

C O R R E C T E D R E S O L U T I O N

WHEREAS, Brandywine Investment Association is the owner of a 106.27-acre parcel of land known as McKendree Village Brandywine Village, addition to Brandywine Village, Outlot A and B, VJ 188@17 and Outlot 1 VJ 186@63 said property being in the 11th Election District of Prince George's County, Maryland, and being zoned R-M; and

WHEREAS, on , May 22, 2001 filed an application for approval of a Preliminary Subdivision Plat, Brandywine Investment Associates (Staff Exhibit #1) for *[13] 11 lots, 1outlot and 2 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plat, also known as Preliminary Plat 4-01045 for McKendree Village, addition to Brandywine Village 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 September 27, 2001, for its review and action in accordance with Article 28, Section 7-116, Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

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

WHEREAS, on September 27, 2001, 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 Preliminary Plat of Subdivision 4-01045, McKendree Village, addition to Brandywine Village for Lots 34-41, Block A, Lots 14-16 Block B, Parcels H and I and Outlot 5 and APPROVED a variation from Section 24-130 of the Subdivision Regulations with the following conditions:

1. Prior to approval of the Specific Design Plan (SDP) for the lake, alternative designs for the lake which could further minimize or avoid the wetland buffer impacts shall be evaluated. Those design alternatives shall include but not be limited to a revised footprint, two smaller lakes, importing fill material from off-site locations, or other alternatives which could further reduce the wetland buffer impacts. The analysis of the alternatives shall be submitted with the SDP. If the SDP for the lake does not include any other development, a conceptual layout of the proposed adjacent lots shall be provided.

*Denotes Correction

Underlining indicates new language

[Brackets} indicate deleted language

2. Prior to the issuance of any grading permits impacting wetlands or wetland buffers the

appropriate federal and/or state wetland permits shall be obtained.

3. Prior to approval of the Final Plat of Subdivision the applicant, his heirs, successors and/or assigns shall pay a fee-in-lieu of parkland dedication for the residential lots.
4. The applicant and/or the applicant's heirs, successors, and/or assigns 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 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 $\$1,472 \times (\text{the most recent FHWA Highway Construction Cost Composite Index four-quarter average available at the time of building permit application}) / (\text{FHWA Highway Construction Cost Composite Index for first quarter, 1993})$

Payment is to be made in trust to the Road Club escrow agent and shall be due, on a pro rata basis, prior to the approval of building permits. Prior to the approval of any building permit(s), the applicant shall provide written evidence to 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 (4)-lane road to a six (6)-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 (4)-lane road to a six (6)-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 (6)-lane road to an eight (8)-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 (4)-lane road to a six (6)-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.
5. Development of this subdivision shall be in accordance with the approved Stormwater Management Concept Plan, #13785-2001.
6. Prior to signature approval the preliminary plan shall be revised:
- a. To locate a 10-foot public utility easement along all rights-of-way.
 - b. To provide the stormwater management concept approval date.
 - c. To provide solid lot lines.

- d. To provide reference to prior approvals.
 - e. To revise the title block and general notes to clearly indicate that this site also includes Outlot A and B of the McKendree Village subdivision.
 - f. Relabel Outlot 5 as Outparcel 5.
7. Prior to the issuance of a building permits, the applicant, his heirs, successors and/or assigns shall pay an Adequate Public Facilities fee of \$3,360.00 per dwelling unit for the schools, unless fully offset by a school facility surcharge payment. Any amount not offset shall be paid and divided among the schools at a rate determined by the guidelines. This adequate public facilities fee would be placed in an account to relieve overcrowding at Brandywine Elementary and Gwynn Park High Schools.
8. No permits shall be issued for this subdivision until the projected percentage of capacities at all the affected schools are less than or equal to 130 percent or four years have elapsed since date of the adoption of the resolution of the approval of this preliminary plat of subdivision.

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

- 1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.
- 2. The property is located west of US 301 and east of McKendree Road. The subject property has frontage on General Lafayette Boulevard to the east Chadds Ford Drive to the southeast and Brinton Way to the southwest. All adjacent properties are undeveloped and rural in character. To the north and west is R-R-zoned vacant land. To the south is R-M-zoned land which is subdivided but remains undisturbed.
- 3. EnvironmentalCThe Environmental Planning Section previously reviewed this site for a Basic Plan (A-9878), a Comprehensive Design Plan (CDP-9202), a Preliminary Plan of Subdivision (4-96083), TCPI/47/96, and TCPII/126/98.

There are extensive areas of woodlands, streams, wetlands, 100-year floodplain, steep slopes, and severe slopes on this property. According to the Prince George=s County Soil Survey, the soils found on the property include Bibb silt loam, Beltsville silt loam, Galestown gravelly loam, Keyport silt loam, and Sassafras gravelly sandy loam. These soils have limitations with respect to seasonally high water tables, impeded drainage, and poor drainage.

According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program publication titled AEcologically Significant Areas in Anne

Arundel and Prince George=s Counties,@ December 1997, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. According to information from the Department of Environmental Resources dated July 31, 1999, the sewer and water service categories are S-3 and W-3.

Although this property does not abut McKendree Road the proposed lots will be accessed ultimately via McKendree Road, which is a designated historic road. Although McKendree Road is identified as a historic road this application proposes no impacts within 600 feet of McKendree Road. No adverse noise impacts have been found to be associated with the proposed residential lots in the R-M portion of the property.

This property is subject to the provisions of the Prince George=s County Woodland Conservation Ordinance because there are existing woodlands and there are previously approved Type I and Type II Tree Conservation Plans. The original CDP, Preliminary Plan, and TCP were approved so that permits could be issued for the construction of sewer and water from US 301 to Phase I of Brandywine Village along McKendree Road.

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

The revised TCPI/47/96 has been reviewed and approved in conjunction with the Comprehensive Design Plan, CDP-0102. No further information is required with respect to woodland conservation for this application.

Streams, wetlands, 100-year floodplains, and the associated buffers are found throughout this property. These features and the associated buffers have been correctly reflected on the plans. No impacts to streams, wetlands, 100-year floodplain, or the associated buffers have been proposed with respect to the residential lots. However, wetland and wetland buffer impacts have been proposed for the construction of a lake on the R-M portion of this property as discussed further in the variation section of this report. The stream and wetland impacts associated with three road crossings for Chadds Ford Drive and General Lafayette Boulevard were reviewed and approved with Preliminary Plan of Subdivision 4-96083.

The 11 single-family residences will not be adversely impacted by noise. However, other portions of the R-M Zone may be impacted once developed. During the review of any subsequent development proposed on Outlot 1, a Phase I Noise Study should be required for any development proposed within 200 feet of Chadds Ford Drive or General Lafayette Boulevard, and for any residential development within 600 feet of US 301.

Prior to submission of the Specific Design Plan for the lake, alternative designs should be evaluated which could further minimize or avoid the wetland buffer impacts. Those design alternatives should include a revised footprint, two smaller lakes, importing fill

material from off-site locations, or other alternatives which could further reduce the wetland buffer impacts. The analysis of the alternatives will be evaluated with review of the SDP.

4. Variation The applicant submitted a variation request on August 27, 2001, for the proposed wetland buffer impacts associated with the construction of the community lake on Parcel I. The variation request has been evaluated with respect to the required findings in Section 24-113(a) of the Subdivision Regulations. Staff is recommending approval of the variation to Section 24-130 of the Subdivision Regulations based on the following findings.

(1) The granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to other property;

The wetland buffer which is the subject of this variation request is approximately 20,000 square feet in size and is located in the east central portion of the property running in a northeasterly direction from the stream, floodplain, and wetlands which bisect the property. It does not appear that the granting of this variation will result in flooding or any other adverse impacts to the public safety, health, or welfare, or be injurious to other property. The property nearest the buffer to be impacted is located approximately 600 feet to the north.

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

The soils found in the vicinity of this wetland and the wetland buffers typically have limitations with respect to farming and development due to seasonally high water tables and impeded drainage. In addition, there is little topographic change over much of the property. Based on 1938 aerial photography, the area identified as the wetland appears to have been a drainage ditch within which some trees and shrubs were growing. The lack of topographic relief for drainage, the seasonally high water tables, the impeded drainage, and lack of maintenance have all contributed to the creation of this wetland and the associated buffer.

The basis for the variation request is generated by the need for fill material in order to better drain the developing portions of the property. The only way to obtain fill materials from on-site is by excavating from one or many locations on the property. If many locations are excavated the result would be numerous low areas which would not adequately drain or which would periodically and/or permanently intercept the groundwater table. The applicant decided that a single excavation site which permanently intercepts the groundwater table, thus creating a lake, would be the best design alternative.

(3) The variation does not constitute a violation of any other applicable law,

ordinance, or regulation; and

No other applicable laws, ordinances, or regulations will be violated if this variation request is granted. The applicant will be required to obtain all appropriate federal and State of Maryland wetland permits prior to the issuance of any grading permits impacting the subject wetland buffers.

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

If the variation is not granted the owner would lose the ability to use the extensive amount of fill material existing on site which would be used for the development of this property. The use of fill materia is necessary for the development of this property because of the topography and water table conditions of the property. The hauling of fill material from off-site locations could be accomplished, but because of the extent of the fill dirt needed, requiring that could result in a particular hardship to the owner. The proposal to construct the lake is a direct result of the particular topographical conditions of this property.

5. Community PlanningCThe subject property is located within the limits of the 1993 *Subregion V Master Plaa*, Planning Area 85A, in the Brandywine community. The Master Plan recommends a variety of land uses for this property. Specifically, the Brandywine Special Study Area (BSSA) recommends the following land uses, in addition to a floating symbol for an elementary school in the north central portion of this property:

Low Suburban residential (western portion)
High Suburban residential (central portion)
Stream valley park (central portion)
Urban residential (eastern portion)

The 1993 *Subregion V SMA* classified this property in the R-M (5.8 dwelling units per acre) Zone per application A-9878.

This application primarily proposes development of 11 small, single-family detached residential lots on 2.29 acres of land at the western end of the tract. These lots are isolated from the bulk of the tract by streams and wetlands and are proposed as an addition to the already recorded subdivision to the south, McKendree Village. The proposed subdivision addition is consistent with recommendations of the master plan for low suburban residential land use in this part of the Brandywine Special Study Area.

6. Parks and RecreationCIn accordance with Section 24-134 of the Subdivision Regulations, the Park Planning and Development Division recommends that a payment of a fee-in-lieu of parkland dedication be required because the land available for dedication is unsuitable

due to its size and location

7. Trails CThe Adopted and Approved Subregion V Master Plan recommends a master plan trail be located along the stream valley which is located between Parcel I and Outlot 5. A recommendation regarding the placement of that trail will be forthcoming with the review of the preliminary plan of subdivision required for development of Outlot 5.
8. Transportation CThe applicant has not prepared a traffic impact study nor was one required by the transportation staff given the applicant=s desire to develop 13 single-family lots. The findings and recommendations outlined below are based upon a review of all relevant materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*.

Summary of Traffic Impacts

The application is a plan for a residential subdivision consisting of 13 single-family residences. The proposed development would generate 10 AM (2 in, 8 out) and 12 PM (8 in, 4 out) peak-hour vehicle trips as determined using *The Guidelines for the Analysis of the Traffic Impact of Development Proposals*. This application has been reviewed concurrently with Comprehensive Design Plan CDP-0102. Appendix A of the text for that CDP notes that the adjacent R-M property, which received its current zoning several years prior to the subject property but was originally a part of Brandywine Village, was originally approved for 64 single-family residences but platted for 48. This is correct and is relevant since the proposed residential development would receive its access fully through the existing platted subdivision (now known as McKendree Village).

This provided additional justification for staff to not require further analyses for these lots, because the 13 proposed lots together with the 48 platted lots would not generate transportation requirements beyond those needed to serve the original 64 lots which were approved. Added to findings made under SDP-9614/01 that the reconfiguration of the prior approved Brandywine Village development would have less impact than previously planned along McKendree Road, staff determined that the development proposed by this subdivision would have no significant impact at MD 373/McKendree Road, which would be the critical intersection for the subject property, beyond the impacts which have been anticipated.

McKendree Village was required to bond physical improvements and study signalization at MD 373/McKendree Road. The signal warrant study was done, and the signal was determined to not be warranted. With the issuance of permits within McKendree Village, all improvements required have been bonded, and the transportation staff has determined that this intersection operates acceptably under existing, background, and total traffic.

In reviewing the CDP, transportation staff determined that the residential development planned under this subdivision should conform to the conditions of approval for the Basic

Plan, A-9878, as noted in the *Subregion V Sectional Map Amendment*. Aside from a requirement that the subject development contribute toward the road club which has been established to collect a fair financial share toward road improvements in the Brandywine area, no further conditions are required of this development.

The Brandywine Road Club improvements have been required to achieve transportation adequacy at major critical intersections within the Planning Area, and all developments approved in the area since 1990 have had conditions to contribute toward the Brandywine Road Club. The Transportation Planning Section concludes that adequate access roads will exist as required by Section 24-124 of the Subdivision Regulations if this application is approved.

9. Schools The Growth Policy and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and the *Regulations to Analyze the Development Impact on Public School Facilities* (revised January 2001) (CR-4-1998) and concluded the following:

Finding

Projected Impact on Affected Public Schools

Affected School Name	D.U. by Type	Pupil Yield Factor	Development Pupil Yield	5-Year Projection	Adjusted Enrollment	Total Projected Enrollment	State Rated Capacity	Projected% Capacity
Brandywine Elementary School	13 sfd	0.24	3.12	750	762.48	765.60	569	134.55%
Gwynn Park Middle School	13 sfd	0.06	0.78	715	718.12	718.90	864	83.21%
Gwynn Park High School	13 sfd	0.12	1.56	1687	1690.24	1691.80	1274	132.74%

Source: Prince George's County Planning Department, M-NCPPC, January 2001

Since the affected Brandywine Elementary and Gwynn Park High Schools projected percentage of capacities are greater than 105 percent, the Adequate Public Facilities fee is \$3,360.00 per dwelling unit. The amount of the Adequate Public Facilities fee for schools will be offset by the School Facilities Surcharge. Any amount not offset will be paid by the applicant and divided among the schools at a rate determined by the guidelines.

In addition, Section 24-122.02(a)(4) of the Subdivision Regulations states that if any affected school=s projected percentage of capacity exceeds 130 percent, no permits may

be issued until (a) capacity exists at or below 130 percent in all affected schools; or (b) four (4) years have elapsed since the time of the approval of the preliminary plan of subdivision.

10. Fire and RescueCThe Growth Policy and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of fire and rescue facilities in accordance with Section 24-122.01(d) of the Subdivision Regulations and concluded the following.
 - a. The existing fire engine service at Brandywine Fire Station, Company 40, located at 14201 Brandywine Road, has a service response time of 7.82 minutes, which is beyond the 5.25-minute response time guideline.
 - b. The existing ambulance service at Brandywine Fire Station, Company 40, located at 14201 Brandywine Road, has a service response time of 7.82 minutes, which is beyond the 6.25-minute response time guideline.
 - c. The existing paramedic service at Brandywine Fire Station, Company 40, located at 14201 Brandywine Road, has a service response time of 7.82 minutes, which is beyond the 7.25-minute response time guideline.

The above findings are in conformance with the *Adopted and Approved Public Safety Master Plan 1990* and the *Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities*.

In order to alleviate the negative impact on fire and rescue services due to the inadequate service discussed above, the Fire Department recommends that all residential structures be fully sprinklered in accordance with National Fire Protection Association Standard 13D and all applicable Prince George's County laws.

11. Police FacilitiesCThe proposed development is within the service area for District V-Clinton police station. In accordance with Section 24-122.01(c) of the Subdivision Regulations, the existing county's police facilities will be adequate to serve the proposed Brandywine Village development. This police facility will adequately serve the population generated by the proposed subdivision.
12. Health DepartmentCThe Health Department has reviewed the proposed development and has no comments.
13. Stormwater ManagementCA Stormwater Management Concept Plan, #13785-2001, has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. Development must be in accordance with this approved plan.
14. Urban DesignCThe proposed Preliminary Plan has been reviewed by the Urban Design Section for conformance to CDP-9202 and CDP-0102. Portions of Lots 14 and 15, Block

B, and Lots 34 and 35, Block A, are located within the limits of CDP-9202, for McKendree Village to the south. These lots are shown on final plat of subdivision VJ 188 @ 17, McKendree Village as Outlots A and B. Through this subdivision process those outlots will be incorporated into the development. Development of this property is subject to review under CDP-9202 and CDP-0102, and the subsequent specific design plans.

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 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 Scott seconded by Commissioner Eley, with Commissioners Scott, Eley, Lowe, Brown and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, September 27, 2001, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 18th day of October 2001.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:WC:rmk