

Case No.: CDP-0102/01

Applicant: Brandywine Investments
Associates, LLP

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND,
SITTING AS THE DISTRICT COUNCIL

ORDER AFFIRMING PLANNING BOARD DECISION

IT IS HEREBY ORDERED, after review of the administrative record, and after hearing oral argument, that the Planning Board's decision in Resolution PGCPB No. 04-13, to approve a comprehensive design plan, CDP-0102/01, for 580 single-family dwellings on property known as Chaddsford, described as 212 acres of land in the R-M Zone, west of US 301 and north of McKendree Road, lying north and south of Chadds Ford Drive, Brandywine, is hereby:

AFFIRMED, for the reasons stated in the Planning Board's resolution, whose decision is hereby adopted as the findings of fact and conclusions of law of the District Council.

Affirmance of the Planning Board's decision is subject to the following conditions.

1. Prior to certificate approval of the Comprehensive Design Plan:
 - a. The following revisions shall be made to the plans or information shall be provided:
 - (1) A minimum lot width of 40 feet (at the street line, unless indicated otherwise) for the proposed lots in the development. No more than 25 percent of the total number of single-family lots in the development may be less than 50 feet in width. The rest of the lots shall be 50 feet or more in width, with no less than 25 percent of the total number of lots at least 60 feet in

width. (On cul-de-sacs the lot width may be measured at the building line).

- (2) A minimum side setback of five feet for all lots.
- (3) Notwithstanding Condition 1 above, no more than twenty 36-foot-wide lots for the total development shall be allowed, but only if the applicant demonstrates to the satisfaction of the Planning Board prior to approval of the first specific design plan that the proposed houses on those lots have a superior architectural design. In the absence of such a finding by the Planning Board, all 36-foot-wide lots shall be increased to at least 40 feet wide and shall be subject to the 25 percent limit in Condition 1.a.(1) above.
- (4) The boundaries and acreage of the land to be conveyed to The Maryland-National Capital Park and Planning Commission according to the requirements of the Department of Parks and Recreation.
- (5) The master plan trail along the lake relocated on dedicated parkland with feeder trails from the development pods F, E, and K to the master plan trail.
- (6) The entire master plan trail in the stream valley of the tributary of Timothy Branch from the northern to the southern ends of the subject property according to the requirements of the Department of Parks and Recreation. The exact alignment of the trails shall be determined at the time of the Specific Design Plan.
- (7) The tree conservation area symbol shall be removed from the area of the dedicated parkland on the TCP-1 drawings.
- (8) The CDP text, Chapter 5, revised as follows:
 - (a) On page 4, the statement "Local roadways and cul-de-sacs should have a 50-foot right-of-way" shall be deleted.
 - (b) Exhibit 6 should include the following note:
"Internal streets may utilize 50-foot or 60-foot rights-of-way, depending upon the proposed

and the potential uses which they could serve. The needed rights-of-way will be determined at the time of preliminary plan of subdivision.”

- (9) A private eight-foot-wide asphalt trail from the western portion of the subject site (in the vicinity of stormwater management pond #6) to the master plan trail through an open space greenway. The exact location of this trail shall be determined at the specific design plan stage based on the ultimate configuration of the lots and the provision of an open space corridor.
- (10) Standard sidewalks along both sides of all internal roads, unless modified by the DPW&T at the time of issuance of street construction permits.
- (11) A six-foot-wide asphalt feeder trail from the southern portion of the stream valley trail to the end of Road C.
- (12) A six-foot-wide asphalt feeder trail from the southern portion of the stream valley trail to the end of Road B.
- (13) A six-foot-wide asphalt feeder trail from the northern portion of the stream valley trail to the potential future school site/single-family development shall be shown on the CDP. The construction of this trail shall be provided in conjunction with the development of this pod by the applicant if single family lots are constructed or by the School Board if a school is constructed.
- (14) The unmitigated 65 dBA Ldn noise contour associated with traffic-generated noise from US 301. The noise contour may be based upon the noise model used by the Environmental Planning Section or by a Phase I Noise Study submitted to and approved by the Environmental Planning Section.
- (15) For compliance with Condition #12 of the Basic Plan regarding trail connections, an open space greenway from the western area of the development to the southeastern area of the development to accommodate a trail connection and provide open space between the rear yard of the proposed lots in the G1 and H pods of the development on the

illustrative lotting plan. The open space between the G1 and H development pods shall be at least 75 feet in width to accommodate the 8-foot trail and to provide adequate open space.

- (16) Recreational facilities in the northwestern portion of the development that include the sitting area, preteen playground and tot lot shall have direct access to the road frontage on the streets in single-family development Pod G1.
 - b. The applicant shall require the applicant to provide information on the affordability of some of the units for seniors and young adults starting out.
 - c. A copy of the approved U.S. Army Corps of Engineers Jurisdictional Determination plan shall be submitted to the Environmental Planning Section.
 - d. All appropriate plans shall be revised to conform to the approved U.S. Army Corps of Engineers Jurisdictional Determination plan.
 - e. The Type I Tree Conservation Plan note #6 shall be revised to account for a total of at least 80.98 acres of off-site woodland conservation.
2. Prior to submission of the first record plats for the sections which contains the following facilities, the applicant shall:
- a. Submit a private recreational facilities agreement covering the facilities. The phasing plan for bonding and construction of the facilities, which shall be as follows:

Chaddsford Phasing of Amenities		
FACILITY	BOND	FINISH CONSTRUCTION
Pod K Community Recreational Facilities (clubhouse, swimming pool, tennis court, tot lot, pre-teen lot, picnic area and open play area).	Prior to issuance of the building permit for Pod K.	Prior to issuance of a building permit for the 290 th unit in the development.
The HOA trail on the east side of the lake, west of Pod E.	Prior to issuance of the first building permit in Pod E.	In conjunction with construction of Pod E, not later than issuance of the building permit for the 60 th unit in the pod.
The HOA trail between the northwestern portion of the development and the southeastern area, between Pods G1 and H, whichever comes first.	Prior to issuance of the first building permit in Pod G1 or H, whichever comes first.	In conjunction with construction of Pod G1 or H, whichever comes first, not later than issuance of the building permit for the 400 th unit in the development.

It is occasionally necessary to adjust the precise timing of the construction of recreational facilities as more details concerning grading and construction become available. Phasing of the recreational facilities may be adjusted by written permission of the Planning Board or its designee under certain circumstances, such as the need to modify construction sequence due to exact location of sediment ponds or utilities, or other engineering necessary. The number of permits allowed to be released prior to construction of any given facility shall not be increased by more than 25 percent and an adequate number of permits shall be withheld to assure completion of all the facilities prior to completion of all the dwelling units.

3. In conjunction with submission of the second Specific Design Plan, the applicant shall: Develop construction drawings for the

trail construction on parkland in accordance with the standards outlined in the Park and Recreation Facilities Guidelines.

4. All residential structures shall be fully sprinklered in accordance with the National Fire Protection Association Standard 13D and all applicable Prince George's County laws in order to alleviate the negative impact on fire and rescue services.
5. Prior to issuance of building permits, the applicant and/or the applicant's heirs, successors, or assignees shall contribute toward and participate in the construction of certain additional off-site transportation improvements as identified hereinafter. These improvements shall be funded and constructed through the formation of a Road Club which will include the applicant, the Montgomery Wards Brandywine Distribution Center, the Brandywine Commerce Center, the Mattawoman-Brandywine Commerce Center, the Brandywine Business Park, the Brandywine/301 Industrial Park, the Hampton CDZ, and other property owners in the area designated as Employment Area "C" in the Subregion V Master Plan, as well as any properties along US 301/MD 5 between T.B. (the intersection of US 301 and MD 5 in Prince George's County) and Mattawoman Creek, and any other properties for which participation is deemed necessary by the Planning Board. For development on the R-M portion of the subject property, the applicant's sole funding responsibility toward the construction of these off-site transportation improvements shall be the payment of the following:
 - For each single-family detached unit, a fee calculated as $\$1,472 \times (\text{Engineering News-Record Highway Construction Cost index at time of payment}) / (\text{Engineering News-Record Highway Construction Cost Index for first quarter, 1993})$;
 - For each single-family attached unit, a fee calculated as $\$1,338 \times (\text{Engineering News-Record Highway Construction Cost index at time of payment}) / (\text{Engineering News-Record Highway Construction Cost Index for first quarter, 1993})$;
 - For each multifamily unit, a fee calculated as $\$999 \times (\text{Engineering News-Record Highway Construction Cost index at time of payment}) / (\text{Engineering News-Record Highway Construction Cost Index for first quarter, 1993})$.
 - For development on the L-A-C and E-I-A portions of the subject property, the applicant's sole funding responsibility toward the construction of these off-site transportation

improvements shall be the payment of a fee calculated as \$1.24 per gross square foot of space X (Engineering News-Record Highway Construction Cost index at time of payment)/(Engineering News-Record Highway Construction Cost Index for first quarter, 1993).

- The total fee to be paid shall not exceed an amount calculated as \$1,719,946.04 X (Engineering News-Record Highway Construction Cost index at time of payment)/(Engineering News-Record Highway Construction Cost Index for first quarter, 1993).

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

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

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

- e. Reconstruct the traffic signal at US 301/MD 381.
 - f. Install a traffic signal at the MD 381/A-63 intersection, provided said signal is deemed warranted by DPW&T and SHA.
 - g. Provide a grade separation at the point the Spine Road crosses US 301 northeast of T.B.
 - h. Reconstruct the traffic signal at MD 5/Brandywine Road.
 - i. Construction of an interchange in the area of US 301/MD 5 and Cedarville/McKendree Roads.
 - j. Construction of an interchange in the area of MD 5 and A-63 north of T.B.
 - k. Construction of A-63 as a six-lane arterial roadway (where off-site) between the US 301/MD 5/Cedarville Road/McKendree Road intersection and MD 5 north of T.B.
 - l. Widen US 301/MD 5 from a six-lane road to an eight-lane road beginning at the T.B. interchange (US 301/MD 5) and extending southerly to Mattawoman Creek.
 - m. Widen MD 5 from a four-lane road to a six-lane road beginning at the T.B. interchange (US 301/MD 5) and extending northerly to a point approximately 2,500 feet north of the planned intersection with A-63.
6. Prior to the issuance of any building permits within the subject property, the following road improvements shall have full financial assurances, have been permitted for construction, and have an agreed-upon timetable for construction with SHA:
- a. Along US 301/MD 5 at Chadds Ford Drive, provide southbound acceleration and deceleration lanes as well as a northbound left-turn lane.
 - b. Along Chadds Ford Drive at the approach to US 301/MD 5, provide an exclusive right-turn lane and dual left-turn lanes.

- c. Install a traffic signal at US 301/MD 5 and Chadds Ford Drive at the time it is deemed necessary by SHA.
7. Following the connection of C-502 to A-55 (and a planned partial interchange at US 301/MD 5 and A-55) on the north, and to McKendree Road on the south, the applicant and/or the applicant's heirs, successors, or assignees shall close the US 301/MD 5/Chadds Ford Drive at-grade intersection to traffic. In the event that a traffic signal has been installed at this location following approval of this plan and removal of the signal is required as directed by SHA following closure of the intersection, such modification or removal shall be at the sole expense of the applicant and/or the applicant's heirs, successors, or assignees.
8. Prior to the issuance of any permits which impact jurisdictional wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall submit copies of all federal and State wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
9. The following note shall be placed on the Final Plat of Subdivision:

“Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/47/96-02), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation/Tree Preservation Policy.”
10. Prior to a submission of the first final plat of subdivision, the applicant shall enter into a public recreational facilities agreement (RFA) with M-NCPPC for the construction of a master plan trail on dedicated parkland. The applicant shall submit three original, executed RFAs to the Department of Parks and Recreation (DPR) for their approval three weeks prior to the submission of final plats. Upon approval by DPR, the RFA shall be recorded among the land records of Prince George’s County.
11. Prior to issuance of the building permit for the 135th unit in the development, the applicant shall submit to the Department of Parks and Recreation a performance bond, a letter of credit or other suitable financial guarantee, for the construction of the

public recreation facilities on dedicated parkland in the amount to be determined by DPR.

12. The applicant, his successors, and/or assignees shall construct the master-planned trail on dedicated parkland in phase with development, and no building permit shall be issued for the lots directly adjacent to the trail until the trail construction is completed.
13. Prior to issuance of the building permits for the 290th unit in the development, all public recreation facilities on dedicated parkland shall be constructed.
14. The portion of the master-planned trail in the General Lafayette Boulevard right-of-way shall be constructed in conjunction with the construction of the roadway.

Ordered this 13th day of September, 2004, by the following vote:

In Favor: Council Members Knotts, Bland, Dean, Dernoga, Exum, Harrington and Hendershot

Opposed:

Abstained:

Absent: Council Member Peters

Vote: 7-0

COUNTY COUNCIL OF PRINCE GEORGE'S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART OF
THE MARYLAND-WASHINGTON REGIONAL
DISTRICT IN PRINCE GEORGE'S COUNTY,
MARYLAND

By: _____
Tony Knotts, Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council