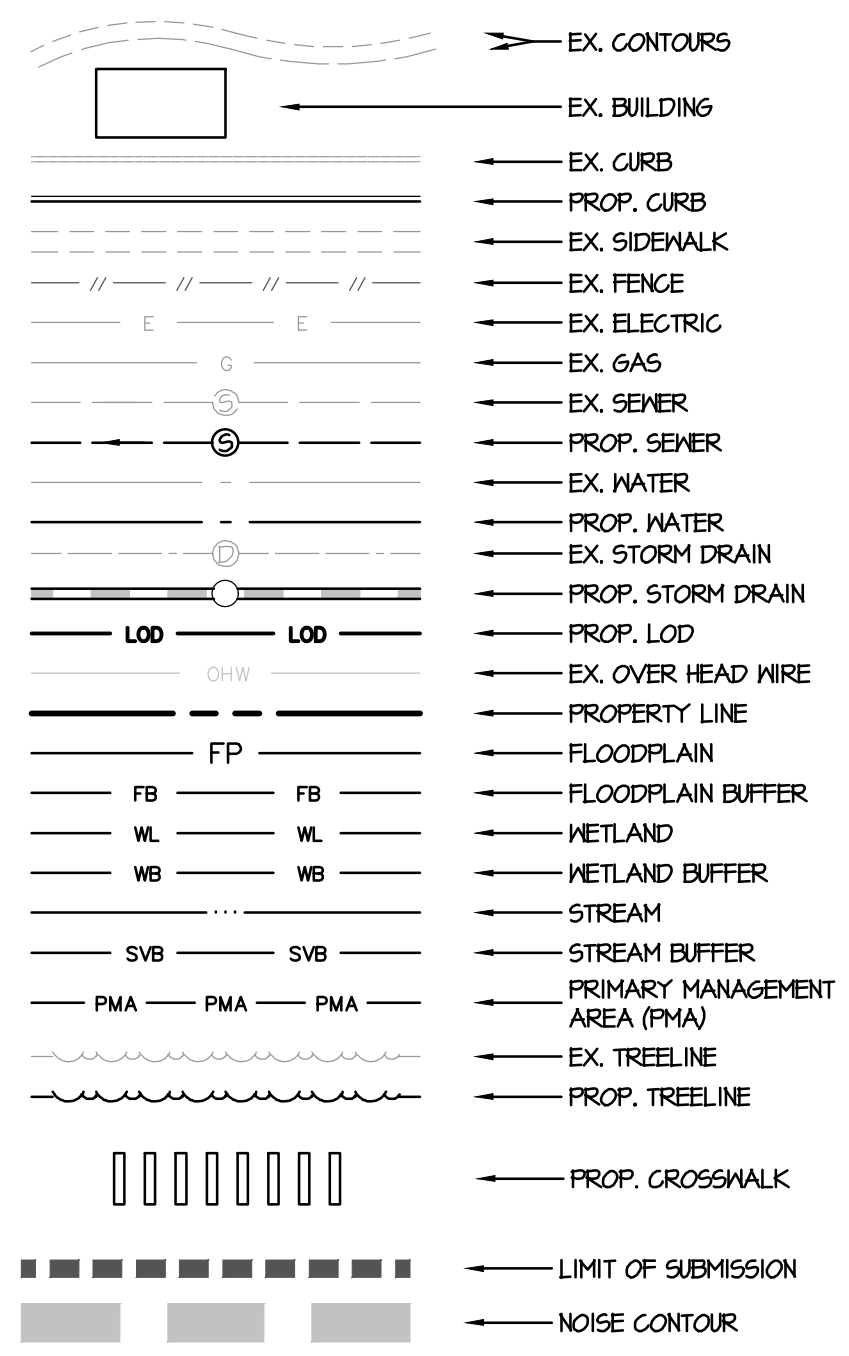


STEPHEN'S CROSSING AT BRANDYWINE

PRELIMINARY PLAN OF SUBDIVISION

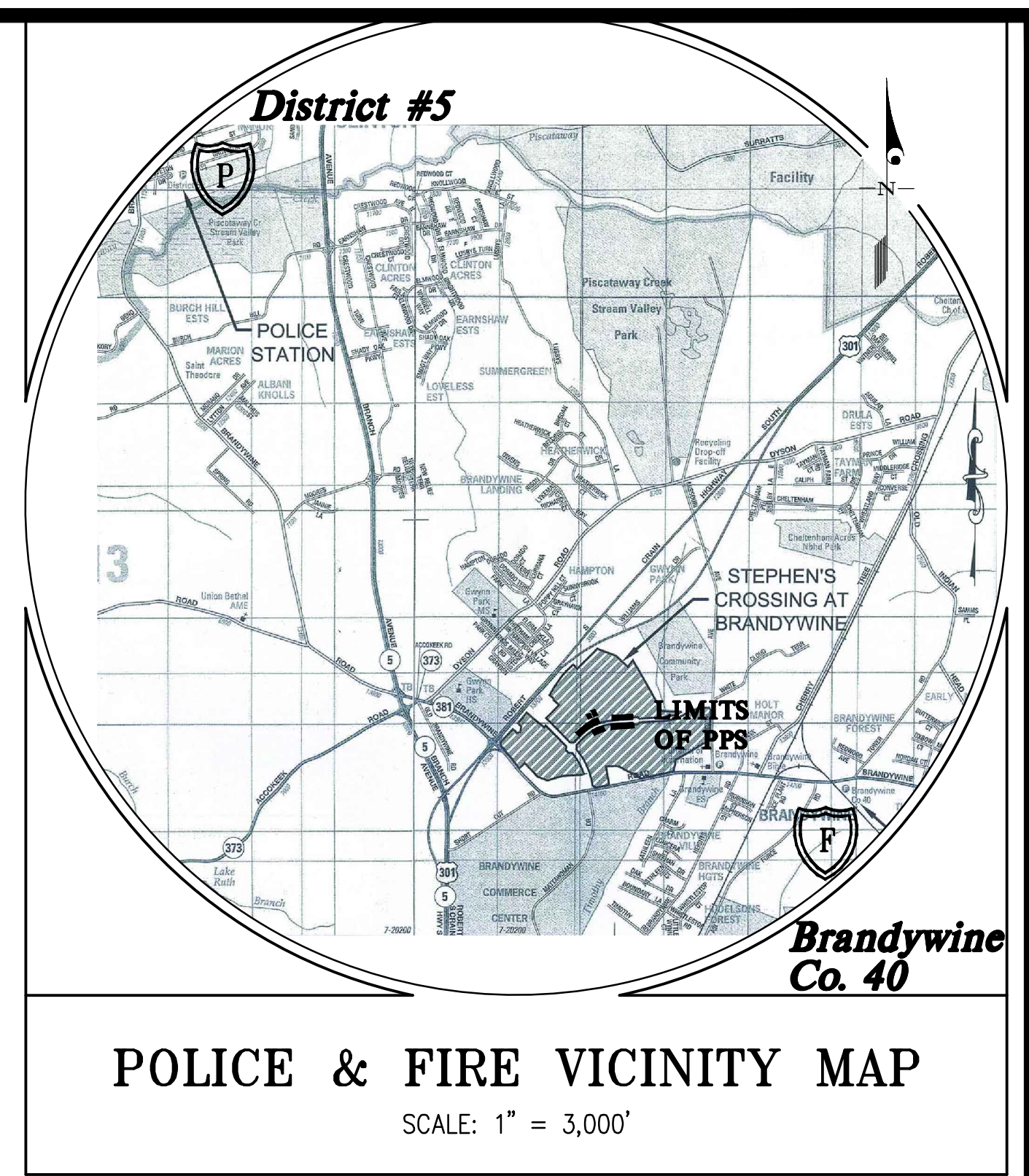
LOTS 7-16 BLOCK B, LOTS 4-24 BLOCK C, LOTS 4-20 BLOCK E, LOTS 9-17 BLOCK J, LOTS 21-38 BLOCK O
OPEN SPACE PARCELS C-1, C-3, C-4, C-5, E-2, E-3, E-4, J-1, J-6, O-1, O-5, O-6, O-7

LEGEND



EXISTING UTILITY NOTES

- 1) UTILITY INFORMATION SHOWN HEREON IS APPROXIMATE AND WAS OBTAINED FROM AVAILABLE RECORDS. THE EXACT LOCATION OF ALL UNDERGROUND UTILITIES SHALL BE FIELD VERIFIED BY THE CONTRACTOR PRIOR TO CONSTRUCTION.
- 2) THE CONTRACTOR SHALL HAND DIG TEST PITS AT ALL UTILITY CROSSINGS TO DETERMINE THE EXACT LOCATION AND DEPTH WELL IN ADVANCE OF CONSTRUCTION.
- 3) FOR MARKING LOCATIONS OF EXISTING UTILITIES, NOTIFY "MISS UTILITY" AT 1-800-257-7777, 48 HOURS PRIOR TO ANY EXCAVATION OR CONSTRUCTION. CONTRACTOR SHALL NOTIFY THE CITY OF ROCKVILLE UTILITIES DIVISION 240-344-2667 (48 HOURS BEFORE).
- 4) FOR FIELD LOCATION OF GAS LINE SERVICES, PLEASE NOTIFY WASHINGTON GAS LIGHT CO. 703-750-0000, 48 HOURS PRIOR TO THE START OF ANY EXCAVATION OR CONSTRUCTION.
- 5) OMISSIONS AND/OR ADDITIONS OF UTILITIES FOUND DURING CONSTRUCTION SHALL BE THE SOLE RESPONSIBILITY OF ANY CONTRACTOR ENGAGED IN EXCAVATION AT THIS SITE. GUTSCHICK, LITTLE & KEEFER, P.A. SHALL BE NOTIFIED IMMEDIATELY OF ANY AND ALL UTILITY INFORMATION, OMISSIONS AND ADDITIONS FOUND BY ANY CONTRACTOR.
- 6) DUE TO THE PROXIMITY OF LIVE UNDERGROUND AND OVERHEAD UTILITIES, WE ARE NOT RESPONSIBLE FOR ANY DAMAGE OR INJURY SUSTAINED DURING CONSTRUCTION BY ANY PERSONS, TRUCKS, TRAILERS, OR EQUIPMENT USED ON OR ADJACENT TO THE SITE.



POLICE & FIRE VICINITY MAP

SCALE: 1" = 3,000'

GENERAL NOTES

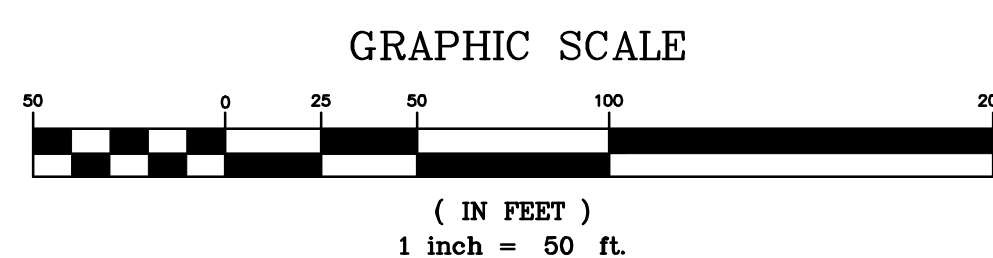
1. OWNER/APPLICANT: ESC STEPHENS LC, ATTN: JUDE BURKE, 1355 BEVERLY ROAD, SUITE 240, MCLEAN, VIRGINIA 22101, TEL: (703) 734-4750
2. PREVIOUS PROJECT NAME: BRANDYWINE BUSINESS PARK, LEGAL DESCRIPTION: PLAT BOOK MMB234 P.16, PLAT NO. 234078, PLAT BOOK MMB24 P.16, PLAT NO. 264016
3. TAX MAP/GRID: TAX MAP 145 / GRID B3
4. 200 FT MAP REF: 210 SE 08
5. PURPOSE OF SUBDIVISION: RE-SUBDIVIDE 12.2 OVER 2 PARCELS & 4 OPEN SPACE PARCELS INTO 65 SINGLE FAMILY ATTACHED (TOWNHOUSE) LOTS & 13 OPEN SPACE PARCELS AND THE ADDITION OF 2 SINGLE FAMILY ATTACHED (TOWNHOUSE) LOTS
6. PREVIOUS APPROVALS: PRELIMINARY PLAN 4-11004, DETAILED SITE PLAN DGP-30050, CONCEPTUAL SITE PLAN, CSP-08003-01, TREE CONSERVATION PLAN TYPE I, TGP-001-12-02, TREE CONSERVATION PLAN TYPE II, TGP-002-2017-01, TOTAL ACRES THIS PRELIMINARY PLAN 4-23040: 4.51 ACRES, NET DEVELOPABLE AREA OUTSIDE OF PMA: 4.51 ACRES, ENVIRONMENTAL REGULATED FEATURES AREA: 0.00 ACRES, 100-YEAR FLOOD PLAIN AREA: 0.00 ACRES, TOTAL PUBLIC ROADWAY DEDICATION AREA: 0.00 ACRES, PROPOSED USE: RESIDENTIAL DEVELOPMENT, EXISTING ZONING: RMF-48, RESIDENTIAL, MULTI-FAMILY-48, PROPOSED NUMBER OF LOTS & PARCELS WITHIN THIS PRELIMINARY PLAN 4-23040 AREA: 15 SINGLE-FAMILY ATTACHED (TOWNHOUSE) LOTS, 3 OPEN SPACE PARCELS, PRIOR ZONING: M-X-T (MIXED-USE TRANSPORTATION ORIENTED), NUMBER OF LOTS & PARCELS PREVIOUSLY APPROVED WITH 4-11004 (WITHIN THIS PRELIMINARY PLAN 4-23040 AREA): 8 SINGLE-FAMILY ATTACHED (TOWNHOUSE) LOTS, 12.2 OVER 2 PARCELS, 4 OPEN SPACE PARCELS, TOTAL ACRES PER PREVIOUS PRELIMINARY PLAN 4-11004 FOR DENSITY PURPOSES: 16.94 ACRES, OVERALL DENSITY CALCULATION APPLICABLE TO 4-11004: 1240 UNITS / 16.94 ACRES = 73.22 DU/AC, TOWNHOUSES: 417, MULTI-FAMILY: 143, FLOODPLAIN ACREAGE PER PREVIOUS PRELIMINARY PLAN 4-11004 FOR FAR PURPOSES: 40.50 ACRES, OVERALL FAR CALCULATION APPLICABLE TO 4-11004: 66.92 AC / 126.84 NET ACRES = 0.52, 143 MULTI-FAMILY, 1360,000 SF, RETAIL: 200,000 SF, OFFICE: 100,000 SF, TOTAL: 2,415,000 SF (66.92 AC), PERCENTAGE OF TOWNHOUSES: 40% (417 / 1040 TOTAL DEVELOPMENT DUA), A VARIANCE REQUEST WAS APPROVED WITH CSP-08003-01 TO ALLOW FOR THE MINIMUM TOWNHOUSE PERCENTAGE TO BE INCREASED FROM 20% TO 40%, MINIMUM LOT SIZE REQUIRED BY PRIOR ZONING ORDINANCE: 1,200 SQUARE FEET, MINIMUM LOT WIDTH AT FRONT BLDG. LINE & FRONT STREET LINE: 10 FEET, SUSTAINABLE GROWTH TIER: 1, MILITARY INSTALLATION OVERLAY ZONE: NO, CENTER OR CORRIDOR LOCATION: NO, STORMWATER MANAGEMENT CONCEPT PLAN #B306-2005-02, APPROVED NOVEMBER 16, 2023, EXISTING & PROPOSED WATER AND SEWER SERVICE CATEGORIES: S-3 AND M-3, THIS PROPERTY IS NOT LOCATED WITHIN AN AVIATION POLICY AREA, THE MANDATORY DEDICATION OF PARKLAND REQUIREMENT WILL BE ADDRESSED BY PROVIDING ON-SITE RECREATION FACILITIES, CATTAIL WAY ROAD IMPROVEMENTS ALONG DRIVES SAARIG FACILITY FRONTAGE AND A DRIVEWAY CONNECTION TO THE SAARIG FACILITY PARKING LOT OFF CATTAIL WAY, THERE ARE NO KNOWN CEMETERIES LOCATED ON OR CONTIGUOUS TO THE PROPERTY, THERE ARE NO KNOWN HISTORIC SITES LOCATED ON OR CONTIGUOUS TO THE PROPERTY, TGP-001-12-09 HAS BEEN PREPARED COVERING THIS RE-SUBDIVISION AREA AND IS INCLUDED WITH THIS PRELIMINARY PLAN 4-23040 SUBMISSION, THIS PROPERTY IS NOT LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA (CBCA), WETLANDS AND STREAMS EXIST ON THE SUBJECT PROPERTY, PER M&D, OCTOBER 2021, NATURAL RESOURCES INVENTORY PLAN #NRI-041-08-08, SOILS INFORMATION SHOWN OBTAINED FROM USDA NRCS WEB SURVEY (N65), SEE NRI-041-08-08, THERE ARE NO KNOWN AREAS OF MARLBORO CLAY ON THE SUBJECT PROPERTIES, THIS PROPERTY IS NOT ADJACENT TO AN EASEMENT HELD BY ANY LAND MARYLAND ENVIRONMENTAL TRUST, MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION, OR ORGANIZATION, BOUNDARY SURVEY: 6/24 DEC, 2023, TOPOGRAPHY SHOWN: 2023 PRINCE GEORGES COUNTY GIS, NEAREST POLICE STATION: DISTRICT NO. V, CLINTON POLICE DEPT., NEAREST FIRE STATION: BRANDYWINE FIRE DEPT. STATION NO. 840, THERE ARE NO ROADS LOCATED ON OR ADJACENT TO THE LIMITS OF THIS PPS, FLOODPLAIN STUDY: APPROVED FLOODPLAIN DELINEATION PPS #00125 APPROVED MARCH 15, 2012, ACCORDING TO CSP-08003 GENERAL NOTE #32, THE ENTIRE PROPERTY IS MAPPED AS AN IMAGERY RUNWAY SURFACE, THE ENTIRE PROPERTY IS MAPPED AS APPROACH/DEPARTURE (HORIZONTAL), WHILE CSP-08003 SHOWS 65-TO-DEGREE NOISE ZONE AS5 LINES ON THE SUBJECT PROPERTY, PRATLAS WEBSITE SHOWS THE MILITARY INSTALLATION OVERLAYS ASSOCIATED WITH JOINT BASE ANDREWS RELATIVE TO HEIGHT, NOISE & SAFETY HELL OUTSIDE THE LIMITS OF THE PROPERTY, GRADINGS AND LIMITS OF DISTURBANCE ARE PRELIMINARY AND ARE SUBJECT TO CHANGE, A 10' PUBLIC UTILITY EASEMENT WILL BE PROVIDED ALONG ALL PUBLIC & PRIVATE ROADS, A LETTER FROM LEHNHART TRAFFIC ADDRESSING TRAFFIC COUNTS IS INCLUDED WITH THIS PRELIMINARY PLAN SUBMISSION, THERE ARE NO KNOWN ARCHAEOLOGICAL SITES ON THE SUBJECT PROPERTY, ACCORDING TO PREVIOUS PPS 4-11004 GENERAL NOTE #28, A PHASE I ARCHEOLOGICAL STUDY WAS PREPARED FOR THIS SITE AND SUBMITTED FOR REVIEW TO M-NCPPC AND THE MARYLAND HISTORIC TRUST DURING THE CSP PHASE OF THIS PROJECT, THE STUDY FOUND THAT NONE OF THE EXISTING BUILDINGS WERE HISTORIC, AND THE STUDY WAS APPROVED BY THE MARYLAND HISTORIC TRUST, THE 65 DBA LDN LINES FOR GROUND & UPPER LEVEL UNMITIGATED NOISE CONTOURS GENERATING FROM ROUTE 301 & HATTANOHAN DRIVE WERE TAKEN FROM TGP-001-12-01 ASSOCIATED WITH PPS 4-11004, ALL UTILITIES ARE CONCEPTUAL & ARE SUBJECT TO CHANGE.

| MAPPED SOILS CHART | | |
|---|---|---------------------------|
| SYMBOL | SOILS SERIES | K-FACTOR HYDROLOGIC GROUP |
| ApA | Aquasol Silt Loam, 0-2% slopes, occasionally ponded | 0.31 C |
| ApB | Aquasol Silt Loam, 2-5% slopes | 0.31 C |
| AwB | Aquasol-Urban Land Complex, 0-5% slopes | 0.31 C |
| BaA | Beltsville Silt Loam, 0-2% slopes | 0.31 C |
| BuB | Beltsville Silt Loam, 2-5% slopes | 0.31 C |
| DuB | Dowser-Hattonville Complex, 2-5% slopes | 0.20 B |
| IA | Inglefield Sandy Loam, 0-2% slopes | 0.15 B |
| LGA | Lenni and Quindocqua Soils, 0-2% slopes | 0.31 D |
| LPA | Leonardtown Silt Loam, 0-2% slopes, frequently ponded | 0.31 D |
| Px | Potomac-Issue Complex, frequently flooded | 0.29 D |
| WuB | Woodstown Sandy Loam, 2-5% slopes | 0.24 C |
| Taken from: USDA Natural Resource Conservation Service 2010 | | |

PROFESSIONAL/ENGINEER'S CERTIFICATION

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME AND THAT I AM A DAILY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 24914, EXPIRATION DATE: 01-20-2026.

6/14/2024
DATE
TIM W. LONGFELLOW



PREPARED FOR:
ESC STEPHENS LC
1355 BEVERLY ROAD
SUITE 240
MCLEAN, VIRGINIA 22101
ATTN: JUDE BURKE
703-734-9730

SCALE
1"=50'
DATE
JAN, 2024

ZONING
M-X-T
TAX MAP - GRID
145 - B3

PRELIMINARY PLAN OF SUBDIVISION
STEPHEN'S CROSSING AT BRANDYWINE
LOTS 17,18,31,32 & 36
PLATS MMB 239/78 & ME 264/16
BRANDYWINE ELECTION DISTRICT No. 11
PRINCE GEORGES COUNTY, MARYLAND

G. L. W. FILE NO.
23062
SHEET
1 OF 1

48 Hours
Before You Dig
Call
"MISS UTILITY"
Service Protection Center
MEMBER
ONE CALL SYSTEMS INTERNATIONAL
CALL TOLL FREE
1-800-257-7777

GLW
PLANNING [ENGINEERING] SURVEYING
3909 NATIONAL DRIVE | SUITE 250 | BURTONSVILLE, MD 20896 | GLWPA.COM
PHONE: 301-421-4024 | BOLL: 410-686-1801 | LOCAL: 301-489-2524 | FAX: 301-421-4198

| DESIGNED BY | TSZ | | | |
|-------------|-----|----------|----|-------|
| DRAWN BY | RLG | | | |
| CHECKED BY | KAF | | | |
| DATE | | REVISION | BY | APP'R |

STATEMENT OF JUSTIFICATION
Preliminary Subdivision Plan 4-23040
Stephen's Crossing at Brandywine
Owner/Applicant: ESC Stephens LC

Jude Burke
ESC Stephens LC
1355 Beverly Road, Suite 240
McLean, Virginia 22101
(703) 734-4730
jburke@elmstreetdev.com
Owner and Applicant

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Gibbs and Haller
1300 Caraway Court, # 102
Largo, Maryland 20774
(301) 306-0033
egibbs@gibbshaller.com
Attorney for Owner and Applicant

Thomas Zyla
Project Manager
Gutschick, Little and Weber
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Burtonsville, Maryland 20866
(301) 421-4024
zyla@glwpa.com
Project Civil Engineers

Michael Lenhart
Lenhart Traffic Consulting, Inc.
331 Redwood Grove Court
Millersville, Maryland 21108
(410) 216-3333
mlehart@lenharttraffic.com
Project Transportation Engineers

**STATEMENT OF JUSTIFICATION IN SUPPORT OF PRELIMINARY SUBDIVISION
PLAN 4-23040**

Owner/Applicant

The Owner of the property forming the subject matter of this application and the Applicant for this Preliminary Subdivision Plan is ESC Stephens LC ("ESC"). ESC is a subsidiary of Elm Street Development ("Elm Street"). Elm Street has substantial experience in developing and constructing real estate development projects, not just in the State of Maryland, but regionally.

THE PROPERTY

The property forming the subject matter of this Preliminary Subdivision Plan application consists of approximately 4.51 acres of land. It is part of a larger assemblage of property which comprises in total approximately 169.34 acres which are located generally in the Northeast Quadrant of the intersection of US 301 and Brandywine Road in Brandywine, Maryland (the "Property"). The Property is presently zoned RMF 48. However, it was previously zoned M-X-T (Mixed Use Transportation Oriented). The Applicant is exercising its right to process this application pursuant to the prior Subdivision Regulations and Zoning Ordinance as it has a number of prior entitlement

approvals granted pursuant to the prior Subdivision Regulations and Zoning Ordinance. The proposed development is known as Stephen's Crossing at Brandywine. The 4.51 acres forming the subject matter of this Preliminary Subdivision Plan application consists of record platted parcels which were approved for two over two (two family) dwelling units and record platted lots for single family attached townhouses. This Preliminary Subdivision Plan proposes a resubdivision to establish fee simple residential townhouse lots in lieu of the two over two units as well as two additional townhouse lots located on a private road. The development proposal includes recreational amenities and the installation of infrastructure to serve the residential development. The overall Stephen's Crossing at Brandywine project (169.34 acres) has frontage on Brandywine Road to the south, Crain Highway (US 301) to the north and west and Missouri Avenue to the east. A proposed roadway of arterial classification and known as Mattawoman Drive, bisects the Property in a north/south direction between Brandywine Road and US 301. An internal roadway of collector classification running in an east/west direction and known as Cattail Way will provide internal access to various parts of the overall development. A copy of an aerial photograph with the Property outlined in blue is marked Exhibit "A" and attached hereto.

DEVELOPMENT HISTORY OF STEPHEN'S CROSSING AT BRANDYWINE

Originally, the entirety of the Stephen's Crossing at Brandywine project was zoned I-1 (Light Industrial). At that time, the project was known as the Brandywine Business Park and was the subject of a Preliminary Subdivision Plan (4-90045) which proposed dividing the entirety of the Property into a number of industrial building lots. Preliminary Subdivision Plan 4-90045 was approved by the Planning Board on May 31, 1990. Subsequent thereto, Final Record Plats of Subdivision were approved by the Planning Board and recorded among the Land Records of Prince George's County, Maryland in Plat Book REP 209, Plat Nos. 15 and 16 and Plat Book MMB 239, Plat Nos. 77, 78 and 79. Copies of those Final Record Plats are collectively marked Exhibit "B" and attached hereto. Pursuant to the approval of those Final Plats, right-of-way areas for Mattawoman Drive, Cattail Way and Daffodil Court were dedicated.

A Detailed Site Plan for one of the lots comprising the Brandywine Business Park (Lot 22) was filed seeking approval to construct a medical office building. That Detailed Site Plan (DSP-09011) was approved by the Planning Board on October 7, 2010 pursuant to Planning Board Resolution PGCPB No. 10-108. This medical office building has been constructed and is

currently operated by MedStar. A small section of Mattawoman Drive running north from Brandywine Road has been constructed in order to provide access into the MedStar medical office building.

On July 24, 2013, the Prince George's County Council, sitting as the District Council ("District Council"), adopted CR-81-2013. This Resolution approved a Sectional Map Amendment for the area of Prince George's County known as Subregion 5, wherein the Property is located. Pursuant to the adoption of CR-81-2013, the Property was rezoned from the I-1 Zone to the M-X-T Zone. A copy of the zoning map depicting this zoning designation and with the Property outlined in blue is marked Exhibit "C" and attached hereto. The M-X-T Zone is a floating zone with a multilayered approval process. Before development may occur, an applicant must obtain approval of a Conceptual Site Plan, a Preliminary Subdivision Plan, a Detailed Site Plan and Final Plats of Subdivision. The applicant has pursued and achieved approval of certain entitlements within the M-X-T Zone for the Property.

Conceptual Site Plan CSP-09003

Conceptual Site Plan CSP-09003 was filed for the entire 169.34± acres of the Stephen's Crossing at Brandywine project. This Conceptual Site Plan was reviewed by staff and recommended for approval. The Prince George's County Planning Board ("Planning Board") of the Maryland-National Capital Park and Planning Commission ("M-NCPPC") approved CSP-09003 at a regular hearing on February 6, 2014. The Resolution of Approval (PGCPB No. 14-09) was adopted by the Planning Board on February 6, 2014. Pursuant to the approval of this Conceptual Site Plan, a range of uses was approved. Included in this approval was a total dwelling unit range of 1,245 to 1,390 dwelling units. Of this amount, a range of 425 to 440 townhomes were approved, a range of 120 to 150 two-over-two units were approved and a range of 700 to 800 multifamily residential units were approved. In addition, up to 100,000 square feet of commercial office space was approved and a range of commercial retail square footage from 100,000 square to 200,000 square feet was approved. The M-X-T Zone measures density in the form of Floor Area Ratio ("FAR"). The base FAR allowed in the M-X-T Zone is 0.4. Adding 20 or more residential units results in a bonus FAR of 1.0. Pursuant to CSP-09003, the allowed FAR was 1.4. As approved, the total FAR in the Conceptual Site Plan was 0.53. There was

no appeal of CSP-09003 and no call-up of the case by the District Council. Therefore, the Planning Board Resolution stood as final.

Conceptual Site Plan CSP-09003-01

This Conceptual Site Plan revision was actually approved prior to the underlying Conceptual Site Plan discussed above. As has been explained previously, when DSP-09011 was approved for Lot 22, it led to the construction of the MedStar medical office building which exists today. One of the conditions of approval of that Detailed Site Plan required the construction of stormwater and sewer outfall pipes into the Property as well as the construction of a section of Mattawoman Drive immediately north of Brandywine Road in order to provide access to the medical office. In order to accommodate development and construction of the medical office building, CSP-09003-01 was approved for grading and infrastructure only. This Conceptual Site Plan revision was approved by the Planning Board on July 19, 2012. The Resolution of Approval (PGCPB No. 12-76) was adopted by the Planning Board on September 6, 2012. This Conceptual Site Plan revision was called up for review by the District Council. After convening a hearing, the District Council affirmed the Planning Board decision pursuant to an

Order dated November 20, 2012. The District Council adopted the Conditions of the Planning Board contained in its approval Resolution and added two additional conditions.

As CSP-09003 was approved, Mattawoman Drive was to traverse the Property generally in a north/south direction commencing at Brandywine Road (MD 381) and exiting the site at an intersection with US 301 (Robert S. Crain Highway). The internal connecting road known as Cattail Way was to continue to run generally in an east/west direction to intersect ultimately with Missouri Avenue. Residential townhomes were to be constructed on both the north and south sides of Cattail Way. A small and separate section of townhomes was proposed for the south side of Cattail Way east of the crossing of Cattail Way over Timothy Branch.

Preliminary Subdivision Plan 4-11004

Preliminary Subdivision Plan 4-11004 had as its subject matter the entire 169.34 acres comprising Stephen's Crossing at Brandywine. Preliminary Subdivision Plan 4-11004 superseded the previously approved Preliminary Plan for Brandywine Business Park (4-90045).¹ Preliminary Subdivision Plan 4-11004 was

¹PPS-4-90045 had included 195.91 acres. PPS-4-11004 included 169.34 acres. The difference involved the medical office building

recommended for approval by staff and was in fact approved by the Planning Board at a public hearing on October 2, 2014. The Planning Board's Resolution of Approval (PGCPB No. 14-110) was adopted by the Planning Board on October 23, 2014. As approved, Preliminary Subdivision Plan 4-11004 authorized the development and construction of a total of 1,295 residential dwelling units. Included within this total was the authorization to construct 434 townhouses, 116 two-over-two attached units, 800 multifamily units, 100,00 square feet of commercial office space and 200,000 square feet of commercial retail space.

The Planning Board's approval of Preliminary Subdivision Plan 4-11004 also included approval of a variance to remove certain specimen trees pursuant to Section 25-122 of the County Code. In addition, variations were approved (1) to allow direct vehicular access to an arterial roadway (Mattawoman Drive) pursuant to Section 24-121(a)(3), to allow the use of private roads and alleys for rear loaded units pursuant to Section 24-121(b)(7)(A), and to allow modification regarding the location of public utility easements along private streets pursuant to

which had been constructed on Lot 22, areas of right-of-way dedication which had previously occurred and a land conveyance to M-NCPPC in the amount of 26.57 acres. Deduction of those amounts resulted in the 169.34 acres which currently comprises Stephen's Crossing at Brandywine.

Section 24-128(b)(12).

An additional item of significance pertaining to the approval of Preliminary Subdivision Plan 4-11004 was the discovery very late in the review process (August 21, 2014) of an area of previously unidentified wetlands. This wetland area was located on the south side of Cattail Way east of Timothy Branch and west of the intersection of Cattail Way with Missouri Avenue. Within that area, a total of 57 residential townhouses were proposed to be constructed. Because of the uncertainty surrounding the impact of the wetlands, it was determined that this area would be designated an Outlot. The applicant at that time was allowed to pursue necessary approvals from the U.S. Army Corps of Engineers and to file a new Preliminary Subdivision Plan for the impacted area. The area was ultimately designated Outlot W.

Preliminary Subdivision Plan 4-15011

Preliminary Subdivision Plan 4-15011 had as its subject matter the area previously identified as Outlot W. It consisted of 7.12 acres. It was filed after further wetland analysis in consultation with the U.S. Army Corps of Engineers. This Preliminary Subdivision Plan proposed 56 residential townhouses. Preliminary Subdivision Plan 4-15011 was reviewed and

recommended for approval by staff. It was approved by the Planning Board at a hearing on December 3, 2015. The Planning Board's Resolution of Approval (No. 15-129) was adopted by the Planning Board on January 5, 2016. The approval authorized the development of 56 residential townhomes on what was previously Outlot W. As was the case with Preliminary Subdivision Plan 4-11004, the Planning Board approval included the approval of variations from Section 24-128(b)(7)(A), Section 24-128(b)(12) and Section 24-112(a)(3).² The proposed lot layout as well as the location and configuration of streets including Mattawoman Drive and Cattail Way remained in conformance with the approved Conceptual Site Plan. Mattawoman Drive continues to bisect the Property in a north/south direction between Brandywine Road (MD 381) and US 301 (Robert S. Crain Highway). Cattail Way continues to provide internal circulation across the Property in an east/west direction.

Detailed Site Plan DSP-20050

DSP-20050 consisted of 89.53± acres of the entire 169.34± comprising the Property. It included land area on both the

²Subsequent to the approval of Preliminary Plan 4-15011, areas of additional wetlands were discovered. This led to a further reduction in lots. Fifty one lots are now proposed in this area.

north and south sides of Cattail Way east of the intersection of Cattail Way and Mattawoman Drive. It also included property located on the south side of Cattail Way east of its intersection with Timothy Branch. Essentially, this Detailed Site Plan sought approval for the single family attached townhomes and the two-over-two (two family) residential units. It included eight different townhouse models ranging in finished square footage from 1,741 sq. feet to 2,339 sq. feet. The townhomes were to be 20 and 22' foot wide units. The two-over-two models would be 24' wide and would range in finished square footages from 1,606 sq. feet to 2,481 sq. feet. A number of private recreation facilities were proposed in lieu of mandatory dedication. In addition, part of the mandatory dedication was satisfied through providing Cattail Way frontage improvements and a pedestrian access to the abutting M-NCPPC property to the north of Cattail Way east of its intersection with Timothy Branch. Ultimately, the Detailed Site Plan was approved authorizing the construction of 431 single family attached townhomes and 115 two-over-two dwelling units. The approval occurred at a hearing of the Planning Board on March 31, 2022 and by the adoption of Resolution PGCPB No. 20022-38 on April

21, 2022.³

Request for Reconsideration of Preliminary Subdivision Plan 4-11004 and 4-15011

When Preliminary Subdivision Plans 4-11004 and 4-15011 were originally approved, the Property was owned in its entirety by Route 301 IND CPI LTD Partnership. At the time of those approvals, it was envisioned that development of the Stephens Crossing project would commence at the extreme eastern edge abutting Missouri Avenue and move westward. The identification of substantial wetland areas, even beyond those known to exist at the time of approval of Preliminary Plan 4-15011, resulted in the necessity for development to proceed from the east along Cattail Way. In addition, the estimated costs for the construction of Mattawoman Drive through the Property from Brandywine Road to intersect with US 301 was estimated to be \$7,500,000. The cost of constructing Cattail Way from Mattawoman Drive easterly to intersect with Missouri Avenue (and to include the crossing of Timothy Branch) was estimated to be \$7,546,000. In order to address the timing of the construction of Cattail Way and Mattawoman Drive, Route 301 IND CPI LTD

³ The 431 townhomes were reduced to 430 townhomes due to Condition 1(a) in the approval Resolution which limited development west of Timothy Branch to 379 lots (the area of development subject to Preliminary Plan 4-11004).

Partnership in October of 2021, filed a request for Reconsideration of Preliminary Subdivision Plans 4-11004 and 4-15011. The Reconsideration requested revisions to certain of the conditions which addressed the timing of construction of Cattail Way and Mattawoman Drive and which also addressed the construction of trails and a private road providing access from Cattail Way into the M-NCPPC Brandywine Area Community Park. Ultimately, these Reconsiderations were approved by the Planning Board. Corrected Resolutions for Preliminary Plan 4-11004 (Resolution PGCPB No. 14-110(C)(A)) and Preliminary Plan 4-15011 (Resolution PGCPB No. 15-129(A)) were adopted by the Planning Board on March 10, 2022. Concurrent with the approval of the Reconsiderations, the Planning Board approved a new phasing plan for the construction of Cattail Way and Mattawoman Drive. A copy of that phasing plan is marked Exhibit "D" and attached hereto.⁴

DEVELOPMENT PROPOSAL

⁴ Subsequently, a Letter Agreement was entered into between Route 301 IND CPI LTD Partnership and Prince George's County confirming the phasing of construction of Mattawoman Drive. This Letter Agreement bears a date of June 1, 2023 and is recorded in the Land Records of Prince George's County, Maryland in Book 48920, Page 459. Pursuant to that Letter Agreement, certain modifications were made to the construction phasing of Mattawoman Drive. A copy of the diagram representing the final construction phasing for Cattail Way and Mattawoman Drive is marked Exhibit "E" and attached hereto. This Letter Agreement has been filed with this application.

This Preliminary Subdivision Plan deals primarily, but not exclusively, with the land area allocated to the 116 two-over-two two family condominium residential units which were approved in Preliminary Subdivision Plan 4-11004 and Detailed Site Plan DSP-20050. It is the Applicant's desire to obtain approval of a new Preliminary Subdivision Plan for this area which would create new fee simple single family attached residential townhouse lots in lieu of the 116 two-over-two dwelling units. Essentially, the access system would in general remain unchanged. Cattail Way would still remain in its current location and provide access through the Stephens Crossing development in an east-west direction. The new lotting pattern and the internal private road system is shown depicted on the new Preliminary Subdivision Plan. The clubhouse will remain in its original proposed location on the south side of Cattail Way with fee simple townhouse lots located east and west of the clubhouse. The private roadway designated Dr. Baden Court will continue to run in its present location in a north-south direction on the north side of Cattail Way immediately across from the clubhouse. The private road known as Corn Tassel Lane will continue to run westerly from Dr. Baden Court and yet another private road known as Ferndale Farm Lane will continue to run easterly from Dr. Baden Court.

The primary purpose of this Preliminary Subdivision Plan is, once again, to substitute single family attached townhomes in place of the 116 two-over-two condominium units. As described above, the new townhouse lots are shown depicted on the Preliminary Subdivision Plan. 65 single family attached townhouse lots can be located within the land area formerly allocated to the two-over-two units. Some additional minor changes are also occurring but these do not necessitate being included in this Preliminary Plan. Rather, they can be accomplished at the time of final plat. These additional changes are:

1. Slightly straightening the curve in Ferndale Farm Lane near its intersection with Dr. Baden Court

2. In the northeast and northwest quadrants of the intersection of Dr. Baden Court and Cattail Way, there were four townhouse lots on each side of Dr. Baden Court as approved in Preliminary Plan 4-11004. Two townhouse lots will be removed and will be added back along Dr. Baden Court farther north of its intersection with Ferndale Farm Lane and Corn Tassel Lane. However, the following additional change will be included in this Preliminary Plan:

Two additional townhouse lots have been added along Beane Court which intersects Corn Tassel Road west of its intersection

with Dr. Baden Court.

As a result of these proposed changes, the 116 two-over-two units will be removed in their entirety and they will be replaced with a total of 67 single family attached townhouse lots. However, of those 67 townhouse lots, only 65 will be located in the same block/land area formerly occupied by the two-over-two units. This necessitates a slightly larger overall land area being included in the new Preliminary Subdivision Plan. After approval of this new Preliminary Subdivision Plan, the overall Stephens Crossing project will include 497 single family attached townhouse lots and no two-over-two units.

PRINCE GEORGE'S COUNTY TEN YEAR WATER AND SEWER PLAN

The 2010 Water and Sewer Plan designates all of the land area subject to this Preliminary Subdivision Plan in Water Category 3 and Sewer Category 3.

2017 APPROVED COUNTYWIDE GREEN INFRASTRUCTURE PLAN

The green infrastructure network includes designated areas of countywide environmental significance. It identifies natural resources including streams, wetlands, buffers, 100 year floodplains, severe slopes, interior forests, colonial water bird nesting sites and unique habitats. The property comprising the

land area of the initially approved Preliminary Subdivision Plan(4-11004), of which the property forming the subject matter of this revision is a part, contains regulated areas, evaluation areas and network gaps identified in the Countywide Green Infrastructure Plan. The overall original Preliminary Plan and this Preliminary Plan show preservation of the regulated areas and adjacent areas in general conformance with the Green Infrastructure Plan. This finding was made at the time of the approval of Preliminary Plan 4-11004 and this revision contemplates no changes which would disturb that finding.

WOODLAND CONSERVATION ORDINANCE

A Tree Conservation Plan (TCP) is required for all land development proposals that are subject to Subtitle 25 unless exempted by Section 25-119. A Type I Tree Conservation Plan (TCP1-007-12) and a Type 2 Tree Conservation Plan (TCP2-008-2017-01) were approved as a part of the original Preliminary Subdivision Plan (4-11004). TCP 1-001-12 which includes this revision area remains applicable. It will require a further revision to reflect the minor adjustment in woodland reforestation area due to the addition of townhouse lots on Beane Court.

2009 MASTER PLAN OF TRANSPORTATION

Mattawoman Drive (A-63) is a Master Plan arterial facility

and Cattail Way (C-610) is a Master Plan collector facility. Right-of-Way for these two roads has previously been dedicated and further dedication is not required. Brandywine Road (MD 381) (C-613) is a Master Plan collector facility and is built. The overall Stephens Crossing project has substantial frontage on Brandywine Road. US 301 (F-10) is a designated freeway facility. The overall Stephens Crossing project also has frontage on US 301 and that road is also built. The portion of the overall Stephens Crossing project forming the subject of this Preliminary Plan revision has frontage on, but not direct access onto Cattail Way. All of the townhouse lots being proposed in this Preliminary Subdivision Plan revision will access onto private internal roadways. Further, all lots proposed to front on Cattail Way will be rear loaded and will access from private roads.

NATURAL RESOURCE INVENTORY

A Natural Resources Inventory Plan (NRI-047-08-08) has been approved for the Stephens Crossing project. That Plan remains applicable to this revision.

CONFORMANCE WITH APPLICABLE PROVISIONS OF SUBTITLE 24/SUBDIVISION REGULATIONS

Conformance was found previously with each and every applicable provision of the Subdivision Regulations when Preliminary Subdivision Plan 4-11004 was approved. The

applicant submits that the changes being proposed herein are rather minimal in nature. Therefore, the findings previously made relative to conformance with the Subdivision Regulations remain valid. Nonetheless, an analysis of the applicable provisions of the Subdivision Regulations follows:

DIVISION 3 - REQUIREMENTS: PLANNING, DESIGN, AND PUBLIC FACILITIES.

Sec. 24-121. - Planning and design requirements.

(a) The Planning Board shall require that proposed subdivisions conform to the following:

(1) All lots shall be designed to be located wholly within the County and platted in conformance with all of the requirements of the Zoning Ordinance applicable to the subject property.

The proposed lots are entirely located within Prince George's County and will also be platted in conformance with all of the requirements of the Zoning Ordinance, including the specific requirements of the M-X-T Zone.

(2) In cases where the proposed subdivision is situated in a portion of the Regional District not planned to be served by public water and/or sewerage facilities, proposed lots shall be designed to meet the minimum lot size requirements for individual systems, as contained in Subtitle 22 of this Code and in the Comprehensive Ten Year Water and Sewerage Plan.

This provision is inapplicable as the property is in Water Category 3 and Sewer Category 3.

- (3) When lots are proposed on land adjacent to an existing or planned roadway of arterial or higher classification, they shall be designed to front on either an interior street or a service road. As used in this Section, a planned roadway or transit right-of-way shall mean a road or right-of-way shown in a currently approved State Highway plan, General Plan, or master plan. If a service road is used, it shall connect, where feasible, with a local interior collector street with the point of intersection located at least two hundred (200) feet away from the intersection of any roadway of collector or higher classification.

None of the new townhouse lots being proposed by this Preliminary Subdivision Plan front on a roadway of arterial or higher classification. The lots do in fact have frontage on Cattail Way but they do not directly access Cattail Way. Rather, proposed lots will front on and access by means of private roads and alleys.

- (4) Residential lots adjacent to existing or planned roadways of arterial classification shall be platted with a minimum depth of one hundred and fifty (150) feet. Residential lots adjacent to an existing or planned roadway of freeway or higher classification, or an existing or planned transit right-of-way, shall be platted with a depth of three hundred (300) feet. Adequate protection and screening from traffic nuisances shall be provided by earthen berms, plant materials, fencing, and/or the establishment of a building restriction line, when appropriate.

The proposed residential townhouse lots will not be adjacent to existing or planned roadways of arterial classification.

- (5) The preliminary plan and final plat shall conform to the area master plan, including maps and text, unless the Planning Board finds that events have occurred to render the relevant recommendations within the comprehensive plan no longer appropriate, is no longer applicable, or the District Council has not imposed the recommended zoning.

Notwithstanding any other requirement of this Section, a proposed preliminary plan or final plat of subdivision may be designed to conform with the land use policy recommendations for centers, as approved within current County general plan. In such cases, the Planning Board may approve a preliminary plan application as may be designed to conform with the land use policy recommendations for centers, as duly approved within the current General Plan.

Stephens Crossing is located in Planning Area 84 and is governed by the Subregion 5 Master Plan and Sectional Map Amendment, most recently approved in 2013. The Future Land Use Map for Subregion 5 is found on page 31 of that Master Plan. The Map shows Stephens Crossing in purple, which corresponds to a recommendation of mixed-use development. It should be remembered that the Stephens Crossing property was rezoned from the I-1 Zone to the M-X-T Zone pursuant to the adoption and approval of the Subregion 5 Master Plan and Sectional Map Amendment in 2013. The Master Plan identifies the Stephens Crossing property as being located north of the Brandywine Community Center edge and Community Center core, which is located at the US 301/N-55 interchange. Stephens Crossing is identified in the Master Plan as being envisioned for a mix of commercial, employment and light industrial uses. However, the since the M-X- T Zone expressly permits residential uses, the inclusion of residential uses as part of Stephens Crossing and this revision to the original Preliminary Subdivision Plan, is entirely consistent with the recommendations of the Subregion 5 Master Plan. The

proposed development also conforms to the vision, policies, and strategies contained within the General Plan Prince George's 2035. Like the Subregion 5 Master Plan, the General Plan's "Generalized Future Land Use Map" also recommends "mixed use" development for Stephens Crossing. The project is also designated within the "Established Communities" Growth Policy Area. Finally, while no longer technically applicable, the property is in the Developing Tier of the 2002 General Plan. The purpose of the Developing Tier is to provide for a pattern of medium density, suburban residential development with distinct commercial centers and employment areas. This Preliminary Subdivision Plan revision (just like the original Preliminary Plan 4-11004) conforms with the above goals.

- (6) When indicated by a master plan or the General Plan or when requested by a public agency, land may be placed in reservation, pursuant to Division 7 of this Subtitle.**

The land area forming the subject matter of this Preliminary Subdivision Plan is not impacted by any proposed roads which would require reservation.

- (7) Provision shall be made for the eventual ownership of outlots or residue parcels by incorporating them into platted lots or into adjacent parcels or by other means deemed acceptable by the Planning Board.**

No outlots are proposed. Parcels which will be created will be platted and where appropriate, will be deeded to an HOA.

- (8) Corner lots shall be rounded with a radius of not less than twenty (20) feet or provided with an equivalent truncation.**

The Applicant questions whether this provision is applicable since all lots front on private internal roads. However, if this provision were to be deemed applicable, the Applicant submits that this criterion is, or will be, met and satisfied.

- (9) Walkways, with rights-of-way not less than ten (10) feet wide, shall be provided through all blocks over seven hundred fifty (750) feet long, when deemed necessary by the Planning Board.**

No blocks over 750 feet long are being proposed. Therefore, this provision is inapplicable.

- (10) Generally, subdivisions shall be designed to avoid unnecessary and costly roads, utility extensions, grading, and energy consumption.**

This subdivision has been designed so as to avoid unnecessary and costly roads or utility extensions. The lots being created will continue to be served by the same private roads as were approved in Preliminary Plan 4-11004. A minor exception is the alignment of Ferndale Farm Lane as it approaches Dr. Baden Court running in a westerly direction. There, the curve in the road has been slightly straightened to provide for safer driving movements.

- (11) Significant natural features which are impossible or difficult to reproduce, such as waterways, streams, hills, wooded lands, and specimen trees, should be preserved to the degree practicable.**

Significant natural features are being preserved in the same manner in which they were preserved in the original Preliminary Subdivision Plan. No change in treatment is occurring as a result of this revision.

(12) Lot size averaging may be permitted for preliminary plans accepted prior to July 1, 2006 in accordance with the Zoning Ordinance when the Planning Board finds that:

(A) The subdivision design provides for better access, protects or enhances historic resource or natural features and amenities, or otherwise provides for a better environment than that which could be achieved by the exclusive use of standard lots.

(B) The subdivision design provides for an adequate transition between the proposed sizes and locations of lots and the lots, or lot size standards, of any adjacent residentially zoned parcels.

(C) The subdivision design, where applicable, provides for an adequate transition between the proposed natural features of the site and any natural features of adjacent parcels.

Lot size averaging is not being proposed in this Subdivision.

(13) Generally, lots, except at corners, should have access to only one (1) street.

Each lot will be served by internal private roads and alleys which will connect to Cattail Way.

(14) If an entrance feature or gateway sign is proposed in a residential subdivision, it shall be identified on the preliminary plan on a separate Homeowners' Association parcel, or easement located on a homeowner's lot, and be designed in accordance with the standards in Section 27-624 of the Zoning Ordinance. A Homeowners' Association or other entity or person designated in a maintenance

arrangement approved by the Department of Permitting, Inspections, and Enforcement, shall be responsible for the maintenance of the entrance feature or gateway sign.

No change to signage is being proposed.

- (15) The Planning Board shall not approve a preliminary plan of subdivision until evidence is submitted that a stormwater management concept plan has been approved by the Department of Permitting, Inspections, and Enforcement or the municipality having approval authority, unless the Planning Board finds that such approval will not affect the subdivision.**

The original Preliminary Subdivision Plan had an approved Site Development Concept Plan and Stormwater Management Concept Plan which was ultimately approved prior to the approval of the original Detailed Site Plan (DSP-20050) for the townhouses and two-over-two units. A revision to the Stormwater Management Concept Plan (37306-2005-02) was approved in December of 2020 and renewed for this Preliminary Subdivision Plan revision on November 16, 2023.

- (16) Except as indicated in Section 24-132, the subdivision shall be designed and platted in accordance with the provisions for woodland conservation and tree preservation contained in Subtitle 25.**

A Site Development Concept Plan and a TCP1 revision have been filed with this application.

- (17) Historic resources should be preserved.**

No historic resources are located on the property.

- (18) Significant archeological sites identified in**

accordance with the Planning Board Guidelines for Archeological Review should be preserved in place, to the extent practicable and should be interpreted as appropriate.

It is the applicant's belief and understanding that no archeological review will be required for this Preliminary Subdivision Plan. The applicant has submitted an Historic Presubmittal Checklist for pre-acceptance review.

(19) Condominium townhouse dwelling units approved after September 1, 2012 shall conform to the lot standards of this Subtitle and Subtitle 27 for possible future conversion to fee simple lots.

No condominium townhouse units are proposed. The two-over-two units which were previously approved are proposed to be removed pursuant to this Preliminary Plan.

Sec. 24-122. - Public facilities requirements.

(a) When utility easements are required by a public utility company, the subdivider shall include the following statement in the dedication documents: Utility easements are granted pursuant to the declaration recorded among the County Land Records in Liber 3703 at Folio 748.

Public utility easements either have been or will be provided along any existing or proposed public and private road frontages as required.

(b) Land for public facilities shown on the General Plan, functional master plans and/or area master plans, and watershed plans shall be reserved, dedicated, or otherwise provided for.

No public facilities are shown on the General Plan or on the Master Plan which impact this property. A Site Development Concept Plan has been prepared and submitted. In addition, a Stormwater Management Concept Plan has been approved. The applicant believes that appropriate measures are being proposed to handle and treat all stormwater runoff as required by applicable ordinances.

- (c) **Stormwater management facilities, existing or proposed as part of the development, shall have sufficient capacity to convey surface water runoff.**

See above response.

DIVISION 4 - REQUIREMENTS: TRANSPORTATION AND CIRCULATION.

Sec. 24-123 - General Requirements.

- (a) **The Planning Board shall require that preliminary plan conform to the following:**

- (1) **The rights-of-way of all highways, streets, and transit facilities shown on the General Plan, functional master plans, and area master plans shall be shown on the preliminary plan and, when reserved or dedicated, shown on the final plat.**

All rights-of-way shown on the General Plan and applicable Master Plans were observed on the original Preliminary Subdivision Plan as approved. There have been no changes proposed on this Preliminary Plan.

- (2) **All proposed streets shall be continuous and in alignment with existing or platted streets in adjoining subdivisions so as to create a street network that is functional and easily understandable. Generally, streets should cross other streets at right angles.**

This subdivision is not proposing the dedication of any new public streets. All proposed lots will access Cattail Way through a system of private roads.

(3) All internal subdivision streets shall be wholly within the County and shall not be designed to directly connect to an adjacent county unless the applicant has obtained the prior written approval of the District Council and the appropriate land use authority of the adjacent County.

(A) An applicant must file a written request for said approval. The request shall be filed with the Clerk of the District Council. The District Council must either approve or disapprove said request within forty-five (45) days from the date of filing. Failure of the District Council to act within said forty-five (45) day period shall constitute an approval of the request. For purposes of this provision an internal subdivision street shall be deemed to be a public roadway having a right-of-way width of eighty (80) feet or less.

(B) After public hearing before the District Council, the Council shall not allow the proposed bi-county subdivision unless it finds that delivery of public safety services, utility services, and tax collection will be timely and adequate for the lots in Prince George's County.

The internal private roads and alleys will be wholly within Prince George's County and will not connect in any way to an adjoining county.

(4) All streets proposed for dedication to public use shall be designed to the standards of the County road ordinance and street standards for width and minimum curve radii or to the standards of municipalities having jurisdiction. Variations from these standards may be granted by the Planning Board upon the recommendation of the Department of Permitting, Inspections, and Enforcement or upon the recommendation of the municipality or other governmental authority having jurisdiction.

This provision is inapplicable.

- (5) Arterial highways shall have a minimum right-of-way width of one hundred and twenty (120) feet; collector streets, a minimum right-of-way width of eighty (80) feet; and parkways, such right-of-way width as may be designated by the Planning Board. The width of secondary subdivision streets shall be not less than fifty (50) feet and the width of primary subdivision streets not less than sixty (60) feet.

This provision is inapplicable.

- (6) Land for bike trails and pedestrian circulation systems shall be shown on the preliminary plan and, where dedicated or reserved, shown on the final plat when the trails are indicated on a master plan, the County Trails Plan, or where the property abuts an existing or dedicated trail, unless the Board finds that previously proposed trails are no longer warranted.

Internal pedestrian circulation systems within the subdivision will be provided by means of internal sidewalks.

Sec. 24-124 - Adequate Roads Required.

- (a) Before any preliminary plan may be approved, the Planning Board shall find that:
 - (1) There will be adequate access roads available to serve traffic which would be generated by the proposed subdivision, or there is a proposal for such roads on an adopted and approved master plan and construction scheduled with one hundred percent (100%) of the construction funds allocated within the adopted County Capital Improvement Program, within the current State Consolidated Transportation Program, and/or such roads are incorporated in a specific public facilities financing and implementation program as defined in Section 27-107.01 (186.1); and
 - (2) The traffic generated by the proposed subdivision will be accommodated on major intersections and major roadways within the established study area such that they will be functioning below the minimum peak-hour

service levels adopted by the Planning Board in the "Guidelines for the Analysis of the Traffic Impact of Development Proposals," as may be amended from time to time (hereinafter the "study area" refers to major intersections and major roadways as defined in the "Guidelines")

* * * * *

A transportation study was provided with Preliminary Subdivision Plan 4-11004. This transportation study was analyzed thoroughly by staff and the Planning Board during its review and ultimate approval of the original Preliminary Subdivision Plan. Among other things, it was noted that the Stephens Crossing project was located within that area covered by the Brandywine Road Club. Ultimately, the Planning Board concluded, as recommended by staff, that adequate transportation facilities would exist as required by Section 24-124. More recently, the applicant's transportation consultant, Lenhart Traffic Consulting Inc., issued a memorandum dated January 4, 2024, a copy of which is filed with this application. After analyzing the trips which would be generated by virtue of providing 67 townhouse lots in lieu of 116 two-over-two condominium units, it was concluded that the proposed revisions as set forth in this Preliminary Plan would result in a net reduction in trips compared with those originally found to satisfy the adequate public facilities ordinance in the original Preliminary Subdivision Plan.

It should also be noted that the applicant's predecessor in

title entered into a Letter Agreement (referenced hereinabove) with Prince George's County whereby the developer(s) would construct all of Mattawoman Drive based upon an agreed upon phasing schedule. This would be done in lieu of paying the Brandywine Road Club road fees. A copy of this Letter Agreement has also been filed with this application.

Sec. 24-128 - Private Roads and Easements.

- (a) No subdivision plan or plan of development (however designated) shall be approved that provides for a private road, right-of-way, or easement as the means of vehicular access to any lot, and no building permit shall be issued for the construction of any building in a subdivision unless such building is to be located on a lot or parcel of land having frontage on and direct vehicular access to a public street, except as hereinafter provided.
- (b) The Planning Board may approve preliminary plans of development containing private roads, rights-of-way, alleys, and/or easements under the following conditions:

* * * * *

(7) In Comprehensive Design and Mixed Use Zones:

- (A) For land in the V-L, V-M, R-L, R-S, R-M, R-U, M-U-I, L-A-C, M-A-C, M-X-C, M-U-TC, and M-X-T Zones, the Planning Board may approve a subdivision (and all attendant plans of development) with private roads to serve attached single-family dwellings, two-family dwellings, and three-family dwellings, but not single-family detached or multifamily dwellings, in accordance with the requirements of Subsections (e) and (f) of Section 27-433 of the Zoning Ordinance, except as hereinafter provided. In all of the above zones, and in the R-R Zone when developed as a cluster subdivision, the Planning Board may approve a subdivision with alleys to serve any permitted use, provided the lot has frontage on and pedestrian access to a public right-of-way. The District Council may disapprove the inclusion of alleys during the consideration of the detailed site plan for a cluster

subdivision. For the purposes of this Section, an "alley" shall mean a road providing vehicular access to the rear or side of abutting lots, and which is not intended for general traffic circulation.

(i) The pavement width of private roads may be reduced to not less than a minimum of twenty-two (22) feet when it is determined that the provision of the minimum width is consistent with a safe, efficient, hierarchical street system for a development.

(ii) The pavement width of private alleys shall be not less than eighteen (18) feet when it is determined that the provision of the minimum width is consistent with a safe, efficient, vehicular access to individual lots. Since alleys only provide vehicular access to lots with frontage on a public street, alleys shall not be required to be improved with street trees or curb and gutter, unless a drainage problem has been identified by the Department of Permitting, Inspections, and Enforcement or the Department of Public Works and Transportation.

As stated above, each lot is proposed to be accessed by private roads and/or alleys. Section 24-128(b)(7)(A) provides that, for property zoned M-X-T, the Planning Board may approve alleys to serve individual uses, provided that the lot has frontage and pedestrian access to a public right-of-way. The new lots proposed in place of the two-over-two condominiums have frontage and pedestrian access to a public right-of-way (Cattail Way). However, vehicular access is provided by means of private roads. The two over two units were approved to access via the same private roads.

DIVISION 5 - REQUIREMENTS: ENVIRONMENTAL AND PARKS.

Sec. 24-129 - One hundred (100) year floodplain.

- (a) Land shall be platted in a manner that protects the public against loss of life or property due to the one hundred (100) year flood, while minimizing the public and private costs of flood control measures. The Planning Board shall require that proposed subdivisions conform to the following:

* * * * *

Areas of 100 year floodplain on the property are protected.

Sec. 24-130 - Stream, wetland, and water quality protection and stormwater management.

- (a) Proposed subdivisions shall be designed to minimize the effects of development on land, streams and wetlands, to assist in the attainment and maintenance of water quality standards, and to preserve and enhance the environmental quality of stream valleys.

Wetlands and streams exist on the property; however no wetlands or streams will be impacted as a result of this Preliminary Plan. In addition, a Stormwater Management Concept Plan has been approved. The Applicant believes that all required water quality standards will be met and satisfied and there will be no environmental degradation as a result of this development.

- (b) The Planning Board shall require that proposed subdivisions conform to the following:

- (1) The preliminary plan 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 plan approval.
 - (4) Where a property is partially or totally within an area covered by an adopted Watershed Plan, the preliminary plan shall conform to such plan.
 - (5) Where a property is located outside the Chesapeake Bay Critical Areas Overlay Zones the preliminary plan and all plans associated with the subject application shall demonstrate the preservation and/or restoration of regulated environmental features in a natural state to the fullest extent possible consistent with the guidance provided by the Environmental Technical Manual established by Subtitle 25. Any lot with an impact shall demonstrate sufficient net lot area where a net lot area is required pursuant to Subtitle 27, for the reasonable development of the lot outside the regulated feature. All regulated environmental features shall be placed in a conservation easement and depicted on the final plat.
- (c) The submission of a sediment control concept study, and approval thereof by the Soil Conservation District, may be required prior to final plat approval.

As noted above, a Stormwater Management Concept Plan (37306-2005-02) has been approved. Additionally, a Natural Resources Inventory has already been approved (NRI-047-08-08).

Sec. 24-134. Mandatory dedication of parkland.

- (a) In all residential subdivisions, except as provided in paragraphs (2), (3), and (4) of this Subsection, the Planning Board shall require the platting and conveyance to the Commission or to a municipality located within the Regional District but not within the Maryland-Washington Metropolitan District, upon request of such municipality, of suitable and adequate land for active or passive recreation, or the payment of a monetary fee in lieu thereof, or the provision of recreational facilities as otherwise provided by this Division.

* * * * *

Sect. 24-135. Fee in lieu and recreational facilities.

* * * * *

(b) Recreational Facilities. Recreational facilities may be provided instead of land or fees in any residential zone, provided that a plan for such recreational facilities is approved by the Planning Board after determining that:

- (1)** Such facilities will be superior, or equivalent, to those that would have been provided under the provisions of mandatory dedication;
- (2)** The facilities will be properly developed and maintained to the benefit of future residents through covenants, a recreational facilities agreement, or other appropriate means, that such instrument is legally binding upon the subdivider and his heirs, successors, and assigns, and that such instrument is enforceable, including enforcement by the Planning Board; and
- (3)** No permit for construction or occupancy of dwellings will be issued unless the Planning Board is satisfied that the facilities have been, or will be, provided at the appropriate state of development.

(CB-48-1981; CB-93-1991; CB-45-1997)

The Applicant submits that mandatory dedication of parkland should not be required. The approval of Preliminary Plan 4-11004 also approved the provision of private recreation facilities in lieu of mandatory dedication. No change is proposed with this Preliminary Subdivision Plan.

PRIOR CONDITIONS OF APPROVAL


As has been noted hereinabove, the Stephens Crossing property was rezoned to the M-X-T Zone by virtue of the Subregion 5 Sectional Map Amendment. Therefore, there are no zoning conditions. A Conceptual Site Plan was approved (CSP-09003) as also discussed hereinabove. The Applicant submits that all relevant conditions of the prior Conceptual Site Plan were addressed in the original Preliminary Subdivision Plan approval (4-11004). The Applicant also suggests there are no changes which would impact findings relative to satisfying any relevant conditions from the approved Conceptual Site Plan.

The original Preliminary Subdivision Plan was approved on October 23, 2014. That approval carried with it 62 conditions, many of which had subparts. In addition, some of the Preliminary Plan conditions, most notably those relating to the phasing of construction of Cattail Way and associated improvements, were revised pursuant to the Reconsideration request which has also been addressed hereinabove. Once again, the Applicant submits that those conditions will remain relevant to this Preliminary Subdivision Plan. Similarly, a Detailed Site Plan was approved for 431 townhouses (revised to 430 at certification) and 116 two-over-two attached condominium units. That Detailed Site Plan was approved subject to five conditions. Any condition attached to

the Detailed Site Plan will remain applicable unless revised pursuant to the Detailed Site Plan revision which will be approved subsequent to the approval of the instant Preliminary Subdivision Plan (Preliminary Subdivision Plan Revision 4-23040).

CONCLUSION

Based on the foregoing, the Applicant respectfully submits that all required statutory criteria are met and satisfied. Therefore, the Applicant requests that this Preliminary Subdivision Plan be approved as submitted.



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Attorney for the Applicant



8.5X11_Landscape



Exhibit "A"

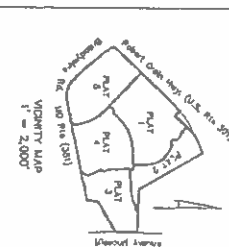
SUBJECT TO RECORD

I hereby certify that the plan herein is correct; that it shows a subdivision of part of the land described in a deed made 2/1/1988 to Route 301/Princess Anne Limited Partnership from Route 301/CPA Associates Limited Partnership recorded in Liber 141 of Folio 252.

The total area on the plan of subdivision is 24,401.8 acres, of which 4,215.7 acres are being dedicated to public use.

Date: 10/3/05

Arthur M. Bortell
Professional Land Surveyor
Maryland Registration No. 10088



COMMITTEE CERTIFICATION

We, Route 301/Princess Anne Limited Partnership, owner of the property shown herein hereby adopt this plan of subdivision, establish the minimum building restriction lines, dedicate the roads shown to public use, establish the conservation easement shown, grant Prince George's County, Maryland, the 100 year flood plain easement shown, and subject to the terms and conditions hereinafter set forth, we assign the fee fee wide public utility easements (PUE) shown herein at Folio 748. Property line markers will be placed in accordance with Section 24-120.01(c)(10) of the Prince George's County Code.

There are no sales, actions, leases, liens, mortgages, or trusts on the property included in this plan of subdivision.

Witness:
M. N. P. C. 300
by Capital/Princess Anne Limited Partnership
by Stephen Corbitt, President

Date: 10/3/05

NOTES

1. Development is subject to the transportation conditions of POCB No. 80-230.
2. Prior to the issuance of any permit a Detailed Site Plan shall be approved for all lots in accordance with Condition 7 of POCB No. 80-230.
3. Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCP/84/90), or as modified by the Type II Tree Conservation Plan, and prohibits any removal of trees shown on the TCP/84/90 or the Type II Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation/Tree Preservation Policy.
4. Total development of this site is subject to Condition 5 of POCB No. 80-230.
5. U. S. Army Corps of Engineers permits shall be approved prior to the issuance of any grading permits for any wetland disturbance.
6. This plot is not intended to show of easements that affect the subject property.
7. Approval of the plot is based upon a reasonable expectation that public water and sewer service will be available to the subject property.
8. Development of this site shall be in conformance with approved storm water concept plan # 73304-2005-00, or any approved revisions thereto.
9. Conservation easements described on this plot are areas where the limitation of structures and roads and the removal of trees, limbs, branches, or trunks is permitted.

| Curve | Radius | Length | Chord | Date |
|-------|----------|---------|---------|---------|
| C201P | 3512.00' | 284.00' | 144.31' | 10/3/05 |
| C202P | 785.00' | 24.83' | 12.42' | 10/3/05 |
| C203P | 854.00' | 480.82' | 250.80' | 10/3/05 |
| C204P | 854.00' | 421.08' | 218.08' | 10/3/05 |
| C205P | 28.00' | 23.85' | 12.75' | 10/3/05 |
| C206P | 70.00' | 34.88' | 6.15' | 10/3/05 |
| C207P | 28.00' | 20.91' | 11.51' | 10/3/05 |
| C208P | 728.00' | 914.02' | 528.70' | 10/3/05 |
| C209P | 854.00' | 404.65' | 208.15' | 10/3/05 |
| C210P | 854.00' | 18.53' | 9.27' | 10/3/05 |

| Line | Bearing | Distance |
|------|---------------|----------|
| L1P | S 84°54'30" E | 34.47' |
| L2P | S 89°12'00" W | 173.74' |
| L3P | N 74°32'18" W | 102.18' |
| L4P | N 49°50'44" W | 126.12' |
| L5P | N 37°32'00" W | 280.07' |
| L6P | N 47°31'30" W | 172.81' |
| L7P | N 84°50'12" W | 183.17' |
| L8P | N 53°27'28" W | 143.31' |
| L9P | N 57°07'28" W | 34.231' |
| L10P | N 71°03'48" W | 89.88' |
| L11P | N 69°43'50" W | 41.86' |
| L12P | N 72°12'28" W | 144.24' |
| L13P | S 54°25'48" W | 82.23' |
| L14P | N 80°23'32" E | 254.89' |
| L15P | N 37°58'07" E | 81.29' |

MD GRID (NAD83)

FOR PUBLIC WATER AND SEWER ONLY

THE MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION
PRINCE GEORGES COUNTY PLANNING BOARD

APPROVED: *Stephen Corbitt*
Chairman
ASSISTANT SECRETARY

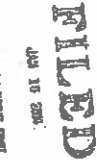
DEPARTMENT OF ENVIRONMENTAL RESOURCES
PRINCE GEORGES COUNTY, MARYLAND

APPROVED: *John J. Corbitt*
Director of Planning

PRELIMINARY PLAN: 4-80045
TAX MAP (GDS) 146/82/2
200 SHEET: 2105/78
RECORD: 11-7-05
PLAT BOOK: R-2209
PLAT NO.: 16

Patton Harris Rust & Associates, P.C.
Engineers, Surveyors, Planners, Landscape Architects.
8818 Centre Park Drive
Columbia, MD 21045
T 410.997.8900 F 410.997.9282
P.R.A.
P.E. 13697-1-0

BRANDYWINE BUSINESS PARK
Lots 8 - 9 + Parcel C
11th Election District
Prince George's County, Maryland
Scale: 1" = 200' Date: July, 2005
0114/06.3 1320 GSA 2005/07/13



THE COURT REPORTER ASSOCIATION OF THE DISTRICT OF COLUMBIA

4-DOC

2013 2008

JEOPARDY

FLAT 1

1

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7

BRANDYWINE BUSINESS PARK

Lots 10 - 14, Quiloi A + Parcel A

11th Election District

[illegible]

1

McIndy Rd

McIndy Rd (191)

NORTH

MCINDY MAP

SCALE: 1" = 2000'

- _____

1

24

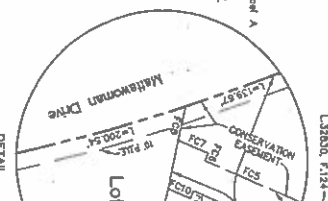
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| CONSERVATION EASEMENT TABLE | | |
|--------------------------------|------------|---------|
| LINE | BEARING | LENGTH |
| F01 | S 86.34° E | 137.57' |
| F02 | N 20.03° W | 13.21' |
| F03 | N 61.03° E | 3.60' |
| F04 | N 81.11° S | 16.66' |
| F05 | N 22.01° E | 19.65' |
| F06 | S 73.24° E | 6.00' |
| F07 | N 42.01° E | 30.73' |
| F08 | N 75.52° E | 21.33' |
| F09 | N 77.53° E | 51.65' |
| F10 | S 73.24° E | 3.90' |
| F11 | S 22.01° E | 14.67' |
| F12 | S 22.01° E | 28.44' |
| F13 | N 81.11° E | 8.52' |
| F14 | N 10.03° W | 28.33' |
| F15 | N 74.21° E | 116.67' |
| F16 | N 40.53° W | 53.85' |
| F17 | N 40.53° W | 84.72' |
| F18 | N 81.11° S | 9.31' |
| F19 | N 81.11° S | 60.23' |
| F20 | S 73.24° E | 8.41' |
| F21 | S 73.24° E | 68.85' |



10. Development shall be subject to the unemployment conditions of PCD2B Resolution No. 80-230.
11. Prior to the issuance of any permit, a Detailed Site Plan and the approval for all site coincidences with Condition 7 of the PCD2B Resolution No. 80-230.
12. Development is subject to restrictions shown on the approved Title 1. These restrictions shall be in accordance with the PCD2B Resolution No. 80-230. The applicant provides any delineation or indication of any structure with the application. The applicant shall agree to a mitigation on an approved Tree Conservation Plan and shall provide a mitigation plan to the applicant under the "Significant Conservation/Tree Preservation Policy".
13. Total development of this site is subject to Condition 3 of PCD2B Resolution No. 80-230.
14. U. S. Army Corps of Engineers permits shall be approved prior to the issuance of any grading permits for any wetland delineation.
15. Approval of the permit is based upon a responsible professional that public water and wetlands are not affected by the proposed development.
16. The development is subject to the "Wetlands Protection Strategy" administration by DA 42923 2 05.
17. Development of this site shall be in conformance with approved stormwater design plan 81230A-0005-00 or any approved revisions thereto.
18. Construction easements described on the plot are not areas where the installation of any structure or other development is prohibited. The applicant shall provide written consent from the adjacent PCD2B Resolution No. 80-230 for any structure or other development within easement from the adjacent PCD2B Resolution No. 80-230. The easement is not a wetland, river, bluff, benchmark, or PCD2B Resolution No. 80-230.
19. Approval of this permit is predicated upon public water and sewer lying available prior to construction.
20. The plot with the 4.15 Acre Interim Land Use Control area as established by 40A.361a 27, Part 1 (a) (3)-(5072).

The total acres included in this plot of publication are 32,714 acres, of which 7,976 acres are again dedicated to public use by this plot.

Date: 11-8-63

D. DUKIN, JR.
Forest Ranger
Payson National Forest, P.O. 21543

BRANDYWINE BUSINESS PARK

MSA 81250-19152

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
PRINCE GEORGES COUNTY PLANNING

APPROVED: *John H. Smith* January 13, 2014
PLANNING DIRECTOR
WITNESS: *John Green* / *John*

MD-NCPD FILE NO. 5-13/166

4-80045
M-X-T
218560
RECORDED: 11/5/14
PLAY BOOK: MM 0239
PLAY NO.: 78

Penoni & Associates
Engineers, Surveyors, Planners, Landscape Architects.

6818 CENTRE PARK DRIVE
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T 410-997-8900
F 410-997-9282

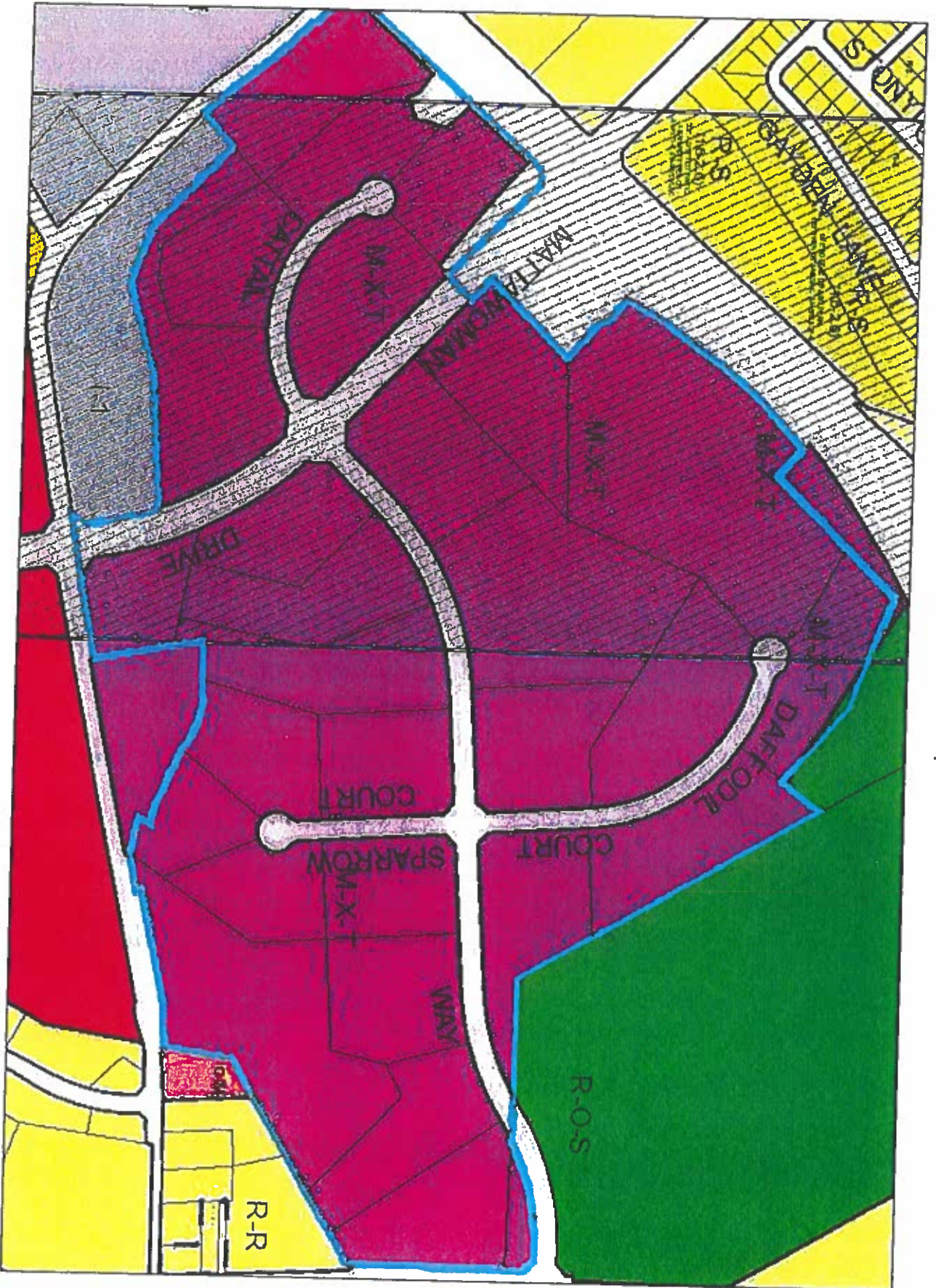
Figure 1

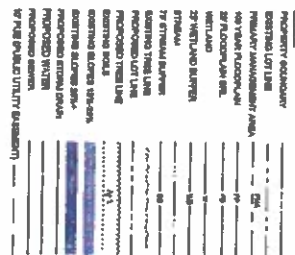
Date: 12/5/13

FILED



8.5X11_Landscape



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