type II Tree Conservation Plan.

McKendree Road is a designated historic road. The "Design Guidelines and Standards for Scenic and Historic Roads" provides guidance for the review of applications that could result in the need for roadway improvements.

The plan provides forty-foot-wide landscape buffers adjacent to the ten-foot public utility easement parallel to the land to be dedicated for McKendree Road. This treatment is consistent with previously approved preliminary plans along McKendree Road. The landscape buffers will be placed within a scenic easement on the final plats. Because these easements will restrict the use of the property, the easements should be placed within a Homeowners Association (HOA) parcel.

The Type II Tree Conservation Plan should show the landscaping in the forty-foot-wide scenic easement adjacent to the ten-foot public utility easement parallel to the land to be dedicated for McKendree Road. The landscaping should be sufficient to preserve the historic character of McKendree Road.

According to the "Prince George's County Soil Survey", the principal soils on the site are in the Beltsville, Bibb, Croom, Iuka and Sassafras series. Beltsville and Croom soils are highly erodible and are in the C-hydric group. Bibb soils are associated with floodplains. Sassafras soils pose no special problems for development. This information is provided for the applicant's benefit. Prince George's County Department of Environmental Resources (DER) will require a soils report in conformance with CB-94-2004 during the permit process review.

A Stormwater Management Concept Plan, CSD #27060-20056-01, was approved by the Prince George's County Department of Public Works and Transportation (DPW&T) on June 19, 2007, and expires on June 19, 2010. The approval requires approval by DPW&T for the landscaping by the wet pond, road frontage improvement on McKendree Road, provision of water quality by extended detention and on-site attenuation of the one year storm event. The stormwater

management facilities shown on the TCPI are consistent with this approval. No further action regarding stormwater management is required for this Preliminary Plan of Subdivision review.

### **Water and Sewer**

The Prince George's County Department of Environmental Resources (DER), Development Services Division, has determined that the 2001 Water and Sewer Plan designated this property in Water and Sewer Category 4. Category 3 must be approved prior to Final Plat.

5. **Community Planning**—The subject site is located in the Developing Tier. This application is not inconsistent with the 2002 General Plan Development Pattern policies for the Developing Tier. 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 R-R Zone as approved by the 1993 *Subregion V Sectional Map Amendment*. While the master plan recommends a proposed realignment of MD 5 (F-9) through the subject property, and a proposed partial interchange at the intersection of proposed C-502. (See map 22, p.122) The Maryland State Highway Administration has determined that it would not require right-of-way from this site. The development proposed according to the existing R-R Zone is considered appropriate.
6. **Parks**—In accordance with Section 24-134(a) of the Prince George's County Subdivision Regulations, the Park Planning and Development Division recommends that the Prince George's County Planning Board require a payment of a fee-in-lieu of dedication from the subject subdivision because land available for dedication is unsuitable due to its size and location.
7. **Trails**—The Adopted and Approved Subregion V Master Plan identifies one master plan trail issue that impacts the subject site. The master plan recommends a multi-use trail along Timothy Branch. This master plan trail is not specifically identified as a Maryland-National Capital Park and Planning Commission (M-NCPPC) stream valley corridor in the master plan, and has been accommodated through the acquisition of a public use trail easement along Timothy Branch within other properties along the stream valley in the vicinity of the subject site.

The M-NCPPC Department of Parks and Recreation has indicated that dedication of the stream valley is not desired at this location. Therefore, staff recommends that a thirty-five-foot-wide public use trail easement should be marked and labeled on the approved preliminary plan and final record plat.

It should be noted that this stream valley falls within a largely industrially zoned area, and that there will likely be limited use of this corridor for trail activity. The subject site in particular is isolated from the rest of the stream valley by US 301, which will pose a significant barrier to trail traffic along Timothy Branch at this location. However, staff recommends the provision of either a 35-foot-wide public use trail easement or park dedication along Timothy Branch in the event that the opportunity to construct a trail occurs in the future along all or a portion of the stream valley.

The submitted preliminary plan indicates standard sidewalks along both sides of the internal cul-de-sac and along the subject site's frontage of McKendree Road. Staff supports the provision of these sidewalks.

8. **Transportation**—Due to the size of the subdivision, staff has not required that a traffic study be done. The staff did have available traffic information in the area for the purpose of making an adequacy finding. Therefore, the findings and recommendations outlined below are based upon a review of these materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*.

***Growth Policy – Service Level Standards***

The subject property is located within the Developing Tier, as defined in the 2002 General Plan. The subject property is evaluated according to the following standards:

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

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

***Staff Analysis of Traffic Impacts***

The following intersection was deemed to be the critical intersection by the Transportation Planning Section:

- US 301/MD 5 and Cedarville/McKendree Road (signalized)

Existing traffic conditions were based on traffic counts done during 2006. Existing conditions within the study area are summarized as follows: AM peak hour, a critical lane volume (CLV) of 1,420, operating at a level-of-service (LOS) D; and PM peak hour, a CLV of 1,876, operating at LOS F.

The staff's analysis considers the following as an assessment of the background traffic situation:

- A 2.5 percent annual growth factor for through traffic along US 301/MD 5.

- With regard to background development in the area, it should be noted that approximately 6.5 million square feet of approved industrial development within Employment Area C, as defined in the *1993 Subregion V Master Plan and Sectional Map Amendment*, has expired without recordation, and is not included. It is also noted that the analysis includes about 900 residences. The recently-approved Brandywine Crossing proposal is included as a part of background development for this study, as is over 200,000 square feet of retail development on the west side of US 301/MD 5.

Background conditions are summarized as follows: AM peak hour, a CLV of 2,085, operating at LOS F; and PM peak hour, a CLV of 2,604, operating at LOS F.

With the development of 8 single-family detached residences, the site would generate 6 AM (1 in and 5 out) and 7 PM (5 in and 2 out) peak-hour vehicle trips. The site was analyzed with the following trip distribution:

- 5% - Northwest along McKendree Road
- 65% - North along US 301/MD 5
- 30% - South along US 301/MD 5

Given this trip generation and distribution, staff has analyzed the impact of the proposal. With the site added, the critical intersection would operate as follows: AM peak hour, a CLV of 2,087, operating at LOS F; and PM peak hour, a CLV of 2,605, operating at LOS F. Therefore, the critical intersection operates unacceptably under total traffic.

In response to the inadequacies at the critical intersection, improvements are planned through the Brandywine Road Club. The Brandywine Road Club has posed several issues for the Planning Board in the past, and these issues are briefly summarized below:

- a. The use of the Brandywine Road Club in approving a development poses an issue of concurrency. In other words, Section 24-124 of the Subdivision Regulations (which governs findings of adequate transportation facilities) is intended to ensure that needed transportation facilities occur concurrently with development or within a reasonable time thereafter. However, transportation inadequacies in the area have been documented since 1989.

Many properties have been approved with a condition to pay funds toward the Brandywine Road Club, beginning in 1990; however, since those initial approvals, no improvements have been constructed. Furthermore, there is nothing in either the current Prince George's County Capital Improvement Program or the State's (Maryland) Consolidated Transportation Program that suggests that needed improvements are funded for construction.

- b. Council Resolution CR-60-1993 approved the master plan and the sectional map amendment for the *Subregion V Master Plan*. As a part of that resolution, zoning map

amendment A-9878 for Brandywine Village was approved with conditions that allow that particular property to participate in the Brandywine Road Club as a means of determining transportation adequacy. The same condition allows such road club participation by “any properties along US 301/MD 5 between T.B. (the intersection of US 301 and MD 5 in Prince George’s County) and Mattawoman Creek”. This has been carefully considered. While the subject property does not currently have frontage along US 301/MD 5, in 1993 it was part of a larger property that did have frontage along the above-mentioned section of US 301/MD 5. Therefore, the use of the Brandywine Road Club for this site would appear to be consistent with the intent of the Council Resolution.

- c. The improvements needed to address the adequacy issues noted above would include a future interchange at the critical intersection, along with other interchanges in the immediate area. There is a general recognition that the scope and cost of improvements needed would far exceed the ability of an applicant of this size to fund them.

It is noted that the adjacent Chaddsford residential development (Preliminary Plans 4-03080 and 4-04174), which are both immediately north of the subject property between Clymer Drive and Chadds Ford Drive, along with Rosewood Estates (4-02069) and Timber Village (4-04053) to the west and across McKendree Road, were approved with a condition to pay \$1,472 per square foot (subject to an inflation) provision toward the Brandywine Road Club improvements. It is fair that residential units to be constructed within the subject property pay toward the Brandywine Road Club just as the residential units on the adjacent properties surrounding this site have been required to do.

For these reasons, it is determined that adequate transportation facilities can only be found if there is participation in the Brandywine Road Club.

### **Plan Comments**

US 301/MD 5 is a master plan freeway facility. The *Subregion V Master Plan and Sectional Map Amendment* indicates a transition of MD 5 onto a relocated section across the subject site. The right-of-way for this proposal would have consumed virtually the entire site. The submitted plan did not recognize the right-of-way in the least and suggests no action regarding it. As a matter of course, letters to the implementing agencies regarding potential reservation were prepared and sent. In response, the Prince George’s County Department of Public Works and Transportation (DPW&T) provided a letter supporting reservation. The Maryland State Highway Administration (SHA) indicated that ultimate plans for the adjacent section of US 301/MD 5 involve a future interchange at the critical intersection, but noted also that the proposed interchange would not require right-of-way from the subject property. It was further noted that the access to the site would not require future closure due to proximity to the future interchange. In conclusion, SHA is not requesting that the Planning Board seek to have the property (or any portion of it) placed into reservation. The letters from both agencies are attached to the backup associated with this report.

Given that SHA does not support reservation and that DPW&T has not met the statutory

requirements for reservation by providing a map indicating the area to be reserved along with an estimate of the time needed to complete a purchase, it is not recommended that reservation be pursued for the subject site. Section 24-121(a)(5) indicates that a plat (and presumably all plans that preceded it) shall conform to the area master plan. Similarly, Section 24-123(a)(1) requires that the Planning Board, in approving any plat, shall require that all master plan rights-of-way be shown on any preliminary plan. While the printed master plan does indicate that a planned right-of-way for the F-9 facility crosses the subject site, the letter from SHA makes it clear that a different concept will be implemented in the process of upgrading US 301 and MD 5. The current master plan concept will not be incorporated into any future master plan updates; therefore, it is recommended that the plan, as submitted, be deemed to conform to the *Subregion V Master Plan*.

McKendree Road is an arterial roadway transitioning to a master plan major collector, and consistent with other approved plans in the area must demonstrate dedication of 50 feet from the master plan centerline along the property’s frontage. This is shown adequately on the submitted preliminary plan.

***Transportation Staff Conclusions***

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

9. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this preliminary plan for impact on 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	8 DU	8 DU	8 DU
Pupil Yield Factor	.24	.06	.12
Subdivision Enrollment	1.92	.48	.96
Actual Enrollment	3,898	5,968	9,696
Completion Enrollment	148.8	90	181
Cumulative Enrollment	119.52	33.48	66.96
Total Enrollment	4,168.24	6,091.96	9,944.92
State Rated Capacity	3,771	6,114	10,392

Percent Capacity	110.53	99.63	95.69
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Source: Prince George's County Planning Department, M-NCPPC, January 2007

County Council bill CB-31-2003 establishes a school facilities surcharge in the amounts of: \$7,000 per dwelling if a building is located between I-495 and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$12,000 per dwelling for all other buildings. Council bill CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts are \$7,671 and \$13,151 to be paid at the time of issuance of each building permit.

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

10. **Fire and Rescue**—The Historic Preservation & Public Facilities Planning Section has reviewed this preliminary plan for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(B)-(E) of the Subdivision Regulations. Public Facilities staff have determined that this preliminary plan is within the required 7-minute response time for the first due fire station Brandywine Company #40, using the *7 Minute Travel Times and Fire Station Locations Map* provided by the Prince George's County Fire Department. Pursuant to CR-69-2006, Prince George's County Council and the County Executive suspended the provisions of Section 24-122.01(e)(1)(A, B) regarding sworn fire and rescue personnel staffing levels. The Fire Chief has reported that the department has adequate equipment to meet the standards stated in CB-56-2005.
  
11. **Police**—The subject property is located in Police District V. The standard for emergency calls response is 10-minutes and the standard is 25-minutes for non-emergency calls. The times are based on a rolling average for the proceeding 12 months. The preliminary plan was accepted for processing by the Planning Department on June 12, 2007.

Reporting Cycle	Previous 12 Month Cycle	Emergency Calls	Non-emergency
Acceptance Date June 12, 2007	5/06-5/07	10 minutes	14 minutes
Cycle 1	6/06-6/07		
Cycle 2	7/06-7/07		
Cycle 3	8/06-8/07		

The response time standards of 10-minutes for emergency calls and 25-minutes for non-emergency calls were met June 21, 2007. The Police Chief has reported that the department has adequate equipment to meet the standards stated in CB-56-2005. Pursuant to CR-69-2006, Prince

George's County Council and the County Executive suspended the provisions of Section 24-122.01(e)(1)(A, B) regarding sworn police personnel staffing levels.

- 12. **Stormwater Management**— A Stormwater Management Concept Plan, # 27060-2005-01, has been approved with conditions.
- 13. **Health Department**—The Environmental Engineering Program has reviewed the preliminary plan of subdivision for the McKendree Road Property. The comments are similar to comments made when the subject property was reviewed for a previous subdivision application (**4-04123**).

The abandoned deep well adjacent to the existing house must be backfilled and sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative from the Health Department as part of the grading permit. The abandoned septic system serving the existing house must be pumped out by a licensed scavenger and either removed or backfilled in place as part of the grading permit. A raze permit is required prior to the removal of any of the existing structures on site. A raze permit can be obtained through the Department of Environmental Resources, Office of Licenses and Permits. Any hazardous materials located in any structures on site must be removed and properly stored or discarded prior to the structures being razed. A note should be affixed to the preliminary plan that requires that the structures are to be razed and the well and septic systems properly abandoned before the release of the grading permit.

- 14. **Archeology**—Phase I archeological survey was completed on the 12.86-acre McKendree Road Property in June 2006. The final report, *A Phase I Archeological Survey of the McKendree Road Property Prince George's County, Maryland Preliminary Plan #4-0512*, has been received by the Historic Preservation and Public Facilities Section and was accepted on December 6, 2006. No archeological sites were identified in the survey and no further archeological work is necessary on the McKendree Road Property.

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

- 15. **Historic Preservation**—McKendree Road is a designated historic road. No other historic resources are identified on or adjacent to the subject property. There are no effects on historic resources. The Historic Preservation and Public Facilities Section has reviewed the subject area and has found that there is no effect on historic resources.

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

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This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Squire, seconded by Commissioner Clark, with Commissioners Squire, Clark, Vaughns, Cavitt and Parker voting in favor of the motion at its regular meeting held on Thursday, October 18, 2007, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 8th day of November 2007.

Oscar S. Rodriguez  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

OSR:FJG:IT:bjs