

R E S O L U T I O N

WHEREAS, Foulger-Pratt Development, LLC is the owner of an 18.58-acre parcel of land known as Parcels 4, 5, and 6, said property being in the 11th Election District of Prince George's County, Maryland, and being zoned Light Industrial (I-1); and

WHEREAS, on December 17, 2020, Foulger-Pratt Development, LLC filed an application for approval of a Preliminary Plan of Subdivision for 170 lots and 23 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-19011 for Townes at Brandywine Crossing 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 March 4, 2021, for its review and action in accordance with the Land Use Article of the 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 March 4, 2021, 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 Type 1 Tree Conservation Plan TCP1-023-2020, and further APPROVED Preliminary Plan of Subdivision 4-19011 for 170 lots and 23 parcels with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the plan shall be revised to:
  - a. Revise General Note 10 to show the acreage of the public right-of-way dedication area.
  - b. Revise General Note 12 to show the correct number of proposed parcels.
  - c. Show the proposed public road right-of-way dedication line with the 'property line' symbol.
  - d. Show homeowners association parcels provided in between Lots 163 and 164 and in between Lots 41 and 42.
  - e. Delineate and label the required 10-foot-wide public utility easement along Matapeake Business Drive (MC-503).

- f. Show a label for the existing 17-foot public utility easement located adjacent to Matapeake Business Drive along the entire frontage of the property and described in a deed of easement recorded in the Prince George's County Land Records in Liber 13816 at folio 302.
  - g. Revise the preliminary plan to create a separate parcel 10 feet in width measured from the eastern edge of the 5-foot dedication required by Condition 8. Label this parcel "to be retained in private ownership and reserved in perpetuity, for dedication on demand by the operating agency, for the widening of Matapeake Business Drive, as designated in the 2009 *Master Plan of Transportation* and the 2013 *Subregion 5 Approved Master Plan and Sectional Map Amendment*."
  - h. Revise the corners of all proposed corner lots to either use an arc of 20-foot radius, or an equivalent truncation using a single line segment between the points of curvature.
  - i. Revise Parcel J to widen the 5-foot-wide 'neck' portion located to the south side of Lot 82 to a minimum width of 7 feet.
2. The Washington Suburban Sanitary Commission easement shown across the western portions of Parcels B and E, and Lots 106 and 107 shall be extinguished before the final plat of subdivision is recorded.
3. The 15-foot-wide trail easement situated parallel to the 50-foot conservation easement for floodplain buffer, and located adjacent to the eastern property line, shall be extinguished at the time of recordation of the final plat of subdivision.
4. Prior to the approval of any building permit for the subject property, the applicant and the applicant's heirs, successors, and/or assignees shall demonstrate that the following required adequate pedestrian and bikeway facilities have (a) full financial assurances, (b) have been permitted for construction through the applicable operating agency's access permit process, and (c) have an agreed-upon timetable for construction and completion with the appropriate operating agency, in accordance with Section 24-124.01 of the Prince George's County Subdivision Regulations:
  - a. Upgrade two existing crosswalks along Timothy Branch Drive to a continental style crosswalk, as depicted on the Pedestrian Improvement Locations exhibit.
  - b. Upgrade existing crosswalks along Matapeake Business Drive to continental style crosswalks, as shown on the applicant's Pedestrian Improvement Locations exhibit.
  - c. Provide 230 linear feet of 5-foot-wide sidewalk along the portion of Matapeake Business Drive that fronts the property at 16000 Robert Crain Highway (Maryland Tax I.D. 3934098).

5. Prior to the acceptance of any detailed site plan, the applicant shall provide an exhibit that illustrates the location, limits, specifications and details of the pedestrian and bicyclist adequacy improvements approved with Preliminary Plan of Subdivision 4-19011, consistent with the requirements of Section 24-124.01(f) of the Prince George's County Subdivision Regulations.
6. At the time of acceptance, the detailed site plan, filed by the applicant, shall illustrate the location, limits, specifications, and details displaying the following facilities, unless modified by the Prince George's County Department of Permitting, Inspections and Enforcement, with written correspondence:
  - a. Standard six-foot-wide sidewalks along both sides of all roads, public or private, excluding alleys.
  - b. Eight-foot-wide side path along the subject property's frontage of Matapeake Business Drive.
  - c. Perpendicular Americans with Disabilities Act ramps and marked crosswalks at all locations where sidewalks intersect with roads or streets.
  - d. Crosswalks crossing Matapeake Business Drive.
  - e. Outdoor bicycle parking at all community and recreational areas.
7. Total development within the subject property shall be limited to uses which generate no more than 119 AM peak-hour trips and 136 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision, with a new determination of the adequacy of transportation facilities.
8. At the time of final plat, the applicant and the applicant's heirs, successors, and/or assignees shall:
  - a. Dedicate five feet of right-of-way along the property frontage on Matapeake Business Drive, to allow for implementation of an urban four-lane road (80-foot right-of-way) per DPW&T standards.
  - b. The parcel proposed for future widening of Matapeake Business Drive shall be labeled on the record plat as follows: "To be retained in private ownership and reserved in perpetuity for dedication, upon demand by the operating agency, for the widening of Matapeake Business Drive, as designated in the 2009 *Master Plan of Transportation* and the 2013 *Subregion 5 Approved Master Plan and Sectional Map Amendment*."
9. Prior to approval of a building permit for each dwelling unit, a fee calculated as \$1,338 multiplied by (Engineering News Record Highway Construction Cost index at time of payment) / (Engineering News Record Highway Construction Cost Index for first quarter, 1993), as shown in accordance with Prince George's County Council Resolution CR-9-2017, shall be determined. All fees shall be paid to Prince George's County (or its designee), to be indexed by the

appropriate cost indices to be determined by the Prince George's County Department of Permitting, Inspections and Enforcement.

10. Any nonresidential development of the subject property shall require approval of a new preliminary plan of subdivision prior to issuance of any permits.
11. Development of this site shall be in conformance with the approved Stormwater Management Concept Plan (8511-2020-01) and any subsequent revisions.
12. Prior to approval of a final plat:
  - a. The final plat shall grant 10-foot-wide public utility easements along the public and private rights-of-way, in accordance with the approved preliminary plan of subdivision.
  - b. The applicant and the applicant's heirs, successors, and/or assignees shall demonstrate that a homeowners association has been established for the subdivision. The draft covenants shall be submitted to the Subdivision and Zoning Section to ensure that the rights of The Maryland-National Capital Park and Planning Commission are included. The Liber/folio of the declaration of covenants shall be noted on the final plat, prior to recordation.
13. Prior to approval of building permits, the applicant and the applicant's heirs, successors, and/or assignees shall convey to the homeowners association, land as identified on the approved preliminary plan of subdivision and detailed site plan. Land to be conveyed shall be subject to the following:
  - a. A copy of the recorded deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division.
  - b. All waste matter of any kind shall be removed from the property, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section, or the entire project.
  - c. The conveyed land shall not suffer the disposition of construction materials or soil filling, other than the placement of fill material associated with permitted grading operation that are consistent with the permit and minimum soil class requirements, discarded plant materials, refuse, or similar waste matter.
  - d. Any disturbance of land to be conveyed to the association shall be in accordance with an approved site plan and tree conservation plan. 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.

- e. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to the association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by the Development Review Division.
  - f. The Prince George's County Planning Board, or its designee, shall be satisfied that there are adequate provisions to ensure retention and future maintenance of the property to be conveyed.
14. The applicant and the applicant's heirs, successors, and/or assignees shall provide adequate and developable areas for private on-site recreational facilities, in accordance with the standards outlined in the Prince George's County Parks and Recreation Facilities Guidelines. The private recreational facilities shall be reviewed by the Urban Design Section of the Development Review Division of the Prince George's County Planning Department for adequacy, proper siting, and establishment of triggers for construction with the submittal of the detailed site plan.
15. The applicant and the applicant's heirs, successors, and/or assignees shall submit three original recreational facilities agreements (RFAs) to the Development Review Division (DRD) of the Prince George's County Planning Department, for construction of recreational facilities on-site for approval, prior to submission of final plats. Upon approval by DRD, the RFA shall be recorded among the Prince George's County Land Records and the Liber/folio indicated on the final plat, prior to recordation.
16. The applicant and the applicant's heirs, successors, and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for construction of private on-site recreational facilities, prior to issuance of building permits.
17. Prior to signature approval of the preliminary plan of subdivision, a copy of the approved stormwater management concept approval letter and associated plans shall be submitted.
18. Prior to signature approval of the preliminary plan of subdivision, a revised natural resource inventory shall be submitted to, and approved by, the Environmental Planning Section to address the following:
- a. Show detailed design of the existing stormwater management ponds with regards to grading and outfall facilities.
  - b. The relocation of the Matapeake Business Drive (MC-503) master planned right-of-way.
19. Prior to signature approval of the preliminary plan of subdivision, the Type 1 tree conservation plan (TCP1) shall be revised as follows:
- a. Show detailed design of the existing stormwater management ponds with regards to grading and outfall facilities.

- b. Show the applicable master-planned right-of-way width along Matapeake Business Drive.
  - c. Retain the 1.60 acres of existing on-site woodlands and provide an additional 0.37 acres of afforestation on site adjacent to the Timothy Branch stream system.
  - d. Any proposal for the location of credited woodland conservation areas shall comply with Section 25-121(b), Woodland and Wildlife Habitat Conservation Priorities, of the County Code.
  - e. The applicant shall afforest 0.25 acres on site (included within the 0.37 acres required pursuant to Condition 19(c) to replace the 0.25 acre preservation area shown on Type 2 Tree Conservation Plan TCP2-133-91-14.
  - f. Revise General Note 11 to reflect the revised stormwater management concept approval letter number.
  - g. After required revisions to the preliminary plan of subdivision (PPS) have been completed, revise the TCP1 to be consistent with the proposed site features and lotting pattern of the PPS.
  - h. Revise the TCP1 to reflect the revised calculations and quantities for woodland conservation provided.
  - i. Have the revised TCP1 plan signed and dated by the qualified professional preparing the plan.
20. At the time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the delineated primary management area, except for approved impacts, and shall be reviewed by the Environmental Planning Section prior to approval of the final plat of subdivision. The following note shall be placed on the final plat of subdivision:
- “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.”
21. Development of this subdivision shall be in compliance with an approved Type 1 Tree Conservation Plan (TCP1-023-2020). The following note shall be placed on the final plat of subdivision:
- “This development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan (TCP1-023-2020), or as modified by a future Type 2 Tree Conservation Plan and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation

Plan and will make the owner subject to mitigation under the Woodland Conservation/Tree Preservation Policy.”

22. Prior to the issuance of permits for this subdivision, a Type 2 tree conservation plan shall be approved. The following note shall be placed on the final plat of subdivision:

“This plat is subject to the recordation of a Woodland Conservation Easement pursuant to Section 25-122(d)(1)(B) with the Liber and folio reflected on the Type 2 Tree Conservation Plan, when approved.”

23. After construction of the 170 townhouse units approved, pursuant to this preliminary plan of subdivision, the applicant, its heirs, successors and assigns, in perpetuity, shall dedicate or convey to Prince George’s County upon demand the 10’ parcel created pursuant to Condition 1g to allow for the future widening of Matapeake Business Drive.

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 with conditions, meets the legal requirements of Subtitles 24 and 27 of the Prince George’s County Code and the Land Use Article of the Annotated Code of Maryland.
2. **Background**—The subject site is known as Parcels 4, 5, and 6, Block A, shown on a plat for Brandywine 301 Industrial Park recorded in Plat Book REP 203 page 51, on October 26, 2004. The subject property is 18.58 acres in the Light Industrial (I-1) Zone and is located east of US 301 on Matapeake Business Drive in Brandywine, behind the Brandywine Crossing Shopping Center. The site is subject to the 2013 *Approved Subregion 5 Master Plan and Sectional Map Amendment* (master plan and SMA).

This preliminary plan of subdivision (PPS) application includes 170 lots and 23 parcels for the development of single-family attached dwellings. The proposed development is in accordance with the provisions of the Prince George’s County Zoning Ordinance, as modified by Prince George’s County Council Bill CB-062-2018. This legislation was adopted by the Prince George’s County District Council on October 23, 2018, to permit certain institutional uses, as well as townhouse uses, in the I-1 Zone under certain circumstances as defined by Footnote 66 in Section 27-473, and of Section 27-544(f)(2)(E) and (G) of the Zoning Ordinance.

PPS 4-97124 was approved by the Prince George’s County Planning Board on March 26, 1998 for 19 parcels, which included the subject property, for industrial use on an overall 176.44-acre property. Parcels 4, 5, and 6 were subsequently platted in accordance with PPS 4-97124. This application supersedes 4-97124 for the subject 18.58-acre property and proposes 170 lots and 23 parcels for residential use. The proposed development is subject to a new PPS, in accordance with Section 24-107 of the Prince George’s County Subdivision Regulations, for further subdivision of the property for residential use.

3. **Setting**—The subject site is located on Tax Map 155 in Grids A3 and A4 and is within Planning Area 85A. The site is located to the east of Matapeake Business Drive, about 0.25 miles east of its intersection with US 301. The following development abuts the subject site; an existing commercial building in the Mixed Use-Transportation Oriented (M-X-T) Zone to the north, a regional stormwater management (SWM) pond in the I-1 Zone to the south, and the Matapeake Business Drive right-of-way of to the west with the Brandywine Crossing shopping center in the Commercial Shopping Center (C-S-C) Zone beyond. The property is flanked to the east by a 100-year floodplain easement associated with Timothy Branch, and the ELP DC development in the Heavy Industrial Zone beyond, which was recently approved for subdivision for 3.24 million square feet of industrial development.

The subject PPS includes three existing parcels and was previously cleared and graded, with a regional SWM pond installed on a large portion of land in the northeast corner. Another regional SWM pond, which is located immediately to the south of the property, is partially located within the property boundaries. This SWM pond is currently accessed via the subject property for maintenance, and this access is proposed to be continued. The property also contains an old soil stockpile, located near the Matapeake Business Drive roundabout.

A 65-foot-wide area was reserved under the current record plat to accommodate a 50-foot-wide floodplain buffer associated with Timothy Branch and a 15-foot-wide trail easement. The ultimate location of the trail was intended to be determined and approved at the time of each individual detailed site plan (DSP) for the affected parcels. This PPS includes retention of a 50-foot-wide ‘Conservation Easement’ for the required floodplain buffer, and the 15-foot-wide trail easement is to be extinguished.

4. **Development Data Summary**—The following information relates to the subject PPS application and the approved development.

|                  | <b>EXISTING</b> | <b>APPROVED</b>        |
|------------------|-----------------|------------------------|
| Zone             | I-1             | I-1                    |
| Use(s)           | Vacant          | Single-Family Attached |
| Acreage          | 18.58           | 18.58                  |
| Gross Floor Area | 0               | 0                      |
| Parcels          | 3               | 23                     |
| Lots             | 0               | 170                    |
| Outlots          | 0               | 0                      |
| Variance         | No              | No                     |
| Variation        | No              | No                     |

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard at the Subdivision and Development Review Committee (SDRC) meeting on January 8, 2021.

5. **Previous Approvals**—Zoning Map Amendment A-9502-C was approved in 1985, reclassifying the subject property (and other adjacent property) from the Employment and Institutional Area Zone to the I-1 Zone. In 1993, the master plan for Subregion 5 was approved, recommending the property for employment land use. Generally, the employment land use category corresponds to industrial land uses. Accordingly, the 1993 Subregion 5 Sectional Map Amendment retained the I-1 Zone on the property, including the conditions applied at the original zoning map amendment. The 2013 Master Plan and SMA retained the I-1-Zone on the subject property and supersedes A-9502-C and any conditions of approval. CB-062-2018 introduced a text amendment to the Zoning Ordinance, which permits certain institutional and residential uses in the I-1 Zone under certain circumstances.

PPS 4-97124 was approved by the Planning Board on March 26, 1998 (PGCPB Resolution No. 98-84) for 19 parcels, including Parcels 4, 5, and 6, for industrial use on an overall 176.44-acre property. Parcels 4, 5, and 6 were platted in accordance with PPS 4-97124, which was approved with 22 conditions. This application supersedes PPS 4-97124 for the subject 18.58-acre property.

6. **Community Planning**—The 2014 *Plan Prince George's 2035 Approved General Plan* (Plan 2035) and conformance with the master plan are evaluated as follows:

**Plan 2035**

Plan 2035 places the subject property in the Established Communities Growth Policy Area. Established communities are most appropriate for context-sensitive infill and low- to medium-density development. (Map 1. Prince George's County Growth Policy Map, pages 18-20).

**Master Plan**

The master plan designates the future land use for the subject property as "Employment/Light Industrial." (Table IV-1: Future Land Use Map Designations, Descriptions, and Applicable Zones, page 31.) (Please also refer to Map IV-1: Future Land Use, page 32, and Map IV-5, Brandywine Community Center Core and Edges, page 50). The master plan included the subject property within the "Brandywine Community Center" Edge. The Brandywine Community Center is intended to be developed with mixed residential and non-residential uses at moderate densities and intensities, with a strong emphasis on transit-oriented development proximate to a future transit node.

Pursuant to Section 24-121(a)(5) of the Subdivision Regulations, events have occurred to render the relevant recommendations of the master plan no longer appropriate because CB-062-2018 permits certain institutional and residential uses in the I-1 Zone, under certain circumstances, for which this property is eligible.

7. **Stormwater Management**—A SWM Concept Plan was submitted with the subject application (8511-2020-01). The SWM concept plan is currently under review by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE). The plan proposes to utilize two existing SWM ponds - one located onsite and the other located off-site, for water runoff/quality

control measures. Section 24-130(b)(2) of the Subdivision Regulations requires that stormwater control be provided on-site. However, it is noted that ultimate development of the subject property area for industrial use was considered in the design and construction of the two SWM ponds as part of the development of the Brandywine 301 Industrial Park. A residential use is now proposed for the property, which is associated with reduced SWM requirements from the prior approved industrial use. No further action regarding SWM is required with this PPS.

Development of the site shall conform with the SWM concept approval and any subsequent revisions, to ensure that no on-site or downstream flooding occurs.

- 8. Parks and Recreation**—Per Section 24-134(a) of the Subdivision Regulations, at the time of PPS, residential development is subject to the mandatory dedication of 1.85 acres of parkland.

The proposed development is located approximately one mile northeast of Rose Creek Connector Trail that is accessed from McKendree Road in the Rose Creek Estates community. The trail continues north in the Chaddsford community located along US 301, directly across from the Brandywine Crossing Shopping Center. Other nearby park facilities include the Southern Area Aquatics and Recreation Complex (SAARC) located approximately 3.5 miles north of the subject property, and Brandywine North Keys Park approximately 5.7 miles to the northeast on North Keys Road. SAARC is a 75,000-square-foot multigenerational recreation center that includes a natatorium, a double gymnasium, and flexible program spaces on the entry level. The second level of the facility includes a fitness center and running track. Brandywine-North Keys Park contains a picnic shelter, a playground, a paved walking trail, a softball field, a multipurpose field, and a Little League baseball field.

The master plan retained the I-1 Zone on the property and denotes that Brandywine contains approximately 261 acres of local parkland, which is sufficient to meet projected needs through 2030. Additional acquisitions are recommended to meet long term needs including the proposed acquisition of land along the Mattawoman Watershed Stream Valley Park and Timothy Branch.

The 2009 *Approved Countywide Master Plan of Transportation* (MPOT) calls for the development of a planned hard surface hiker/biker/equestrian trail known as the Timothy Branch Trail, along the eastern portion of the subject property. This trail has been shifted to Matapeake Business Drive to match up with trail segments planned for residential development to the north including the new Timothy Branch community. The master plan trail will continue north of the Timothy Branch development in the proposed Stephen's Crossing subdivision, with an ultimate connection to the SAARC facility. The Timothy Branch Trail will also continue south, with connections to the Brandywine Crossing Shopping Center, the Rose Creek Connector Trail, and the Mattawoman Stream Valley Park near the Charles County line.

The 15-foot trail easement located along the Timothy Branch Stream Valley, along the eastern boundary of the subject property, is to be extinguished. Instead, an eight-foot-wide side path located along the entire frontage on Matapeake Business Drive is provided to accommodate the master planned Timothy Branch Trail, which is discussed further as a master plan requirement in the Pedestrian and Bicycle Transportation finding below.

The applicant has proposed private on-site recreational facilities to address the mandatory park dedication requirement. The PPS shows two Homeowners Association (HOA) parcels, Parcel J and Parcel M, totaling 23,023 square feet of land to be designated for recreation. An exhibit provided with the application, shows the fulfillment of on-site recreation facilities may include accessible green space and open play areas with walking paths and benches, a club room, and a fitness studio. The adequacy of the proffered recreation amenities was evaluated in accordance with the Prince George's County Parks and Recreation Facilities Guidelines and the proposal was found satisfactory. The siting and details of the recreational facilities will be evaluated during the review of the DSP.

9. **Pedestrian and Bicycle Transportation**—This PPS was reviewed for conformance with the MPOT, the master plan, and the Subdivision Regulations to provide the appropriate pedestrian and bicycle transportation facilities.

#### **Existing Conditions, Sidewalks and Bike Infrastructure**

The site is unimproved, aside from a four-foot-wide sidewalk, which is located along the subject property's frontage of Matapeake Business Drive. There are currently no bicycle facilities built on the subject property. The area under review for the PPS is within a 2035 General Plan Center and therefore, is subject to Section 24-124.01 of the Subdivision Regulations and the "Transportation Review Guidelines – Part 2."

#### **Previous Conditions of Approval**

PPS 4-97124 was approved for the Brandywine Industrial Park, which includes the subject property. Condition 21 discusses the easement and location of the Timothy Branch Trail and is copied below:

21. **A trail easement shall be established and shown on the Final Plat of Subdivision on the Timothy Branch. The trail may be located within the 50-foot conservation buffer if deemed appropriate at the time of Detailed Site Plan review. The trail location shall provide dry passage outside of the wetlands and 100-year flood plain to the extent possible.**

Approximately 0.45 miles north of the subject site, within the Villages of Timothy Branch subdivision (PPS 4-09003), the Timothy Branch trail has been implemented as an HOA trail only. However, an eight-foot-wide side path to accommodate hikers and bikers along the east side Mattawoman Drive was approved as part of the development. Mattawoman Drive transitions to Matapeake Business Drive south of the Villages of Timothy Branch, which provides frontage on the subject property. The eight-foot-wide side path shall continue south from Mattawoman Drive to Matapeake Business Drive, and along the frontage of the subject site, within the public right-of-way rather than along the stream valley to achieve the public pedestrian connection.

The feasibility of Timothy Branch Trail was evaluated as part of PPS 4-16013 for Matapeake Business Park for Parcels 8 and 9 (PGCPB Resolution No. 17-113), which are located south of the Villages of Timothy Branch and north of the subject property. It was determined that the

Prince George's County Department of Parks and Recreation had no plans to take over operation and maintenance of this trail, to construct any extension of the trail, or to acquire land within this stream valley as a park trail corridor. Instead, the trail was shifted to the east side of Matapeake Business Drive as an eight-foot-wide side path.

### **Master Plan Recommendations**

This development case is subject to the MPOT, which recommends the following facilities:

Timothy Branch planned hard surface trail.

As previously discussed, the Timothy Branch trail was evaluated as part of two preliminary plans of subdivision, both located north of the subject property, specifically the Villages at Timothy Branch (PPS 4-09003) and Matapeake Business Park, Parcels 8 and 9 (PPS 4-16013). While the portion of the trail that falls within the stream valley was designated as an HOA trail only within the Villages of Timothy Branch, an additional eight-foot-wide side path was approved for the east side of Mattawoman Drive, which transitions into Matapeake Business Drive, and which serves both subdivisions.

Shifting the Timothy Branch trail along the subject property's frontage of Matapeake Business Park Drive would connect with the existing eight-foot-wide sidewalk to the north and provide the pedestrian connectivity sought by the required trail, while not impacting environmental features associated with the stream valley. An eight-foot-wide sidewalk is also consistent with the Prince George's County Department of Public Works and Transportation (DPW&T) Urban Street standards.

The applicant's submission contains an exhibit displaying all on-site pedestrian and bicycle improvements, which includes the previously mentioned eight-foot-wide sidewalk along Matapeake Business Drive.

DSP-00053 and revision DSP-00053-01 were approved for office trailer storage on Parcel 7, which falls outside the bounds of the subject application. Therefore, there are no binding prior conditions of approval associated with this DSP on the subject property specific to pedestrian or bicycle improvements.

The MPOT provides policy guidance regarding multimodal transportation, and the Complete Streets element of the MPOT recommends how to accommodate infrastructure for people walking and bicycling.

**Policy 1: Provide standard sidewalks along both sides of all new road construction within the Developed and Developing Tiers.**

**Policy 2: All road frontage improvements and road capital improvement projects within the Developed and Developing Tiers shall be designed to accommodate all modes of transportation. Continuous sidewalks and on-road bicycle facilities should be included to the extent feasible and practical.**

**Policy 4: Develop bicycle-friendly roadways in conformance with the latest standards and guidelines, including the 1999 AASHTO *Guide for the Development of Bicycle Facilities*.**

**Policy 5: Evaluate new development proposals in the Developed and Developing Tiers for conformance with the complete streets principles.**

The Transportation Systems Section of the master plan makes the following recommendations (page 121):

**Install bicycle signage and safety improvements along designated shared-use roadways when development occurs or roadways are upgraded. Bikeway improvements may include paved shoulders, painted bike lanes, and bike signage.**

**Develop bicycle facilities in conformance with the 1999 AASHTO *Guide for the Development of Bicycle Facilities*.**

The property falls in the area previously known as the Developing Tier and sidewalks are required on both sides of all roads, public or private, excluding alleys. The applicant's submission includes an exhibit indicating all on-site pedestrian and bicycle improvements, including the previously mentioned side path along Matapeake Business Drive, sidewalks along both sides of all new roads, crosswalks at all locations where sidewalks intersect with roads, crosswalks crossing Matapeake Business Drive at two locations, and conceptual bicycle parking at recreation areas.

The applicant shall update the on-site pedestrian and bicycle exhibit to display six-foot-wide sidewalks along both sides of all roads, which is consistent with the 2017 *DPW&T Urban Street Design Standards*, unless modified by DPIE, with written correspondence.

The applicant's on-site pedestrian and bicycle exhibit displays the side path along Matapeake Business Drive, sidewalks along both sides of new roads, marked crosswalks at all locations where sidewalks intersect with roads or streets, crosswalks crossing Matapeake Business Drive, and bicycle parking at recreational areas. The submitted PPS does not display these improvements. The improvements shown in the SDRC exhibit shall be provided on the DSP prior to its acceptance. At the time of DSP, the necessary pedestrian and bicycle improvements required for new residential subdivisions shall be further evaluated.

The subject site is in the Brandywine Town Center, as designated in Plan 2035, and fronts on Matapeake Business Drive, a master plan major collector roadway, with a planned right-of-way width of 100 feet. The current street is consistent with the County industrial road standard, which includes a right-of-way width of 70 feet and a curb-to-curb distance of 46 feet. The submitted plan proposes an additional five feet of right-of-way dedication. Based on the findings discussed in Paragraph 10 of this Resolution, the Planning Board accepted the

Applicant's proffer to dedicate by plat, five feet of right-of-way, totaling 40 feet from the centerline of Matapeake Business Drive. In addition, the Applicant shall create a 10-foot-wide parcel along the five-foot dedication area, to be dedicated upon demand of the operating agency for the future widening of the right-of-way to the master-planned Major Collector 100-foot width. This is consistent with the master plan recommendation for this road and would allow for an urban street section from the 2017 *DPW&T Urban Street Design Standards* to be used. These standards are appropriate for general plan centers, consistent with the County's Complete and Green Streets policy (CB-83-2012), and Urban Streets Standards Policy (Prince George's County Council Resolution CR-85-2016) and could provide shorter curb-to-curb distances for pedestrians crossing the street. While the urban road section would not extend beyond the subject site, it is an appropriate change for a residential use that is across the street from a retail shopping center.

**Pedestrian and Bicycle Adequacy**

The proposed development is subject to Section 24-124.01, Adequate Public Pedestrian and Bikeway Facilities Required in County Centers and Corridors. The applicant submitted an off-site adequacy exhibit to provide crosswalk facilities at three locations, as well as upgrading 230 linear feet of sidewalk from four to five feet wide, both within the immediate vicinity of the subject property. These facilities have been reviewed by DPIE as well.

**Adequacy of On-Site Facilities**

The applicant included an exhibit detailing the proposed on-site facilities, which includes the eight-foot-wide side path along Matapeake Business Drive, sidewalks along all frontages, perpendicular Americans with Disabilities Act (ADA) ramps and marked crosswalks at all locations where sidewalks intersect with roads or streets, crosswalks crossing Matapeake Business Drive, and a conceptual location for outdoor bicycle parking.

As discussed above, the best use of the Timothy Branch trail would be as a side path within a new sidewalk network. In addition to providing facilities in conformance with the master plan, this trail facility will contribute to the subject application meeting pedestrian and bikeway adequacy within the subdivision, per Section 24-124.01(b)(2)(A) of the Subdivision Regulations.

- (2) The finding of adequate public bikeway facilities shall, at a minimum, include the following criteria:**
  - (A) The degree to which the bike lanes, bikeways, and trails recommended in the Countywide Master Plan of Transportation and applicable area master plans or sector plans have been constructed or implemented in the area;**

The proffered on-site sidewalks, crosswalks, conceptual bicycle parking facilities, and bicycle-related road improvements along Matapeake Business Drive will contribute to meeting the pedestrian and bicycle adequacy findings, pursuant to Section 24-124.01(b) of the Subdivision Regulations.

### **Adequacy of Off-Site Facilities**

The PPS includes proposed off-site bicycle and pedestrian adequacy improvements, pursuant to Section 24-124.01(c) of the Subdivision Regulations. The cost cap for the site is \$56,890.56. This number was developed by multiplying the non-residential square footage by \$0.35 (\$0), adding the number of dwelling units (170 units) multiplied by \$300 (\$51,000), and then adjusting the total amount for inflation based on the U.S. Bureau of Labor Statistics Cost Price Index between June 2013, the effective date of the adequacy legislation, and today.

### **Demonstrated Nexus Finding**

The applicant proffered to upgrade crosswalk facilities at three locations within the immediate vicinity of the subject property to satisfy the requirement for off-site bicycle and pedestrian adequacy. The applicant shall provide a continental style crosswalk along Timothy Branch Drive, and two continental style crosswalks along the portion of Matapeake Business Drive that sits between the subject property and US 301. In addition, the applicant proffered to upgrade 230 linear feet of sidewalk from four to five feet wide. The proposed location of the sidewalk upgrade will be the portion of Matapeake Business Drive that fronts the property located at 16000 Robert Crain Highway (Maryland Tax I.D. 3934098). The applicant's bicycle and pedestrian impact statement exhibit provides further details on the location and specifics of these improvements.

In a referral dated February 1, 2021 (Lord-Attivor to Barnett-Woods), DPIE recommended an additional off-site crosswalk traversing the south leg of the Matapeake Business Drive and Timothy Branch Drive intersection. However, after further review, the driveway entrance to 7651 Matapeake Business Drive, which is across the street from Timothy Branch Drive, is slightly off set from Timothy Branch Drive. A crosswalk perpendicular to Matapeake Business Drive, which would be the preferred alignment, would require new ADA curb ramps and sidewalks crossing the grass buffers. These facilities would exceed the cost cap. A crosswalk could still be striped at the southern leg of the intersection and connect to the existing curb ramps; however, it would need to cross Matapeake Business Drive diagonally. After additional discussion, DPIE retracted this recommendation (email, Lord-Attivor to Barnett-Woods, February 12, 2021).

The applicant's proffer to fulfill the off-site pedestrian and bicycle improvements are all within 0.25 miles of the subject property. The off-site pedestrian and bikeway facilities proffered by the applicant, and those required, will improve pedestrian and bicycle movement in the immediate vicinity of the subject property while also complementing nearby existing commercial development.

Pursuant to Section 24-124.01, there is a demonstrated nexus between the proffered and required pedestrian and bikeway facilities for the proposed development and nearby destinations. The proffered and required off-site facilities will contribute to meeting the pedestrian and bicycle adequacy findings, pursuant to Section 24-124.01(b) and are within the cost cap, pursuant to Section 24-124.01(c).

Based on the preceding findings, adequate pedestrian and bicycle transportation facilities will exist to serve the PPS, as required, in accordance with Section 24-124 of Subdivision Regulations.

- 10. Transportation**—The subject property is located within Transportation Service Area 2, as defined in Plan 2035. As such, the subject property is evaluated according to the following standards:

**Roundabouts:** For roundabouts, a volume-to-capacity ratio is computed using the *Highway Capacity Manual* (Transportation Research Board) procedure. A volume-to-capacity ratio greater than 0.850 is generally considered unacceptable; however, the operating agency can deem, in writing, a volume-to-capacity between 0.850 and 0.900 to be acceptable.

**Links and Signalized Intersections:** Level of Service D, with signalized intersections operating at a critical lane volume of 1,450 or better. Mitigation per Section 24-124(a)(6) of the Subdivision Regulations is permitted at signalized intersections within any transportation service areas subject to meeting the geographical criteria in the “Transportation Review Guidelines - Part 1” (Guidelines).

**Unsignalized Intersections:** The procedure for unsignalized intersections is not a true test of adequacy, but rather an indicator that further operational studies need to be conducted. A three-part process is employed for two-way stop-controlled intersections:

For two-way stop-controlled intersections, a three-part process is employed: (a) vehicle delay is computed in all movements using the *Highway Capacity Manual* (Transportation Research Board) procedure; (b) the maximum approach volume on the minor streets is computed if delay exceeds 50 seconds, (c) if delay exceeds 50 seconds and at least one approach volume exceeds 100, the critical lane volume is computed.

For all-way stop-controlled intersections, a two-part process is employed: (a) vehicle delay is computed in all movements using the *Highway Capacity Manual* (Transportation Research Board) procedure; (b) if delay exceeds 50 seconds, the critical lane volume is computed.

#### **Analysis of Traffic Impacts**

The applicant submitted a traffic impact study (TIS) with a date of July 2020. The findings outlined below are based upon a review of these materials and analyses conducted, consistent with the Guidelines. The table below shows the intersections deemed to be critical, as well as the levels of service representing existing conditions:

| <b>EXISTING CONDITIONS</b>   |             |             |
|--|-------------|-------------|
| <b>Intersections</b>   | <b>AM</b>   | <b>PM</b>   |
|  | (LOS/CLV)   | (LOS/CLV)   |
| MD 5-US 301 @ Timothy Branch Drive   | B/1130      | C/1179      |
| Matapeake Business Drive @ Timothy Branch Drive *  | 9.3 seconds | 9.8 seconds |
| MD 5-US 301 @ Clymer Drive-Matapeake Business Drive  | A/902       | C/1266      |
| Matapeake Business Drive @ Site Access Driveway** (roundabout)   | v/c = 0.037 | v/c = 0.065 |
| Matapeake Business Drive @ Site Access *   | n/a         | n/a         |
| <p>* Unsignalized intersections. In analyzing two-way stop-controlled intersections, a three-step procedure is undertaken in which the greatest average delay (in seconds) for any movement within the intersection, the maximum approach volume on a minor approach, and the critical lane volume is computed and compared to the approved standard. According to the Guidelines, all three tests must fail in order to require a signal warrant study. ** Roundabout; A volume-to-capacity ratio greater than 0.85 is considered inadequate.</p> |             |             |

The TIS identified 15 background developments whose impact would affect some, or all of the study intersections. In addition, a growth of one percent over six years was also applied to the traffic volumes. A second analysis was done to evaluate the impact of the background developments. The analysis revealed the following results:

| <b>BACKGROUND CONDITIONS</b>   |              |              |
|--|--------------|--------------|
| <b>Intersections</b>   | <b>AM</b>    | <b>PM</b>    |
|  | (LOS/CLV)    | (LOS/CLV)    |
| MD 5-US 301 @ Timothy Branch Drive   | E/1481       | F/1939       |
| Matapeake Business Drive @ Timothy Branch Drive *  | 10.8 seconds | 12.3 seconds |
| MD 5-US 301 @ Clymer Drive-Matapeake Business Drive  | F/1727       | F/2086       |
| Matapeake Business Drive @ Site Access Driveway** (roundabout)   | v/c = 0.073  | v/c = 0.117  |
| Matapeake Business Drive @ Site Access *   | n/a          | n/a          |
| <p>* Unsignalized intersections. In analyzing two-way stop-controlled intersections, a three-step procedure is undertaken in which the greatest average delay (in seconds) for any movement within the intersection, the maximum approach volume on a minor approach, and the critical lane volume is computed and compared to the approved standard. According to the Guidelines, all three tests must fail in order to require a signal warrant study. ** Roundabout; A volume-to-capacity ratio greater than 0.85 is considered inadequate.</p> |              |              |

Using the trip rates from the Guidelines, the study has indicated that the PPS represents the following trip generation:

| <b>Table 1 - Trip Generation</b> |           |                |           |            |                |           |            |
|----------------------------------|-----------|----------------|-----------|------------|----------------|-----------|------------|
|                                  |           | <b>AM Peak</b> |           |            | <b>PM Peak</b> |           |            |
|                                  |           | In             | Out       | Total      | In             | Out       | Total      |
| Townhouse (Guidelines)           | 170 Units | 24             | 95        | 119        | 88             | 48        | 136        |
| <b>Total new trips</b>           |           | <b>24</b>      | <b>95</b> | <b>119</b> | <b>88</b>      | <b>48</b> | <b>136</b> |

The table above indicates that the proposed development will be adding 119 (24 in; 95 out) AM peak-hour trips and 136 (88 in; 48 out) PM peak-hour trips. A third analysis depicting total traffic conditions was done, yielding the following results:

| <b>TOTAL CONDITIONS</b>   |               |               |
|---|---------------|---------------|
| <b>Intersections</b>  | <b>AM</b>     | <b>PM</b>     |
|   | (LOS/CLV)     | (LOS/CLV)     |
| MD 5-US 301 @ Timothy Branch Drive  | <b>E/1487</b> | <b>F/1942</b> |
| Matapeake Business Drive @ Timothy Branch Drive *   | 12.9 seconds  | 14.6 seconds  |
| MD 5-US 301 @ Clymer Drive-Matapeake Business Drive   | <b>F/1727</b> | <b>F/2086</b> |
| Matapeake Business Drive @ Site Access Driveway** (roundabout)  | v/c = 0.079   | v/c = 0.134   |
| Matapeake Business Drive @ Site Access *  | 9.0 seconds   | 9.2 seconds   |
| * Unsignalized intersections. In analyzing two-way stop-controlled intersections, a three-step procedure is undertaken in which the greatest average delay (in seconds) for any movement within the intersection, the maximum approach volume on a minor approach, and the critical lane volume is computed and compared to the approved standard. According to the Guidelines, all three tests must fail in order to require a signal warrant study. A delay that is less than 50 seconds is considered adequate. ** Roundabout; A volume-to-capacity ratio less than 0.85 is considered adequate. |               |               |

The results under total traffic conditions show that the intersections of MD 5-US 301 at Timothy Branch Drive and MD 5-US 301 at Clymer Drive-Matapeake Business Drive will operate inadequately. Consequently, the TIS recommends that the application be approved with a condition requiring payment in the Brandywine Road Club.

**Staff Review and Comments**

Having reviewed the TIS, staff concurs with its findings and conclusions. The TIS was also referred out to County and State agencies for review and comment, however, as of this writing, no comments have been received from those agencies.

The subject property is located within Planning Area 85A and is affected by the Brandywine Road Club. Specifically, CR-9-2017 indicates the following:

1. Establishes the use of the Brandywine Road Club for properties within Planning Areas 85A and 85B as a means of addressing significant and persistent transportation deficiencies within these planning areas.
2. Establishes a list of projects for which funding from the Brandywine Road Club can be applied.
3. Establishes standard fees by development type associated with the Brandywine Road Club to be assessed on approved development.

This resolution works in concert with CB-22-2015, which permits participation in roadway improvements as a means of demonstrating adequacy for transportation, as required in Section 24-124. Specifically, CB-22-2015 allows the following:

1. Roadway improvements participated in by the applicant can be used to alleviate any inadequacy, as defined by the Guidelines. This indicates that sufficient information must be provided to demonstrate that there is an inadequacy.
2. To be subject to CB-22-2015, the subject property must be in an area for which a road club was established prior to November 16, 1993. In fact, the Brandywine Road Club was included in CR-60-1993, adopted on September 14, 1993, and it was developed and in use before that date.

Pursuant to CR-9-2017, the Brandywine Road Club fee for the PPS will be \$1,338 per dwelling unit (townhouse) to be indexed by the appropriate cost indices to be determined by DPIE. Pursuant to CB-22-2015, once the appropriate payment is made to the satisfaction of DPIE, no further obligation will be required of the applicant regarding the fulfillment of transportation adequacy requirements of Section 24-124(a) of the Subdivision Regulations.

#### **Master Plan and Site Access**

The property is in an area where the development policies are governed by the master plan, as well as the MPOT. The subject property currently fronts on Matapeake Business Drive, which is recommended in both master plans to be upgraded to a major collector facility (MC-503), requiring 100 feet of right-of-way. The road is currently built as a four-lane undivided road within 70 feet of right-of-way. Prior to approval of the master plan in 2013, the subject site and surrounding sites were industrially zoned. The master plan rezoned several sites adjoining the subject property to the M-X-T Zone and upgraded Matapeake Business Drive to a major collector facility. The master plan provides that the road improvements support the growth envisioned in Subregion 5. Consequently, 15 feet of right-of-way along Matapeake Business Drive would normally be required.

The applicant alternatively proposed 5 feet of right-of-way dedication along Matapeake Business Drive, for an ultimate right-of-way of 80 feet. The applicant proposed the 80-foot right-of-way to accommodate the existing pavement section of a four-lane, undivided roadway, and reconstruction of the site frontage to provide an eight-foot planting strip next to the

pavement, and an eight-foot-wide shared-use path for pedestrian and bicycle transportation needs. Instead of providing the 15 feet width of right-of-way dedication need for the ultimate 100-foot-wide major collector facility, the applicant has proffered to create a 10-foot-wide parcel to be retained in private ownership and reserved in perpetuity for dedication upon demand by the operating agency, in addition to five feet of dedication.

Staff found the proposal to be inconsistent with the requirements of the Subdivision Regulations given that MC-503 is planned as a Major Collector facility requiring a 100 feet of right-of-way width and there is no provision in the regulations for providing an initial dedication and then a future dedication, when required by the Department of Permitting, Inspections, and Enforcement.

The 100-foot-wide right-of-way would provide adequate space to build a street section that includes a center median, which would allow pedestrians to cross the street in two phases, should vehicle traffic be heavy. A 100-foot-wide right-of-way width will also permit the construction of a Department of Public Works and Transportation Urban Street Standard, consistent with the County's General Plan, *Plan Prince George's 2035*.

However, the construction of the urban street with a median is incumbent upon the total right-of-way width being obtained. At this time, there is no expectation that the completed Brandywine Shopping Center, abutting the opposite side of Matapeake Business Drive is expected to redevelop and dedicate the additional 15-feet of right-of-way on the west side of the street. Additionally, neither right-of-way acquisition nor construction for MC-503 has been included in the County's approved FY 21 Capital Improvement Program. At this time, there are no approved plans for the construction of the recommended build-out of MC-503.

The Planning Board accepts the proposed five-foot wide dedication and additional ten-foot-wide parcel to be maintained in private ownership and dedicated to the County upon request by the Department of Permitting, Inspections, and Enforcement. While this is an uncommon situation and should not set a precedent for future development applications, this will allow for the complete 100-foot-wide right-of-way when the additional 15-feet on the west side can be acquired.

Based on the preceding findings, adequate transportation facilities will exist to serve the subdivision, as required in accordance with Section 24-124.

11. **Private Roads and Alleys**—The residential portion of the subject site proposes private roads and alleys in the I-1 Zone. This is permissible under Section 24-128(b)(19) of the Subdivision Regulations, which allows the Planning Board to approve private streets and alleys when developing townhouse residential uses. Section 24-128(b)(19) requires that the pavement width of private streets shall not be less than 22 feet in width, and the pavement width of private alleys shall not be less than 18 feet in width, provided that the accessibility of the private roads to emergency equipment is ensured by the County Fire Chief or the Chief's designee. At the time of the Planning Board hearing, a referral from the County Fire Chief's office had not been received regarding site circulation and its adequacy. It is noted that the pavement widths of private streets and alleys shown on the TCP1 are in conformance with Section 24-128(b)(19).

- 12. Public Facilities**—In accordance with Section 24-122.01 of the Subdivision Regulations, water and sewerage and fire and rescue facilities are found to be adequate to serve the subject site, as outlined in a memorandum from the Special Projects Section dated January 7, 2021 (Perry to Gupta), and incorporated by reference herein. Police Facilities are discussed further as follows:

**Police Facilities:**

This PPS was reviewed for adequacy of police services in accordance with Section 24-122.01(c) of the Subdivision Regulations. The subject property is in Police District V, Clinton, located at 6707 Groveton Drive in Clinton. The response time standards established by Section 24-122.01(e) of the Subdivision Regulations are 10-minutes for emergency calls and 25-minutes for non-emergency calls. The test is applied on the date the application is accepted or within the following three (3) monthly cycles, pursuant to Section 24-122.01(e)(2) of the Subdivision Regulations. The times are based on a rolling average for the preceding 12 months. The application was accepted by the Planning Department on December 17, 2020.

| Reporting Cycle | Date              | Priority | Non-Priority |
|-----------------|-------------------|----------|--------------|
| Acceptance Date | December 17, 2020 | 12       | 8            |
| Cycle 1         |                   |          |              |
| Cycle 2         |                   |          |              |
| Cycle 3         |                   |          |              |

Based on the most recent available information provided by the Police Department as of January 4, 2021, the police response time standards of ten-minutes for emergency calls and 25-minutes for non-emergency calls were not met in the first monthly cycle following acceptance. However, the CIP includes a new station for Police District V, so mitigation is not required. The Department has reported that there is adequate equipment to meet the standards stated in CB-56-2005.

- 13. Schools**—This PPS was reviewed for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and CR-23-2001. The subject property is located within Cluster 6, as identified in the *Pupil Yield Factors and Public-School Clusters 2020 Update*. Results of the analysis are as follows:

**Impact on Affected Public School Cluster by Dwelling Units**

|                                       | Affected School Cluster     |                         |                       |
|---------------------------------------|-----------------------------|-------------------------|-----------------------|
|                                       | Elementary School Cluster 6 | Middle School Cluster 6 | High School Cluster 6 |
| Townhouse (TH) Dwelling Units         | 170 DU                      | 170 DU                  | 170 DU                |
| Pupil Yield Factor (PYF) – Townhouse  | 0.114                       | 0.073                   | 0.091                 |
| TH x PY=Future Subdivision Enrollment | 19                          | 12                      | 15                    |
| Adjusted Student Enrollment 9/30/19   | 4,856                       | 2,912                   | 3,490                 |
| Total Future Student Enrollment       | 4,875                       | 2,924                   | 3,505                 |
| State Rated Capacity                  | 6,381                       | 3,340                   | 5,206                 |
| Percent Capacity                      | 76 percent                  | 88 percent              | 67 percent            |

Section 10-192.01 establishes school surcharges and an annual adjustment for inflation, unrelated to the provision of Subtitle 24. The current amount is \$9,741 per dwelling if a building is located between Interstate 495 and the District of Columbia; \$9,741 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 \$16,698 per dwelling for all other buildings. This project is outside of the I-495 Capital Beltway; thus, the surcharge fee is \$16,698. This fee is to be paid to DPIE at the time of issuance of each building permit.

14. **Use Conversion**—The total development included in this PPS is proposed for 170 single-family attached dwelling units in the I-1 Zone. Townhouses are permitted use in the I-1 Zone subject to Section 27-473(b) Footnote 66 of the Zoning Ordinance. If non-residential development or a substantial revision to the mix of uses on the subject property is proposed that affects Subtitle 24 adequacy findings, that revision of the mix of uses would require approval of a new PPS prior to approval of any building permits.
15. **Public Utility Easement**—Section 24-122(a) of the Subdivision Regulations requires that when utility easements are required by a public company, the subdivider shall include the following statement in the dedication documents recorded on the final plat:

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

The standard requirement for public utility easements (PUEs) is 10-foot-wide along both sides of all public rights-of-way. The subject site fronts on public rights-of-way to the west along Matapeake Business Drive and to the southwest along proposed master planned roadway

MC-503. The required PUE along Matapeake Business Drive is delineated on the PPS. However, the required 10-foot-wide PUE along MC-503 is not delineated. Revisions to the plans will be required to show the PUE along MC-503, prior to signature approval. The final plat of subdivision Plat Book REP 203 page 51 reflects a 17-foot PUE adjacent to Matapeake Business Drive along the entire frontage of the property. This 17-foot-wide easement was granted to SMECO and described in a deed of easement recorded in the Prince George’s County Land Records in Liber 13816 at folio 302. This existing easement is shown on the PPS, but not labeled. Revisions to the plans will be required to show a label for this 17-foot PUE easement, prior to signature approval.

Private streets are also proposed, which require PUEs. Section 24-128(b)(12) of the Subdivision Regulations requires that 10-foot-wide PUEs be provided along at least one side of all private streets; the PPS meets this requirement.

16. **Historic**—A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low. The subject property does not contain and is not adjacent to any designated Prince George’s County Historic Sites or resources. A Phase I archeology survey is not required.
17. **Environmental**—This PPS application (4-19011) and a Type 1 Tree Conservation Plan (TCP1 023-2020) were accepted on December 17, 2020. Staff comments were provided in a SDRC meeting on January 8, 2021. Revised plans and information were received on January 28, 2021. The following applications have been previously reviewed for the subject site:

| Development Review Case Number | Associated Tree Conservation Plan | Authority      | Status   | Action Date | Resolution Number |
|--------------------------------|-----------------------------------|----------------|----------|-------------|-------------------|
| 4-91030                        | TCP1-026-91                       | Planning Board | Approve  | 7/18/1991   | N/A               |
| 4-97124                        | TCP1-026-91-01                    | Planning Board | Approved | 12/18/1997  | PGCPB 98-84       |
| NA                             | TCP2-133-91                       | Staff          | Approved | 7/13/1998   | N/A               |
| DSP-00053                      | TCP2-133-91-02                    | Planning Board | Approved | 3/29/2004   | PGCPB 01-46       |
| DSP-00053-01                   | TCP2-133-91-03                    | Planning Board | Approved | 5/5/2004    | PGCPB 04-42       |
| NRI-158-06-00                  | N/A                               | Staff          | Approved | 11/26/2006  | N/A               |
| NRI-158-06-01                  | N/A                               | Staff          | Approved | 2/1/2008    | N/A               |
| NRI-158-06-02                  | N/A                               | Staff          | Approved | 6/17/2008   | N/A               |
| NRI-158-06-03                  | N/A                               | Staff          | Approved | 6/02/2016   | N/A               |
| NRI-158-06-04                  | N/A                               | Staff          | Approved | 10/21/2019  | N/A               |
| 4-19011                        | TCP1-023-2020                     | Planning Board | Pending  | Pending     | Pending           |

### **Proposed Activity**

The applicant requested approval of a PPS and a TCP1 Plan for the development of 170 lots and 23 parcels for single-family attached dwellings. The TCP1 shows the proposed lotting pattern and associated infrastructure (road layout, water and sewer lines, SWM facilities, woodland conservation areas, specimen trees and proposed clearing).

### **Grandfathering**

This project is subject to the current regulations of Subtitles 24, 25, and 27 that came into effect on September 1, 2010 and February 1, 2012 because the application is for a new PPS.

### **Site Description**

The overall property of the Brandywine 301 Industrial Park, including Brandywine Crossing, Phase III, has expanded over time to include 182.35 acres in the I-1, C-S-C and M-X-T Zones.

The current application is for an 18.58-acre site comprised of three parcels (Parcels 4, 5 and 6) in the I-1 Zone located on the east side of Matapeake Business Drive within the Brandywine Crossing development. A review of aerial photography from 1938 to 1980 show the site was mostly wooded, with a small area in agricultural use. In 1980 the three subject parcels were mostly cleared, except for the 100-year floodplain along the eastern boundary, for sand and gravel mining. Photographs from 1984 indicate that sand and gravel mining had ceased, and the site is identified as a reclaimed gravel mine. The site has remained mostly unwooded except for woodlands preserved along the eastern boundary and credited as woodland conservation. The first TCP1 for the overall site (TCP1-026-91) was approved on July 1, 1991, and a Type 2 Tree Conservation Plan (TCP2-133-91) was originally approved on July 12, 1998 and has been revised numerous times as development proceeded.

The southern SWM pond was installed on adjacent Outlot A, Block A for development adjacent Parcel 11, Block A. The northern SWM pond on Parcels 5 and 6, Block A was installed prior to 2013 to facilitate development of overall development site on the west side of Matapeake Business Drive.

A platted 100-year floodplain easement is co-located adjacent to the eastern property boundaries of the three parcels along the property line nearest to Timothy Branch. Steep slopes which occur on the site are the result of previous grading and stockpiling operations. The predominant soils found to occur, according to the US Department of Agriculture Natural Resource Conservation Service Web Soil Survey, include: Croom-Marr complex along the stream, wetlands and floodplain associated with branch; and Udorthents, evidence of previous gravel mining on the site. According to available mapping information, Marlboro clay and Christiana clay do not occur on or in the vicinity of this property. There is potential Forest Interior Dwelling Species (FIDS) habitat mapped on-site contiguous with potential FIDS habitat mapped east of the current application, and the Timothy Branch stream valley provides a wildlife corridor connecting to Mattawoman Creek. According to information obtained from the Maryland Department of Natural Resources (MD-DNR) Natural Heritage Program, there are no rare, threatened, or endangered species found to occur on or in the vicinity of this property. There are wetlands,

wetland buffers and a stream system located to the east of the subject property, which are located in the Mattawoman Creek watershed and the Potomac River basin.

The site has frontage on Matapeake Business Drive, which is identified as a major collector facility (MC-503) in the MPOT, which is not generally evaluated for noise impacts related to residential development. The site is located within Environmental Strategy Area 2 (formerly the Developing Tier) of the Regulated Environmental Protection Areas Map as designated by Plan 2035, the Brandywine Town Center, and the Priority Funding Area. According to the approved *Green Infrastructure Plan*, contained in the recently approved Resource Conservation Plan (April 19, 2017), the site contains Regulated areas, and Evaluation areas.

## **MASTER PLAN CONFORMANCE**

### **2014 Plan Prince George's 2035 Approved General Plan**

The site is located within the Environmental Strategy Area 2 (formerly the Developing Tier) of the Regulated Environmental Protection Areas Map as designated by Plan 2035, the Established Communities of the General Plan Growth Policy Map (2035) and employment/ industrial Use of the General Plan Generalized Future Land Use (2035). The site is located in the Brandywine Town Center.

### **Subregion 5 Master Plan and Sectional Map Amendment Section V: Environment**

The master plan section on environment contains eight subsections (A-H), each of which contain policies and strategies. The text in **BOLD** is the policy text from the master plan and the plain text provides comments on plan conformance.

#### **A. Green Infrastructure**

**Implement the master plan's desired development pattern while protecting sensitive environmental features and meeting the full intent of environmental policies and regulations.**

**Ensure the new development incorporates open space, environmental sensitive design, and mitigation activities.**

**Protect, preserve, and enhance the identified green infrastructure network.**

The *Green Infrastructure Plan* has identified the Mattawoman Creek Stream Valley and associated tributaries such as Timothy Branch as a Special Conservation Area. These are areas of countywide significance in need of special attention because they contain unique environmental features that should be carefully considered when land development proposals are reviewed in the vicinity to ensure that their ecological functions are protected or restored and that critical ecological connections are established and/or maintained.

In addition to being identified as a Special Conservation Area in the *Green Infrastructure Plan*, the Mattawoman Creek is also identified in the master plan as a primary corridor. These corridors include the main stems of the major waterways within the study area and are identified for conservation and preservation. Also identified in the master plan as a secondary corridor is the Timothy Branch which located on the site and runs from the north to the south along the eastern portion of the site. Secondary corridors are areas where connectivity is critical to the long-term viability and preservation of the green infrastructure network, and the preservation of the subregion's water quality.

The site contains mapped regulated areas within the *Green Infrastructure Plan* along the stream valleys. The woodland adjacent to the regulated areas is mapped as evaluation area within the *Green Infrastructure Plan*. These areas are the highest priority for preservation and conservation of regulated environmental features and woodland. The Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) identifies Conservation Method Priorities in Section 25-122(c) which emphasize on-site preservation and planting of floodplain, wetlands, and unwooded riparian buffers along stream corridors, and emphasizes the preservation of large contiguous woodland within the green infrastructure network.

The Mattawoman Creek is designated by the state as a Tier II waterway catchment, which are those waters that have an existing water quality that is significantly better than the minimum water quality standards.

The master plan and the 2017 *Green Infrastructure Plan* both identify Mattawoman Creek and Timothy Branch as important locations for the preservation and enhancement of the existing regulated environmental features. There is opportunity to enhance the ecological function within the stream valley with the retention of existing woodland and the planting of an expanded riparian buffer consistent with the priorities of the WCO.

## **B. Water Quality, Stormwater Management, and Groundwater**

**Encourage the restoration and enhancement of water quality in degraded areas and the preservation of water quality in areas not degraded.**

**Protect and restore groundwater recharge areas such as wetlands and the headwater areas of streams.**

The SWM design is required to be reviewed and approved by DPIE to address surface water runoff issues in accordance with Subtitle 32 Water Quality Resources and Grading Code. This requires that environmental site design be implemented to the maximum extent practicable. The site has an unapproved SWM Concept Plan revision (8511-2020-01) under review, but evidence of

approval has not been submitted. There are two existing SWM ponds located on the subject property. No new impacts to wetlands or wetland buffers have been identified with this PPS.

**C. Watersheds**

**Ensure that, to the fullest extent possible, land use policies support the protection of the Mattawoman Creek and Piscataway Creek watersheds.**

**Conserve as much land as possible, in the Rural Tier portion of the watershed, as natural resource land (forest, mineral, and agriculture).**

**Minimize impervious surfaces in the Developing Tier portion of the watershed through use of conservation subdivisions and environmentally sensitive design and, especially in the higher density Brandywine Community Center, incorporate best stormwater design practices to increase infiltration and reduce run-off volumes.**

This proposal is for the construction of residential dwellings on a reclaimed sand and gravel mine, with environmentally sensitive woodlands along the eastern boundary. These woodlands are adjacent to the Timothy Branch stream system, which is a tributary to Mattawoman Creek, including stream buffers, 100-year floodplain, wetlands, and wetland buffers along and adjacent to the eastern boundary of the site.

The subject property is located within the Environmental Strategy Area 2, which was formerly the developing tier, and in the Brandywine Town Center, where the minimization of impervious surfaces is recommended, specifically in the former developing tier. All of the proposed development will be outside the regulated environmental features, but impacts to existing woodlands are proposed. The use of environmentally sensitive design will be reviewed with the approval of the SWM concept plan.

**D. Chesapeake Bay Critical Area**

**Enhance the County's Critical Area protection program in response to local, regional, and statewide initiatives and legislative changes.**

The subject property is not located in the Chesapeake Bay Critical Area.

**E. Air Quality and Greenhouse Gas Emissions**

**Reduce air pollution through transportation demand management (TDM) projects and programs.**

**Promote “climate-friendly” development patterns through planning processes and land use decisions.**

**Increase awareness of the sources of air pollution and greenhouse gas emissions.**

Air quality is a regional issue that is currently being addressed by the Metropolitan Washington Council of Governments.

**Conformance with the Countywide Green Infrastructure Plan**

According to the 2017 *Countywide Green Infrastructure Plan*, of the *Approved Prince George’s County Resource Conservation Plan: A Countywide Functional Master Plan*, the site contains both regulated and evaluation areas within the designated network of the plan along the eastern boundary of the property. The design, as reflected on the PPS and the TCP1, retains the regulated areas on the site but provides minimal expansion of environmental buffers in the evaluation area to protect the Timothy Branch and associated sensitive features. The design cannot be found fully consistent with the goals of the *Green Infrastructure Plan* in a Special Conservation Area, where the provision of wider riparian buffers in conservation priority areas are recommended.

The *Green Infrastructure Plan* contains policies and strategies to be implemented through the development process, which are shown below in **BOLD**. Comments follow in plain text.

**POLICY 1: Preserve, enhance and restore the green infrastructure network and its ecological functions while supporting the desired development pattern of Plan Prince George’s 2035.**

**1.1 Ensure that areas of connectivity and ecological functions are maintained, restored and/or established by:**

- a. **Using the designated green infrastructure network as a guide to decision-making and using it as an amenity in the site design and development review processes.**
- b. **Protecting plant, fish, and wildlife habitats and maximizing the retention and/or restoration of the ecological potential of the landscape by prioritizing healthy, connected ecosystems for conservation.**
- c. **Protecting existing resources when constructing stormwater management features and when providing mitigation for impacts.**
- d. **Recognizing the ecosystem services provided by diverse land uses, such as woodlands, wetlands, meadows, urban forests, farms and grasslands within the green infrastructure network and work toward maintaining or restoring connections between these landscapes.**

- e. **Coordinating implementation between County agencies, with adjoining jurisdictions and municipalities, and other regional green infrastructure efforts.**
- f. **Targeting land acquisition and ecological restoration activities within state-designated priority waterways such as stronghold watersheds and Tier II waters.**

The Timothy Branch stream valley primary management area (PMA) and the 100-year floodplain easement co-located on the eastern property line is designated as Regulated Area. There is opportunity for the enhancement of the ecological function within the Evaluation Area, with the retention of existing woodland and the planting of an expanded riparian buffer consistent with the priorities of the WCO.

**1.2 Ensure that Sensitive Species Project Review Areas and Special Conservation Areas (SCAs), and the critical ecological systems supporting them, are preserved, enhanced, connected, restored and protected.**

- a. **Identify critical ecological systems and ensure they are preserved and/or protected during the site design and development review processes.**
- b. **Prioritize use of public funds to preserve, enhance, connect, restore and protect critical ecological systems.**

No sensitive species project review areas have been identified with this site on Natural Resource Inventory NRI-158-06-04. The Timothy Branch stream valley park connects with Mattawoman Creek, which is a special conservation area (SCA). The PPS maintains the connectivity of the stream valley with the designated SCA, although there are some blockages south of this site resulting from transportation improvements.

**POLICY 2: Support implementation of the 2017 GI Plan throughout the planning process.**

**2.4 Identify Network Gaps when reviewing land development applications and determine the best method to bridge the gap: preservation of existing forests, vegetation, and/or landscape features, and/ or planting of a new corridor with reforestation, landscaping and/or street trees.**

- 2.5 Continue to require mitigation during the development review process for impacts to regulated environmental features, with preference given to locations on-site, within the same watershed as the development creating the impact, and within the green infrastructure network.**
- 2.6 Strategically locate off-site mitigation to restore, enhance and/or protect the green infrastructure network and protect existing resources while providing mitigation.**

Fulfillment of the required afforestation threshold on-site within Evaluation Area adjacent to the PMA supports the implementation of the Green Infrastructure network, provides an expanded riparian buffer, and enhances environmental connectivity along Timothy Branch.

**POLICY 3: Ensure public expenditures for staffing, programs, and infrastructure support the implementation of the 2017 GI Plan.**

- 3.3 Design transportation systems to minimize fragmentation and maintain the ecological functioning of the green infrastructure network.**
- a. Provide wildlife and water-based fauna with safe passage under or across roads, sidewalks, and trails as appropriate. Consider the use of arched or bottomless culverts or bridges when existing structures are replaced or new roads are constructed.**
  - b. Locate trail systems outside the regulated environmental features and their buffers to the fullest extent possible. Where trails must be located within a regulated buffer, they must be designed to minimize clearing and grading and to use low impact surfaces.**

Trail/walking connections to the north of this development site will be provided within the public right-of-way by widening the existing sidewalk along Matapeake Business Drive to an eight feet width.

**POLICY 4: Provide the necessary tools for implementation of the 2017 GI Plan.**

- 4.2 Continue to require the placement of conservation easements over areas of regulated environmental features, preserved or planted forests, appropriate portions of land contributing to Special Conservation Areas, and other lands containing sensitive features.**

The 100-year floodplain adjacent to this site has already been placed in a platted conservation easement. Any portion of 100-year floodplain found to extend onto the current site, and areas designated as PMA, will be placed into a conservation easement at time of final plat. Woodland conservation provided on-site will be

placed in a protective easement prior to signature approval of the Type 2 tree conservation plan (TCP2).

**POLICY 5: Improve water quality through stream restoration, stormwater management, water resource protection, and strategic conservation of natural lands.**

**5.8 Limit the placement of stormwater structures within the boundaries of regulated environmental features and their buffers to outfall pipes or other features that cannot be located elsewhere.**

Additional SWM, if provided on-site to meet water quality standards, shall not be located with the PMA. Impacts to regulated environmental features are limited to those already approved with prior plan approvals.

**5.9 Prioritize the preservation and replanting of vegetation along streams and wetlands to create and expand forested stream buffers to improve water quality.**

A stream valley corridor of off-site wooded floodplain has been preserved adjacent to the subject property. There is on-site opportunity for expanding forest buffers along the stream and wetland to improve water quality.

**POLICY 7: Preserve, enhance, connect, restore and preserve forest and tree canopy coverage.**

*General Strategies for Increasing Forest and Tree Canopy Coverage*

**7.1 Continue to maximize on-site woodland conservation and limit the use of off-site banking and the use of fee-in-lieu.**

This site currently contains 1.60-acres of woodlands which does not satisfy the afforestation threshold of fifteen percent which would require 2.78 acres. The provision of additional on-site woodland conservation by the retention of all existing woodlands, and additional planting supports this strategy.

**7.2 Protect, restore and require the use of native plants. Prioritize the use of species with higher ecological values and plant species that are adaptable to climate change.**

The use of native plants on site will be addressed through the 2010 *Prince George's County Landscape Manual* (Landscape Manual) Sustainable Landscaping requirements and the WCO.

- 7.4 Ensure that trees that are preserved or planted are provided appropriate soils and adequate canopy and root space to continue growth and reach maturity. Where appropriate, ensure that soil treatments and/ or amendments are used.**

This site is a reclaimed sand and gravel mine. Appropriate soil treatments and amendments will be addressed through design criteria and planting requirements of the WCO.

*Forest Canopy Strategies*

- 7.12 Discourage the creation of new forest edges by requiring edge treatments such as the planting of shade trees in areas where new forest edges are proposed to reduce the growth of invasive plants.**

The existing forest edge is proposed to be expanded onto the developing site by the expansion of planted riparian buffers. All on-site planting will be addressed in accordance with the Environmental Technical Manual.

- 7.13 Continue to prioritize the protection and maintenance of connected, closed canopy forests during the development review process, especially in areas where FIDS habitat is present or within Sensitive Species Project Review Areas.**

The connected, closed canopy forest of the adjacent stream valley can be protected and maintained by the retention of all existing woodlands and additional planting to expand the riparian buffer.

- 7.18 Ensure that new, more compact developments contain an appropriate percentage of green and open spaces that serve multiple functions such as reducing urban temperatures, providing open space, and stormwater management.**

The WCO mandates woodland conservation threshold and minimum afforestation thresholds on development sites. On-site woodlands and greenspace provide a variety of environmental functions, especially within dense residential development, to support high-quality, livable neighborhoods.

**POLICY 12: Provide adequate protection and screening from noise and vibration.**

- 12.2 Ensure new development is designed so that dwellings or other places where people sleep are located outside designated noise corridors. Alternatively, mitigation in the form of earthen berms, plant materials, fencing, or building construction methods and materials may be used.**

The proposed residential use is not located in a noise or vibration corridor based on the master planned classification of the roadways. Evaluation for noise and vibration impacts will be addressed by the Development Review Division.

## **ENVIRONMENTAL REVIEW**

### **Natural Resource Inventory Plan/Existing Features**

A Natural Resource Inventory, NRI-158-06-04, was approved on October 21, 2019, and provided with the application. The site contains 100-year floodplain, associated buffers, and steep slopes which comprise the PMA. There are no specimen trees on the property. A revised 100-year floodplain study has reduced the amount of woodland preservation provided on adjoining Outlot A and also affects the subject property and the net tract woodland preservation previously provided on Parcels 4, 5 and 6 for the overall development.

The approved NRI shows the incorrect location for the master planned right-of-way for MC-503, does not show the correct master planned width for dedication along Matapeake Business Drive, and requires revision prior to certification of the PPS. The NRI also needs to provide additional detail with regards to the existing SWM ponds including outfalls, forebays, access roads and embankments.

The TCP1 and PPS show the correct location for MC-503 but require revision to provide the appropriate master-planned right-of-way width on Matapeake Business Drive.

### **Woodland Conservation**

This property is subject to the provisions of the WCO because the property is greater than 40,000 square feet in size and it contains more than 10,000 square feet of existing woodland. The site has a previously approved Type 1 (TCP1-026-91-04) and Type 2 (TCP2-133-91, including revisions -01 through -14) tree conservation plan for the overall 182.35-acre Brandywine 301 Industrial Park. It is noted that because the majority of the Brandywine 301 Commerce Center was originally graded for industrial uses, a considerable amount of woodland conservation has been provided off-site, with on-site woodland conservation for the overall site currently limited to 9.86 percent.

The most recently approved TCP2 shows three identified woodland preservation areas (WPA 5, 10 and 11) wholly or partially located on Parcels 4, 5 and 6, which are contributory to the overall woodland conservation requirement for the development. If the woodland conservation previously shown on the approved TCP2 is no longer provided on Parcels 4, 5, and 6, recalculation of the TCP2 requirements and further mitigation may be indicated. The NRI provided for the subject property finds that woodland preservation areas have been lost on or adjacent to the site because of expansion of the floodplain and/or unauthorized clearing without mitigation, with existing net tract woodlands reduced to 1.60 acres. The remaining woodland is classified as "high priority retention" because of the presence of adjacent regulated environmental features.

TCP1-023-2020 was submitted with the new PPS application for gross tract area of 18.58-acres in the I-1 Zone. The site is proposed for single-family attached residential development.

Townhouses are permitted uses in the I-1 Zone subject to Section 27-473(b) Footnote 66, which includes three requirements that are addressed by the current application.

- a. The site is within the Community Center Edge (page 50 –*Master Plan*) and abuts property with a zoning classification of M-X-T that meets the location requirements.
- b. A DSP approval of the proposed townhouse development will be required.
- c. Development requirements are to be established at the time of DSP. Townhouses shall conform to the dimensional requirements of Section 27-544(f)(2)(E) and (G), which set requirements for the minimum lot width and the maximum number of units in each building stick.

The woodland conservation threshold for the site by local ordinance is determined by the Zone, and not the use as determined in the Forest Conservation Act, so the woodland conservation thresholds for the site are based on the I-1 Zone although, a residential use is proposed. The 15 percent threshold for the I-1 zone is consistent with the requirements when townhouse development occurs in the M-X-T Zone.

Based on the TCP1 submitted with this application, the site's gross tract area is 18.58-acres with 0.07 acre of 100-year floodplain and has a net tract area of 18.51 acres. The site contains 1.60 acres of woodland on the net tract, which is identified as high priority for retention, and 0.01 acre of wooded floodplain. Because this site contains very little existing net tract woodland, the 15 percent afforestation threshold requirement for the site is applicable, resulting in a total woodland conservation threshold for the site of 2.78 acres.

The Woodland Conservation Worksheet proposes the removal of 0.19 acre of woodlands in the net tract area, resulting a woodland conservation requirement of 2.97 acres including replacement. According to the TCP1 worksheet, the requirement is proposed to be met with 1.39 acres of on-site woodland preservation, 0.37 acre of afforestation/ reforestation on-site, and 1.21 acres of off-site woodland conservation.

The Forest Conservation Act, Section 5-1607(a), provides guidance for a sequence of afforestation and reforestation priorities for local jurisdictions, and states that afforestation and reforestation may be used after “all techniques for retaining existing forest cover on-site have been exhausted.” The retention of limited on-site woodlands in high priority retention environmentally sensitive areas must be satisfied first. The limited existing woodlands are located on the eastern edge of the development envelop, providing an opportunity to preserve all existing on-site woodlands, and the provision of additional on-site afforestation to expand riparian buffers along the Timothy Branch floodplain to meet the full afforestation threshold requirements on-site. Retention of all existing on-site woodlands would require the relocation and/or reconfiguration of

Lots 35–41. This would increase on-site woodland conservation to 7.50 percent, which is still significantly below the 15 percent afforestation threshold.

Section 5-1607(a)(3) of the Forest Conservation Act further states that “**off-site afforestation or reforestation in the same watershed or in accordance with an approved master plan may be utilized where the applicant has demonstrated that no reasonable on-site alternative exists, or where:**

- 1. Any on-site priority areas for afforestation or reforestation have been planted, and**
- 2. The applicant has justified to the satisfaction of the State or local jurisdiction that environmental benefits associated with off-site afforestation or reforestation would exceed those derived from on-site planting.”**

The TCP1 does not demonstrate that all on-site alternatives for planting in priority areas have been utilized, or that off-site planting environmental benefits would exceed those of on-site afforestation within a Special Conservation Area, the Green Infrastructure Network, and a Tier II catchment area. Fulfilling the minimum afforestation threshold on-site in a “conservation priority area” would require the relocation or reconfiguration of Lots 42–48 to provide an expanded riparian buffer.

The TCP1 shall be revised to eliminate all clearing of high priority existing woodlands on-site and enhance riparian buffers with afforestation in order to provide the afforestation threshold of 2.78-acres on-site to the fullest extent possible, and in accordance with required conditions. The applicant proposed to preserve the 0.19 acres of woodland, which were previously being impacted, by revising the layout of lots located in the southeast portion of the site. The PPS will thus retain the entire existing on-site woodlands, afforest an additional 0.25 acres on-site, and meet the remaining woodland conservation requirement offsite. The Planning Board found the revised layout acceptable, given that the applicant intends to preserve 100% of existing woodlands, and widen the conservation buffer along Timothy Branch Creek.

Technical revisions are also required to the TCP1 which are included in the conditions of approval.

**Preservation of Regulated Environmental Features/Primary Management Area**

Impacts to the regulated environmental features should be limited to those that are necessary for the development of the property. Necessary impacts are those that are directly attributable to infrastructure required for the reasonable use, orderly and efficient development of the subject property, or are those that are required by County Code for reasons of health, safety, or welfare. Necessary impacts include, but are not limited to, adequate sanitary sewerage lines and water lines, road crossings for required street connections, and outfalls for SWM facilities.

The applicant has indicated that no new impacts to the PMA are proposed with the current application, and that impacts to the PMA for SWM pond No. 3 are pre-existing, although,

TCP2-133-91-13 shows area of preservation retained between the two outfalls, which is no longer shown. The provision of more design detail for the SWM pond, including elevations, current grading, and the design outfall structure is required to verify that no additional impacts are required for plan implementation. This will be further evaluated at time of DSP if the indicated SWM impacts are deemed necessary for development, and if they can be avoided and minimized to the fullest extent possible.

### **Stormwater Management**

An unapproved revised SWM concept plan was submitted with the subject application (8511-2020-01). The TCP1 does not provide sufficient detail about the existing facilities on-site, or any additional proposed facilities such as environmental site design elements, to address water quality requirements. Section 24-130 of the Subdivision Regulations requires the following with respect to stream, wetland, and water quality protection and SWM:

- (b) The Planning Board shall require that proposed subdivisions conform to the following:**
  - (1) The plat shall demonstrate adequate control of the increased runoff due to the ten (10) year storm or such other standards as State law or the County shall adopt.**
  - (2) The stormwater control shall be provided on-site unless the Planning Board, on recommendation from the County, waives this requirement.**
  - (3) The submission of a storm drainage and stormwater management concept plan, and approval thereof by the County, may be required prior to preliminary plat approval.**
  - (4) Where a property is partially or totally within an area covered by an adopted Watershed Plan, the plat shall conform to such plan.**

The approved SWM concept plan is required to be designed in conformance with any approved watershed management plan, pursuant to Subtitle 32, Water Resources and Protection, Division 3, Stormwater Management, and Section 172, Watershed Management Planning. As such, the requirements of Section 24-130(b)(4) of the Subdivision Regulations, which require that a subdivision be in conformance with any watershed management plan, are addressed with the approval of the SWM concept plan by the County.

**Findings:**

1. No specimen trees are present or proposed for removal with this application.
2. Based on the level of design information currently available, the regulated environmental features on the subject property have been preserved and/or restored to the fullest extent possible based on the limits of disturbance shown on the TCP1. No impacts are proposed.
3. The preservation of high-priority woodland on the site shall be retained to the fullest extent in sensitive environmental area, as identified in the Green Infrastructure Plan and master plan, through conditions of approval.

- 18. Urban Design**—Conformance with the Prince George’s County Zoning Ordinance (Subtitle 27) is evaluated as follows:

**Conformance with the Requirements of the Prince George’s County Zoning Ordinance**

Townhouses are permitted use in the I-1 Zone subject to Section 27-473(b) Footnote 66, which includes three requirements that are fully addressed by the PPS as follows:

- a. The site is within the Community Center Edge (page 50–*Master Plan*) and abuts property with a zoning classification of M-X-T, as required, that meets the location requirements.
- b. DSP review of the proposed townhouse development is required.
- c. Development requirements are generally to be set at the time of DSP. Townhouses shall conform with the dimensional requirements of Section 27-544(f)(2)(E) and (G), which set requirements for the minimum lot width and the maximum number of units in each building stick. The PPS meets this requirement.

In general, the PPS shows an appropriate spatial relationship for supporting a townhouse development proposal. However, there are two key issues that must be addressed with the DSP. The first, the provision of adequate buffering of townhouse units from Matapeake Business Drive, including the need to establish an appropriate building restriction line. Secondly, adequate landscaping shall be provided throughout the site at the time of DSP.

The applicant’s “SDRC Exhibit” provided a breakdown of unit types, parking, sidewalks, and conceptual recreation facilities. These features, as well as the design of townhouse units, will be further evaluated at DSP review. The exhibit sufficiently addressed several urban design comments raised at the time of the SDRC meeting.

**Conformance with the Prince George’s County Tree Canopy Coverage Ordinance**

In accordance with Section 25-128 of the WCO, properties in the I-1 Zone are required to provide 10 percent of the gross tract area in tree canopy coverage (TCC). The subject site is 18.56 acres and is required to provide 1.86 acres of the site in TCC. Conformance with this requirement will be evaluated at the time of DSP.

**Conformance with the Requirements of the Prince George’s County Landscape Manual**

In accordance with Section 27-473(b) Footnote 66, the specific development requirements, including landscaping, of the I-1 Zone, shall not apply and instead, the development standards for this project shall be established and shown on the DSP. At the time of DSP review, the requirements of the Landscape Manual will be utilized as the benchmark for gauging the acceptability of the project’s landscape design.

**Other Urban Design Issues**

Small linear parcels owned by HOA shall be provided between Lots 163 and 164, as well as between Lots 41 and 42, to allow for access between townhouse building sticks on common property.

19. **Corner Lots**—The PPS reflects a layout which employs a network of private streets and alleys for access adjacent to rows of townhouse lots. The configuration has resulted in the creation of numerous corner lots, which is defined by the Zoning Ordinance as “A Lot abutting two (2) or more Streets at their intersection, where the interior angle of intersection does not exceed one hundred thirty-five degrees”. According to Section 24-121(a)(8) of the Subdivision Regulations, corner lots shall be rounded with a radius of not less than 20 feet, or provided with an equivalent truncation. The PPS shows corners of such lots not rounded but truncated with line segments. Such truncation of the 20-foot corner radius arc has been achieved with multiple line segments, some as short as 14.14 feet in length. Though the Code is not explicit in defining ‘truncation’, the term is generally interpreted to mean a chord joining the points of curvature of an arc, that is, truncation of the corner using one line segment only. With this definition, the truncation of a 20-foot radius arc at a right-angled property corner would require the length of the segment to be 28.28’. The corners of all proposed corner lots shall be revised to either use an arc of 20-foot radius, or truncate using one line segment between the points of curvature, prior to signature approval.

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.

\* \* \* \* \*

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 Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, Doerner, Geraldo and Hewlett voting in favor of the motion at its regular meeting held on Thursday, March 4, 2021, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 25th day of March 2021.

Elizabeth M. Hewlett  
Chairman

  
By Jessica Jones  
Planning Board Administrator

EMH:JJ:MG:nz

APPROVED AS TO LEGAL SUFFICIENCY



David S. Warner  
M-NCPPC Legal Department  
Date: March 12, 2021