

A M E N D E D R E S O L U T I O N

WHEREAS, Brandywood Estates is the owner of a 518.16-acre parcel of land known as Parcels 39, 40, 41, 44, 56, 88, 76, 89, Tax Map 134 A4 and D4, said property being in the 11th Election District of Prince George's County, Maryland, and being zoned R-R; and

WHEREAS, on December 31, 2002, Berg Limited Partnership filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 389 lots and 15 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-02126 for Saddlecreek Cluster 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 May 15, 2003, 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 May 15, 2003, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

*WHEREAS, by letter dated May 10, 2018, Thomas Haller, representing Savannah Investors 4 Inc., et al., requested a waiver and a reconsideration to delete Conditions 23 and 24 requiring the applicant to construct two trail segments; and

*WHEREAS, on June 7, 2018, the Planning Board granted the waiver and request for reconsideration based on an error in reaching the original decision caused by mistake; and

*WHEREAS, on May 30, 2019, the Planning Board heard testimony regarding the reconsideration and approved the removal of the requirements to construct the trail segments.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED the Type I Tree Conservation Plan (TCPI/09/03), and further APPROVED Preliminary Plan of Subdivision 4-02126, Saddlecreek Cluster for Lots 1-154, Block A; Lots 1-24, Block B; Lots 1-20, Block C; Lots 1-85, Block D; Lots 1-28, Block E; Lots 1-43, Block F; Lots 1-35, Block G; Parcels A-N with the following conditions:

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1. Prior to signature approval of the preliminary plan of subdivision, the plan shall be revised as identified below. All lots that do not conform to the minimum Zoning Ordinance requirements for the development of single-family dwelling units in the RR Zone for cluster subdivisions shall be removed.
 - a. To provide lot dimensions on Lots 79–154, Block A.
 - b. To provide the minimum lot width at the front street line of 50 feet for Lots 34, 35, 36 and 71, Block A.
 - c. To provide lot dimensions on Lots 1–8 and 11–20, Block C.
 - d. To provide lot dimensions on Lots 57 – 85, Block D.
 - e. To provide the minimum lot width at the front street line of 50 feet for Lots 5, 6, 7, 28, 29, 30 and 42, Block D.
 - f. To provide lot dimensions on Lots 1–28, Block E.
 - g. To provide the minimum lot width at the front street line to have 50 feet for Lots 4, 31, 32 and 33, Block G.
 - h. To remove or reconfigure Lots 20–23, Block G, to meet the minimum standards for conventional RR-zoned cluster lots.
 - i. To delineate the lot width at the front building line on all lots where the required lot width is setback from the street a greater distance than the main building setback from the street.
 - j. To provide match lines on all sheet of the preliminary plan and concept plan.
 - k. To locate a 50-foot by 50-foot easement for the placement a Verizon utility box in the vicinity of the property's frontage with Brandywine Road to serve the development.
 - l. To create a parcel to be dedicated to DPW&T or an appropriate entity to contain that portion of Marbury Road located on the subject property.
 - m. To deny vehicular access to Marbury Road from lots abutting the road.
 - n. To provide a note and delineate that a minimum of a 10-foot bufferyard along Marbury Road on the subject property.

- o. To label Parcel C “to be retained in private ownership for the potential acquisition for the A-65 arterial facility, as designated on the 1993 *Subregion V Approved Master Plan and Sectional Map Amendment*”.
2. Prior to the issuance of permits, a Type II tree conservation plan shall be approved.
3. Development of the subdivision shall be in conformance with the approved Stormwater Management Concept Plan #30920-2002-00.
4. Development of this property shall be in compliance with an approved Type I Tree Conservation Plan (TCPI/09/03). The following note shall be placed on the final plat of subdivision:

“Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/09/03), or as modified by the Type II tree conservation plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved tree conservation plan and will make the owner subject to mitigation under the Woodland Conservation/Tree Preservation Policy.”
5. Prior to the issuance of grading permits that include lots abutting the cemetery, the applicant shall provide evidence from the Historic Preservation Section that the cemetery located on Parcel E is properly staked and protected from disturbance.
6. To revise the general notes so that the cemetery demarcation stakes shall be maintained by the applicant, his heirs, successors and/or assignees throughout the development process to ensure protection of the site.
7. To provide a general note that pursuant to Section 24-135.02(d) of the Subdivision Regulations, the cemetery located on Parcel E is deemed to be a certified nonconforming use.
8. The cemetery located on Parcel E shall be further evaluated at the time of review of the detailed site plan and the following requirements shall be addressed:
 - a. The placement of lot lines shall promote long-term maintenance of the cemetery and protection of existing elements. The removal or relocation of adjoining lots may be required to ensure an appropriate environment and the long-term protection from encroachments.
 - b. An appropriate fence or wall constructed of stone, brick, metal or wood shall be maintained or provided to delineate the cemetery boundaries. The Planning Board shall approve the design of the proposed enclosure and a construction schedule.
 - c. The cemetery shall be protected by arrangements sufficient to assure the Planning Board of its future maintenance and protection. The applicant shall establish a fund in an amount sufficient to provide income for the perpetual maintenance of the cemetery. These arrangements shall ensure that stones or markers are in their original location.

Covenants and/or other agreements shall include a determination of the following:

- (1) Current and proposed property ownership;
 - (2) Responsibility for maintenance;
 - (3) A maintenance plan and schedule;
 - (4) Adequate access; and
 - (5) Any other specifications deemed necessary by the Planning Board.
- d. Appropriate measures to protect the cemetery during the development process shall be provided, as deemed necessary by the Planning Board.
9. Prior to signature approval of the preliminary plan of subdivision, the applicant his successors and or assignees shall revise the inventory of existing cemetery document as follows:
 - a. To provide a description of the three pictures provided.
 - b. To provide clear pictures, the ones submitted are blurry and not legible.
 - c. To provide an inventory of each head stone which includes a description of the wording and any symbols on the headstone and a picture.
10. Prior to building permits, the applicant, his heirs, successors and/or assignees shall demonstrate that a homeowners association has been established and that the common areas have been conveyed to the homeowners association.
11. At the time of final plat, the applicant, his heirs, successors and/or assignees shall convey to the homeowners association (HOA) Parcel D, E, F, G, H, I, J, K, L, M and N (174.33± acres). Land to be conveyed shall be subject the following:
 - a. Conveyance shall take place prior to the issuance of building permits.
 - b. A copy of unrecorded, special warranty deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division (DRD), Upper Marlboro, along with the final plat.
 - c. All waste matter of any kind shall be removed from the property, prior to conveyance, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section or the entire project.
 - d. The conveyed land shall not suffer the disposition of construction materials, soil filling, discarded plant materials, refuse or similar waste matter.
 - e. Any disturbance of land to be conveyed to a homeowners association shall be in accordance with an approved detailed site plan or shall require the written consent of DRD. This shall include, but not be limited to, the location of sediment control measures,

tree removal, temporary or permanent stormwater management facilities, utility placement and stormdrain outfalls. If such proposals are approved, a written agreement and financial guarantee shall be required to warrant restoration, repair or improvements, required by the approval process.

- f. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to a homeowners association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by DRD prior to the issuance of grading or building permits.
 - g. Temporary or permanent use of land to be conveyed to a homeowners association for stormwater management shall be approved by DRD.
 - h. Stormdrain outfalls shall be designed to avoid adverse impacts on adjacent land, owned by or to be conveyed to The Maryland-National Capital Park and Planning Commission (M-NCPPC). If the outfalls require drainage improvements on land to be conveyed to or owned by M-NCPPC, the Department of Parks and Recreation (DPR) shall review and approve the location and design of these facilities. DPR may require a performance bond and easement agreement prior to issuance of grading permits.
 - i. There shall be no disturbance of any adjacent land that is owned by, or to be conveyed to, M-NCPPC without the review and approval of DPR.
 - j. The Planning Board or its designee shall be satisfied that there are adequate provisions to assure retention and future maintenance of the property to be conveyed.
 - k. The recreation facilities shall be designed and constructed in accordance with the applicable standards in the *Parks and Recreation Facilities Guidelines*.
12. At the time of record plat and in accordance with Section 24-134 and 24-135 of the Subdivision Regulations, the applicant, his heirs, successors and/or assignees shall dedicate to The Maryland-National Capital Park and Planning Commission Parcels A and B (119± acres) of cluster open space as provided on DPR Exhibit A. Dedicated parkland shall have a minimum of 60 feet on a primary residential street at a location agreed to by the applicant and DPR. Land to be dedicated shall be subject to the following:
- a. An original, special warranty deed for the property to be conveyed (signed by the Assessment Supervisor, Washington Suburban Sanitary Commission) shall be submitted to the Subdivision Section of the Development Review Division, The Maryland-National Capital Park and Planning Commission (M-NCPPC), along with the final plat.
 - b. M-NCPPC shall be held harmless for the cost of public improvements associated with land to be conveyed, including but not limited to sewer extensions, adjacent road improvements, drains, sidewalks, curbs and gutters, and front-foot benefit charges, prior to and subsequent to the final plat.

- c. The boundaries and acreage of land to be conveyed to M-NCPPC shall be indicated on all development plans and permits that include such property.
 - d. The land to be conveyed shall not be disturbed or filled in any way without the prior, written consent of the Department of Parks and Recreation (DPR). If the land is to be disturbed, the DPR shall require that a performance bond be posted to warrant restoration, repair, or improvements made necessary or required by the M-NCPPC development approval process. The bond or other suitable financial guarantee (suitability to be judged by the General Counsel's Office, M-NCPPC) shall be submitted to DPR within two weeks prior to applying for permits.
 - e. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to or owned by M-NCPPC. DPR shall review and approve the location and design of these facilities. DPR may require a performance bond and easement agreement prior to the issuance of grading permits.
 - f. All waste matter of any kind shall be removed from the property to be conveyed. DPR shall inspect the site and verify that it is in acceptable condition for conveyance prior to final plat approval.
 - g. No stormwater management facilities, or tree conservation or utility easements, shall be proposed on lands owned by or to be conveyed to M-NCPPC without the prior written consent of DPR. DPR shall review and approve the location and/or design of these features. If such proposals are approved by DPR, a performance bond and an easement agreement may be required prior to the issuance of grading permits.
 - h. The applicant, his heirs, successors and/or assignees shall submit a letter to the Subdivision Section, DRD, prior to final plat indicating that the Department of Parks and Recreation has conducted a site inspection and found the land to be dedicated to M-NCPPC is in acceptable condition for conveyance.
13. Dedication to M-NCPPC of 26+ acres, or the dedication of 36+ acres offsite as shown on DPR Exhibit A. The alternative site (36± acres) for the parkland dedication shall be located on the north of Floral Park Road and shall have at least 830 feet of frontage on Floral Park Road. The parkland shall be dedicated to M-NCPPC prior to the issuance of the first building permit. In the event the 36-acre parcel is dedicated, it may also be considered as meeting the requirement for mandatory dedication for the Heritage Reserve subdivision. Block G shall be recorded as Parcel C, to be dedicated to M-NCPPC, if on-site mandatory dedication of parkland is proposed.

Land to be conveyed shall be subject to the following:

- a. The applicant, his heirs, successors and/or assignees shall submit a letter to the Subdivision Section indicating that the Department of Parks and Recreation has conducted a site inspection and found the land to be dedicated to M-NCPPC in acceptable

condition for conveyance. The letter shall be submitted with the final plat of subdivision.

14. The applicant, his heirs, successors and/or assignees shall provide a fee to Prince George's County, which shall serve as a fair share contribution toward the construction of the Brandywine Special Study Area Station and acquisition of an ambulance and paramedic unit. The fee is based upon the cost of the facility, paramedic unit, and ambulance, divided by the expected population of the service area. The fee for swelling units beyond recommended response times for paramedic and ambulance service is \$480. The fee for dwelling units beyond recommended response time for ambulance service only is \$440. The fee shall be paid prior to the issuance of each building permit for affected lots.
15. Prior to the issuance of grading permits, the applicant shall submit evidence from the Health Department that the tires found on the property have been removed by a licensed scrap tire hauler to a licensed scrap tire disposal/recycling facility.
16. Prior to signature, the Type I tree conservation plan shall be revised:
 - a. To show steep slopes only in areas with highly erodible soils and all severe slopes and revise the patterns to be readable.
 - b. To show a proposed limit-of-disturbance on the plan and in the legend.
 - c. To show conceptual grading.
 - d. To replace the general notes with the standard Type I tree conservation plan notes.
 - e. To provide a TCP I approval block on every sheet and have the revised plan signed and dated by the qualified professional who prepared the plan
 - f. To provide a note that the review of the DSP and TCP II shall ensure that useable yard areas are provided exclusive of tree conservation and preservation.
17. At the time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the expanded stream buffer, excluding those areas where variation requests have been approved, and be reviewed by the Environmental Planning Section prior to certification. The following note shall be placed on the plat:

"Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed."
18. Prior to signature approval of the preliminary plan, the final concept and layout of the preliminary plan and Type I tree conservation plan shall be designed to eliminate or minimize impacts to the regulated environmental features. Any impacts requiring a variation not approved as part of this

preliminary plan will require a new preliminary plan of subdivision for evaluation of impacts as required by Section 24-113 of the Subdivision Regulations.

19. Prior to the issuance of any permits that impact wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall submit to the M-NCPPC Planning Department copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
20. The final plat shall carry a note establishing the fee required for those lots outside the recommended response times for EMS services. The fee is to be paid prior to the issuance of each building permit for those lots affected. Affected lots shall be determined at the time of DSP, based on the street layout and response times.
21. No building permits shall be issued for this subdivision until the capacity, as adjusted pursuant to the school regulations, at all the affected school clusters is less than or equal to 105 percent or six years have elapsed since the time of the approval of the preliminary plan of subdivision; or pursuant to the terms of an executed school facilities agreement whereby the subdivision applicant, to avoid a waiting period, agrees with the County Executive and County Council to construct or secure funding for construction of all or part of a school to advance capacity.
22. Prior to the issuance of building permits, the applicant, his heirs, successors and/or assignees shall provide a financial contribution of \$210.00 to the Department of Public Works and Transportation for the placement of a bikeway sign(s) along Brandywine Road, designated as a Class III bikeway. A note shall be placed on the final plat for payment to be received prior to the issuance of the first building permit. If the Department of Public Works and Transportation declines the signage, this condition shall be void.
- *[23. ~~The applicant, his heirs, successors and/or assignees shall construct the master plan trail on Parcel A from the end of Old Marbury Road as delineated on the preliminary plan. This trail shall be a minimum of eight feet wide and made of asphalt for its entire length.~~]

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- *[24. ~~The location and surface type of all trails shall be indicated on the detailed site plan. The equestrian trail shown along the southern edge of the subject property is acceptable.~~]
- *[25] 23. The applicant shall provide standard sidewalks along both sides of all internal public streets unless modified by the Department of Public Works and Transportation at the time of issuance of street construction permits.
- *[26. ~~All trails not on land dedicated to M-NCPPC, the HOA, or within a public right of way shall be~~

~~within a public use easement that shall be clearly marked and labeled on the detailed site plan.]~~

- *[27] 24. At the time of final plat approval, the applicant shall dedicate a right-of-way along Brandywine Road as shown on the submitted plan. Improvements within the dedicated right-of-way shall be determined by DPW&T and will include acceleration and deceleration lanes along southbound Brandywine Road, as well as a left-turn bypass lane along northbound Brandywine Road.
- *[28] 25. **MD 5 at Surratts Road:** Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency for the provision of dual left-turn lanes along the northbound and the southbound approaches of MD 5.
- *[29] 26. The applicant 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 and any other properties for which Road Club 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 $\$297 \times (\text{the average Federal Highway Administration Federal-aid highway composite bid price index for the latest available four previous quarters at the time of payment}) / (\text{the average Federal Highway Administration Federal-aid highway composite bid price index for the four quarters preceding and including the first quarter of 1993})$.

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

The off-site transportation improvements to be constructed are set forth below. Construction of these improvements shall occur in the 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.

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- i. Construction of an interchange in the area of US 301/MD 5 and Cedarville/McKendree Roads.
- j. Construction of an interchange in the area of MD 5 and A-63 north of T.B.
- k. Construction of A-63 as a six-lane arterial roadway (where off-site) between the US 301/MD 5/Cedarville Rd./McKendree Rd. intersection and MD 5 north of T.B.
- l. Widen US 301/MD 5 from a six (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.

*[30] 27. **MD 5 at Moores Lane:** Prior to the approval of the detailed site plan for the subject property, the applicant shall submit an acceptable traffic signal warrant study to SHA and, if necessary, to DPW&T for a possible half-signal at the intersection of MD 5 and Moores Lane. The applicant should utilize a new 12-hour count, and should analyze signal warrants under total future traffic as well as existing traffic at the direction of SHA. If a signal is deemed warranted by the responsible agency at that time, the applicant shall bond the signal prior to the release of any building permits within the subject property, and install it at a time when directed by the appropriate permitting agency.

*[31] 28. **Brandywine Road at Site Access:** Prior to the approval of the detailed site plan for the subject property, the applicant shall submit an acceptable traffic signal warrant study to DPW&T for a possible signal at the intersection of Brandywine Road with the site access point. The applicant should utilize a new 12-hour count, and should analyze signal warrants under total future traffic as well as existing traffic at the direction of SHA. If a signal is deemed warranted by the responsible agency at that time, the applicant shall bond the signal prior to the release of any building permits within the subject property, and install it at a time when directed by the appropriate permitting agency.

*[32] 29. Prior to the issuance of each building permit, the applicant shall pay to Prince George's County the following share of costs for improvements to the Brandywine Road/Surratts Road intersection and the link of Surratts Road between Brandywine Road and Beverly Lane:

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- a. A fee calculated as \$1,393/residence x (Engineering News-Record Highway Construction Cost Index at time of payment) / Engineering News-Record Highway Construction Cost Index for March, 2002).

*[33] 30. **Brandywine Road at Floral Park Road:** Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances through either private money or full funding in the county's capital program, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency for restriping and minor widening along the eastbound approach to the

intersection to provide separate left-turn and right-turn lanes.

- *[34] 31. Parcel C shall be labeled on all record plats as follows: “To be retained in private ownership for the potential acquisition for the A-65 arterial facility, as designated on the *1993 Subregion V Approved Master Plan and Sectional Map Amendment*”.
- *[35] 32. Prior to signature approval of the preliminary plan of subdivision, the following revisions shall be made:
- a. There are as many as seven wooded ravines that are being impacted by lots along the spine road. The lotting pattern shall be revised to eliminate or relocate lots in these areas to allow existing, wooded environmental features to be preserved along the road, which will allow views into the cluster open space and create the effect of providing separate residential enclaves.
 - b. The 3.7-acre and 1.3-acre recreational open space areas on the eastern portion of the site shall be combined into a minimum 5.0-acre recreational area that is more centrally located, approximately 1,500 feet to the west, on the south side of the spine road. Horse Trailer Avenue shall be aligned to intersect with the spine road at Hound Run Avenue. The lots on the east side of Horse Trailer Avenue shall be eliminated to create the open space. The open space shall have no lots backing onto it and the existing woodlands to the south and east shall be preserved. The same recreational facilities proffered by the applicant shall be provided in this recreational area. Alternative locations may be proposed at the time of review of the DSP if they demonstrate equal or greater sensitivity to the design considerations set forth above.

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- c. The following streets shall be shortened, eliminated or redesigned to reduce grading, drainage and slope stabilization problems:
 - **Chincoteague Court – shorten street**
 - **Groom Court – eliminate Court**
 - **Groom Avenue – Shorten and add cul-de-sac**
 - **Hound Run Court – shorten street**
 - **Hound Run Avenue – shorten street**
- d. The number of cul-de-sacs shall be reduced by connecting or redesigning streets in several areas. These streets include:

- (1) Dressage Court
- (2) Gildran Run Court
- (3) White Stocking Court
- (4) Dressage Avenue

- *[36] 33. The recreation facilities shall be designed and constructed in accordance with the applicable standards in the *Parks and Recreation Facilities Guidelines*.
- *[37] 34. Increase the right of way width of the main entrance road into the subdivision to 80 feet to the first four-way intersection (approximately 700 feet). Provide a traffic calming device (such as a traffic circle) at this intersection and one other four way intersection in the subdivision to reduce the speed of vehicles.
- *[38] 35. The DSP shall provide for a minimum of a 10-foot wide landscape buffer along Marbury Drive to the north.
- *[39] 36. At the time of DSP the DPR shall determine if the farm pond will be retaining in the 100-year floodplain parcel to be conveyed to M-NCPPC or will be included in the adjacent open space parcel to be conveyed to the HOA.

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.

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2. The subject property is located on the west side of Brandywine Road, approximately 2,000 linear feet north of its intersection with Moores Road in Brandywine.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	R-R	R-R
Use(s)	Vacant	Residential/SFD Cluster
Acreage	518.16	518.16
Lots	0	389
Parcels	8	14

Dwelling Units:		
Detached	0	389

4. **Cluster Development**—Section 24-137 of the Subdivision Regulations establishes that the purpose of cluster development is to permit a procedure for development that will result in improved living environments; promote more economical subdivision layout; encourage a variety of designs of dwellings; encourage ingenuity and originality in total subdivision layout and individual site and building design; encourage compatibility with historic resources; preserve open space to serve recreational, scenic, and public service purposes; and other purposes related thereto, within the densities established for the cluster net tract area. Staff has evaluated a conventional layout and has found that the use of a cluster design could result in an improved living environment for the residence.

However, the cluster regulations state that a cluster shall, through creative design, provide for a total environment better than what would normally be achieved under standard regulations. It is staff's position that the current layout does not meet this requirement without further modification for the following reasons. Staff is recommending specific conditions that would address these items.

- a. A long spine road (60-foot right-of-way) that is over 1.5 miles in length has too many lots fronting on it. Approximately 40 percent of the lots in the subdivision front on the spine road. Moreover, there are very few breaks in the lotting pattern along the road, making for a long, monotonous lotting pattern and concealing the cluster open space behind the lots. There are as many as seven wooded ravines that are being impacted by lots along the spine road. The lotting pattern should be revised to eliminate lots in these areas to allow existing, wooded environmental features to be preserved along the road, which will allow views into the cluster open space and create the effect of providing separate residential enclaves.
- b. There are five recreational areas proposed in the subdivision; four small ones, approximately one acre in size, and one large one, 3.7 acres in size. The 3.7-acre recreational area is completely surrounded by lots and roads. A 1.3-acre recreational area is directly across the street. These two recreational areas together are 5.0 acres in size and are located in the easternmost portion of the subdivision, not easily accessible to the vast number of lots. Staff recommends that these recreational areas be combined into a minimum 5.0-acre recreational area that is more centrally located. A suitable area would be approximately 1,500 feet to the west, on the south side of the spine road. There, Horse Trailer Avenue should be aligned to intersect with the spine road at Hound Run Avenue. The lots on the east side of Horse Trailer Avenue should be eliminated to create the open space. The open space should have no lots backing onto it and the existing woodlands to the south and east should be preserved. The same recreational facilities proffered by the applicant should be provided in this recreational area. Alternate locations may be proposed at the time of Detailed Site Plan if they demonstrate equal or greater sensitivity to the design considerations set forth above.
- c. There are several areas of the plan where streets and lots extend too far onto steep slopes,

creating excessively steep driveways, unusable yards, and potential drainage and slope stabilization problems. The following streets should be shortened, eliminated or redesigned to alleviate these problems:

- (1) Chincoteague Court—shorten street
 - (2) Groom Court—eliminate Court
 - (3) Groom Avenue—shorten and add cul-de-sac
 - (4) Hound Run Court—shorten street
 - (5) Hound Run Avenue—shorten street
- d. The plan, as currently designed, has 23 cul-de-sacs. This is an excessive number of cul-de-sacs and should be reduced by connecting or redesigning streets in several areas. These streets include connecting:
- (1) Dressage Court
 - (2) White Stocking Court
 - (3) Gildran Run Court
 - (4) Dressage Avenue

Cluster Development Data as proposed by the applicant:

Zone:	R-R
Gross Tract Area:	518.16 Acres
Area of Slopes Greater Than 25%, outside floodplain:	73.70 Acres
Area Within the Existing 100-Year Floodplain:	124.72 Acres
Cluster Net Tract Area:	319.74 Acres
Number of Lots Permitted at 2du/acre:	639
Number of Lots Proposed:	389
Number of Flag Lots Proposed:	To be determined at DSP
Minimum Lot Size Permitted:	10,000 SF
Minimum Lot Size Proposed:	10,000 SF
Cluster Open Space Required:	41.56 Acres
2/3 of the Required Cluster Open Space to be Outside the 100-Year Floodplain and Storm-Water Management Facilities:	27.7 Acres
Cluster Open Space Provided Outside the 100-Year Floodplain and SWM Facilities:	154.17 Acres
100-Year Floodplain:	124.72 Acres

Total Cluster Open Space:	290.85 Acres
Open Space to be conveyed to the Home-Owners Association (HOA):	177.03 Acres
Open Space to be conveyed to M-NCPPC:	113.82 Acres
Recreation Facilities:	Mandatory dedication
Slopes Exceeding 25% in grade:	73.70 Acres (1.80 in Floodplain)
Area of Steep Slopes to be disturbed:	17.93 Acres
Area of NonTidal Wetlands:	91.2 Acres

Modifications in Dimensional Standards permitted in Cluster

	Standard in Zone	Allowed	Proposed
27-442(c) Net Lot Coverage	25%	30%	30%
27-442(c) Lot Width at Building Line	80'	75'	75'
Lot Frontage Along Street Line	70'	50'	50'
Lot Frontage Along Cul-de-sac	60'	50'	50'

5. **Cluster Findings**—In general, the design for the proposed cluster subdivision meets the purposes and criteria for approval of cluster developments in the R-R Zone found in Subtitles 27-Zoning and 24-Subdivision of the Prince George's County Code. The following findings are required in accordance with Section 24-137 of the subdivision regulations:

- a. **Individual lots, streets, buildings and parking areas will be designed and situated in conformance with the provisions for woodland conservation and tree preservation set forth in Subtitle 24 of the Prince George's County Code, and in order to minimize alteration of the historic resources or natural site features to be preserved.**

Comment: The Environmental Planning Section is recommending approval of the TCPI with modification and conditions to further reduce impacts to environmental features at the time of review of the DSP.

- b. **Cluster open space intended for a recreational or public use, conservation purposes, or as a buffer for a historic resource is appropriate, given its size, shape, topography and location, and is suitable for the particular purposes it is to serve on the site.**

Comment: The open space provided is intended for woodland and stream preservation. It follows the contours of the land and buffers both the stream and other natural resources on site while providing appropriate opportunity for recreation.

- c. **Cluster open space will include irreplaceable natural features located on the tract**

(such as, but not limited to, stream beds, significant stands of trees, steep slopes, individual trees of significant size, and rock outcroppings).

Comment: This open space includes all of the irreplaceable natural features of the site. Trees, wetlands and streams associated with the expanded buffer are preserved to the fullest extent possible within this development.

- d. Cluster open space intended for recreational or public use will be easily accessible to pedestrians; and the means of access will meet the needs of the physically handicapped and elderly.**

Comment: The open space in the project will be conveyed to M-NCPPC and to a homeowners association to serve both the homeowners' needs and a larger community need in this area for open space and recreational facilities. Staff does have concerns regarding the proximity and clustering of the homeowners' open space but does believe that appropriate siting can be accomplished through the review of the DSP.

- e. Cluster open space intended for scenic value will achieve this purpose through the retention of irreplaceable natural features described above; or where such natural features do not exist, such techniques as berms planted with trees and the use of landscaping material may be required to eliminate visual monotony of the landscape.**

Comment: There will be no visual monotony of this landscape. Slopes, streams and wetlands are preserved, much of which is visible from the internal road systems and lots proposed. There are significant vistas associated with this property. A natural ridge exists on this site, running east to west between two significant environmental features. The applicant has proposed an internal public street at this location. The proposed development provides scenic value for the future residents.

- f. Diversity and originality of lot layout and individual building design, orientation, and location will achieve the best possible relationship between development and the land.**

Comment: The lot layout is diverse, although larger lots should be provided along the internal spine road generally. These changes should be made at the time of detailed site plan review. If at that time the applicant can demonstrate that views from these roads will be of larger lots, these lots can remain. If the applicant cannot demonstrate that these lots will appear larger, some lots may be lost.

- g. Individual lots, buildings, parking areas, and streets will be arranged, designed, situated, and oriented so as to harmoniously relate to surrounding properties, to improve the view from dwellings, and to lessen the area devoted to motor vehicle access and circulation.**

Comment: Internal circulation is generally appropriate. The adjoining property to the north is cluster R-R development and compatible with the proposed subdivision. Lot sizes along major roadways may need to be increased as noted above to improve views from these streets.

- h. Individual lots, buildings, parking areas, and streets will be so situated and oriented as to avoid the adverse effects of shadows, noise, and traffic on, and afford privacy to, the residents of this site.**

Comment: Large buffers exist in several places on the plan. Lots relate to one another in a typical fashion with backs to backs and sides to sides, ensuring the best relationship between outdoor activities on adjacent lots. Privacy is well protected. In areas where rear yards back to external roadways, *Landscape Manual* bufferyard requirements will ensure privacy.

- i. Not more than one-fourth (1/4) of any of the land having slopes greater than twenty five percent (25%) will be removed or altered, and then only when the slopes are isolated, small, or otherwise occur as insignificant knolls, so that the design of the development or cluster open space will not be adversely affected.**

Comment: Less than 24 percent of the land area having steep slopes is disturbed.

- j. Appropriate landscape screening techniques will be employed at each entrance to the subdivision and along adjoining existing streets, so as to assure the compatibility of the appearance of the cluster subdivision with that of surrounding existing and planned residential development not approved for cluster development, and to provide an attractive appearance from streets. Individual lots shall also be appropriately landscaped in such a manner as to provide an attractive appearance.**

Comment: The preliminary plan allows for this at the entrance. Specifics of the landscaping plan will be determined at the detailed site plan stage.

- 6. Environmental**—The Environmental Planning Section has reviewed the revised Type I Tree Conservation Plan, TCPI/09/03, stamped as accepted for processing on April 8, 2003. The Environmental Planning Section recommends approval of TCPI/09/03 subject to conditions. The Environmental Planning Section has previously reviewed a Type II Tree Conservation Plan, TCPII/149/02, for the subject property, unrelated to this preliminary plan application. Development of this property is subject to conformance with TCPI/09/03.

The subject property has streams, wetlands, and 100-year floodplain associated with Piscataway Creek in the Potomac River watershed. Current air photos indicate that most of the site is forested. The Subregion V Master Plan indicates that there is a significant area of natural reserve on the site. No designated scenic or historic roads are affected by this proposed development. There are no nearby sources of traffic-generated noise. The proposed use is not expected to be a

noise generator.

According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program publication entitled "Ecologically 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. The *Prince George's County Soils Survey* indicates that the principal soils on the site are in the Aura, Beltsville, Bibb, Fallsington, Galestown, Iuka, Mixed Alluvial, Ochlockonee, Sassafra, Westphalia, and Woodstown series. Marlboro Clay does not occur in this area.

This site is subject to the provisions of the Woodland Conservation Ordinance because the entire site is more than 40,000 square feet in size and has more than 10,000 square feet of woodland. The forest stand delineation (FSD) has been reviewed and requires revisions. The soil boundaries must be shown on the plan, not as an inset map. The FSD, the Type I tree conservation plan, and the preliminary plan of subdivision must show all slopes exceeding 25 percent and all slopes between 15 and 25 percent on areas with highly erodible soils. All of the plans would be more readable if they did not show areas with slopes between 15 and 25 percent in areas not having highly erodible soils. Additionally, the patterns currently used to distinguish severe slopes from steep slopes are too subtly different. Finally, the table wrongly indicates that Bibb, Chillum, Fallsington, Iuka, Marr and Sassafra soils are highly erodible.

The Type I Tree Conservation Plan, TCPI/9/03, has been reviewed. The plan proposes clearing 144.39 acres of the existing 314.05 acres of upland woodland and clearing 0.40 acre of the existing 111.16 acres of floodplain woodland. Based upon these estimates and the woodland conservation threshold for the property, the woodland conservation required is 115.19 acres. The requirement is currently proposed to be met on site with 115.19 acres of woodland conservation in the form of preservation; 54.47 acres will be preserved but not be part of any requirement.

The plan as currently proposed meets the requirements of the Woodland Conservation Ordinance because it proposes on-site preservation, avoids forest fragmentation, does not create woodland conservation areas on small lots, and preserves significant environmental features in their natural state. Staff would note that the provision of appropriate usable yard areas has not been evaluated due to the lack of detailed information submitted with this application. Further evaluation will be done at the time of review of the TCPII and DSP to ensure conformance with this standard.

There are technical errors on the plan that need to be corrected. Steep and severe slopes are noted in the legend but the patterns currently used to distinguish severe slopes from steep slopes are not discernable. A proposed limit-of-disturbance must be shown on the Type I tree conservation plan. Because of the extreme topography, conceptual grading must be shown. The general notes on the plan are not the standard notes for Type I tree conservation plans.

The Planning Board will have another opportunity to refine the tree conservation plan for this project during the review of the required detailed site plan and the companion Type II tree conservation plan.

This site contains natural features that are required to be protected under Section 24-130 of the Subdivision Regulations. The Subregion V Master Plan indicates that there are substantial areas designated as natural reserve on the site. As noted on page 136 of the Subregion V Master Plan:

“The Natural Reserve Area is composed of areas having physical features which exhibit severe constraints to development or which are important to sensitive ecological systems. Natural Reserve Areas must be preserved in their natural state.”

The Subregion V Master Plan elaborates on page 139:

“The Natural Reserve Areas, containing floodplain and other areas unsuitable for development, should be restricted from development except for agricultural, recreational and other similar uses. Land grading should be discouraged. When disturbance is permitted, all necessary conditions should be imposed.”

The Subregion V Master Plan recommends that new development should preserve to the greatest extent possible the areas shown as natural reserve. For the purposes of this review, the natural reserve includes the expanded stream buffer and any isolated sensitive environmental feature.

The preliminary plan of subdivision shows streams on the site, the required minimum 50-foot stream buffers, wetlands, the required 25-foot wetland buffers, a 100-year floodplain, and all slopes exceeding 25 percent, all slopes between 15 and 25 percent, and an expanded stream buffer.

The plan proposes seven impacts to stream buffers and wetland buffers. Section 24-130 of the Subdivision Regulations restricts impacts to these buffers unless the Planning Board grants a variation to the Subdivision Regulations in accordance with Section 24-113. If approved by the Planning Board, the applicant will also need to obtain federal and state permits prior to the issuance of any grading permit. Each variation is described individually below. However, for purposes of discussion relating to Section 24-113(a) of the Subdivision Regulations, the impacts were discussed collectively. Any impacts requiring a variation not approved as part of this preliminary plan will require a new preliminary plan of subdivision for evaluation of impacts as required by Section 24-113 of the Subdivision Regulations. However, no new impacts will be permitted as discussed above.

The variation requests are dated April 4, 2003, and were accepted for processing on April 7, 2003. The specific square footages of the proposed impacts are not correct; however, the figures stated are within the same order of magnitude as the impacts shown on the CSP. The Environmental Planning Section has reviewed the concepts of the seven variation requests in light of the impacts shown on the conceptual site plan. The Environmental Planning Section notes that changes may be required to the layout that could result in changes to the specific alignments of required infrastructure elements, such as sanitary sewer line connections and stormwater management outfalls. When recommending approval of the individual variation requests listed below, the possible changes in specific alignments have been incorporated in the analysis.

Variation requests “A,” “C,” “D,” “E,” “F,” and “G” are for the connection of different portions of the proposed development to an existing sewer line and will impact wetlands, wetland buffers, and expanded stream buffers. The Washington Suburban Sanitary Commission has determined that this connection is required in this specific location to properly connect to the existing sewer line. There is no practicable alternative for these alignments because of the location of the existing sewer line and the topography of the site for the proposed development. The proposal is not a violation of any other applicable law, ordinance or regulation because state and federal permits are required prior to construction. The Environmental Planning Section supports variation requests “A,” “C,” “D,” “E,” “F,” and “G.”

Variation request “B” is for the construction of a stormwater management pond outfall, which will impact the expanded stream buffer. This pond is necessary to control stormwater on the development. This request is intended to fulfill existing regulations regarding stormwater management. The proposal is not a violation of any other applicable law, ordinance or regulation because state and federal permits are required prior to construction. The pond has been reconfigured from previous submissions to move the pond out of the extended buffer; however, no outfall for the pond can be created that would have any impact on the expanded buffer. The single outfall has been located to minimize impacts to the extended stream buffer. The Environmental Planning Section supports variation request “B.”

The applicant did not propose variation requests for impacts that would be needed for the construction of a half-section of A-65. However, the Planning Board determined that the construction of a portion of A-65 was not necessary to support the proposed development. The expansion variation requests “F” and “G” therefore, are not necessary.

7. **Community Planning**—The property is located within the limits of the 1993 Subregion V Master Plan in Planning Area 85A, in the Brandywine community. The 2002 General Plan locates this property in the Developing Tier. The proposed preliminary plan is consistent with the master plan and General Plan.

One of the challenges cited for future development in the Developing Tier is “to direct growth in order to encourage design of new communities and neighborhoods, and existing communities to be more land efficient, more environmentally sensitive, and more transit supporting than conventional subdivisions... The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial Centers, and employment areas that are increasingly transit serviceable.” Goals for the Developing Tier that appear relevant to review of the land use proposed in these applications include:

- a. “Maintain low- to moderate-density land uses (except in Center and Corridors).”
- b. “Reinforce existing suburban residential neighborhoods.”
- c. “Preserve and enhance environmentally sensitive areas.”
- d. “Balance the pace of development with the ability of the private sector to provide

adequate transportation and public facilities.”

- e. “Encourage contiguous expansion of development where public facilities and services can be more efficiently provided.”

Development Pattern policies and strategies for the Developing Tier that are particularly relevant to review the type of land use proposed by these applications include:

Policy 1: “Encourage low- to moderate-density, transit- and pedestrian-oriented development.”

- a. Strategy I: “Promote a greater mix of uses and housing choices in neighborhoods and communities focused around human-scale, mixed use centers accessible by multiple transportation modes.”
- b. Strategy II: “Revise master plans, sector plans and land use regulations to encourage compact neighborhood development on large sites.”

Although master plans and regulations have not yet been revised, conceptually, an equestrian recreational community development in this part of the Brandywine community is not inconsistent with the 2002 General Plan Developing Tier Policy 1. The details of how an equestrian recreational community should be designed are not addressed in the General Plan.

Consistencies of these development applications with other 2002 General Plan policies for the Developing Tier (pp. 31-32, February 2002 General Plan text as approved October 2002) need to be evaluated by the Countywide Planning Division:

- a. Policy 2: “Preserve and enhance environmental features and green infrastructure elements.”
- b. Policy 3: “Provide as many multimode options as possible for new development to reduce the need for new arterial or major collector roads.”
- c. Policy 4: “Plan and provide public facilities to support the planned development pattern.”

1993 Subregion V Master Plan Land Use Policies

The area in which this application is located is identified as a suburban living area in the North Village of the Brandywine community. The neighborhood enclaves in this village are “primarily recommended for low-suburban residential development and should be focused around the village or neighborhood or neighborhood activity centers that are recommended in each. Single-family residential construction is emphasized throughout these areas, but extensive use of cluster and comprehensive design zone techniques is advocated to achieve diversity in construction styles and lot sizes.”

A commercial activity center is recommended to the east of this application, across Brandywine

Road, near the intersection of new arterial road A-65 and MD 5 (Branch Avenue).

The use of cluster development techniques in the R-R Zone conforms to recommendations of the master plan for Low-Suburban residential development, stream valley park and master plan trails in this part of the Brandywine community. The cluster development regulations provide a substantial degree of flexibility to design a proposal to conform to the recommendations of the master plan and the design principles for residential development cited therein.

Residential design principles (General Plan text, pp. 50-51) relevant to review of this application include:

“Identifiable Communities. Living areas should be developed as identifiable communities oriented to adequate, appropriate community facilities. Recreation areas, school facilities, convenience centers, and other public and quasi-public activities should be designated to serve as focal points in the residential areas.”

“Variety of Housing Types. It is the intention of this Plan that there should be a variety of housing within Subregion V to accommodate changing lifestyles... Methods for achieving diversification in large subdivision projects include provision for more than one builder; the use of flexible zoning techniques; ...the allocation of a proportion of lots for custom homes....”

“Mixed-Use and Cluster Development. This master plan encourages the judicious use of development techniques intended to promote a mixture of uses and dwelling types; promote the preservation of open space and valuable natural features; and make efficient use of public facilities. Within suburban communities, existing tools such as comprehensive design zones, village zones, mixed-use zones or conventional zones with cluster subdivision techniques can be used to achieve plan concepts.”

“Careful Site Planning. Site limitations and constraints and the desire to fully implement the Plan’s goals necessitate careful site planning. Successful site planning must include: (1) adequate sound mitigation measures to ameliorate intrusion from noise generated by traffic on major roadways or from airports; (2) provision of buffers from incompatible uses in the form of landscaping, berming, open space, fences and other appropriate measures in the design of residential projects; (3) preservation of historic assets; (4) cohesive pedestrian connections that link community facilities, employment areas and residential areas.”

“Sensitivity to the Environment. The communities and neighborhoods proposed by this Plan are to be designed with and around valuable natural resources. Landscape features such as floodplains, wetlands, steep slopes, and woodlands, should be used to define edges of development and provide buffers, focal points, and active and passive recreation areas. These features should not be viewed as obstacles to be overcome or covered over in the development process. Instead, they should be seen as valuable resources to be protected and opportunities for quality development. Use of flexible development techniques (such as cluster subdivision or comprehensive design zones) is essential to balance the economic costs and benefits of environmentally sensitive development.”

8. **Parks and Recreation**—The staff of the Department of Parks and Recreation (DPR) has reviewed the preliminary plan application for conformance with the requirements of the adopted and approved Subregion V Master Plan, the Land Preservation and Recreation Program for Prince George's County, and current zoning and subdivision regulations as they pertain to public parks and recreation.

The adopted and approved Subregion V Master Plan identifies the following on the subject property:

1. Piscataway Creek Stream Valley Park
2. Hiker/biker/equestrian trail along Piscataway Creek

Section 24-134 of the Prince George's County Subdivision Regulations requires the mandatory dedication of 26 acres of parkland suitable for active and passive recreation.

The proposed residential development is located in the Brandywine/Cedarville area of Subregion V. The subject property is bordered by Piscataway Creek on the north. The Piscataway stream valley corridor is a significant natural resource area in Prince George's County. The master plan trail along the creek will provide an important recreational link between the communities and parks in southern Prince George's County. Piscataway Creek stream valley is identified on the master plan and there is an on-going acquisition program along this creek in accordance with the approved capital facilities program. In addition, based on the Land Preservation and Recreation Program for Prince George's County, the projected level of service for outdoor facilities and parkland indicates a high need for parkland and recreation facilities in the surrounding community.

The applicant proposes dedication of 119 acres toward the Piscataway Creek Stream Valley Park, the entire area comprises 100-year floodplain along the creek. Although the applicant proposed private recreation facilities to fulfill mandatory dedication requirements for parkland, the proposed recreation facilities will serve only the residents of the subject subdivision. The existing level of service for outdoor facilities and parkland in the Brandywine/Cedarville community indicates a high need for parkland and recreation facilities. The demand for ballfields will grow with extensive residential development in southern Prince George's County. DPR staff finds that there is a high need for parkland usable for active recreation. In addition, the applicant is not proposing the construction of the master planned hiker/biker/equestrian trail along Piscataway Creek, nor any trail connectors from the subdivision to the stream valley trail.

Parkland dedication should be extended to the end of proposed Saddle Creek Road (the internal spine road) to provide land for a trail connection to the master planned stream valley trail. Land should be dedicated to meet future requirements for active recreation. To this end, the dedication of 26 acres as shown on DPR Exhibit A is recommended.

The applicant has proposed an alternative offsite dedication to fulfill mandatory parkland dedication requirements. The area is located on the north of Floral Park Road, Tax Map 144-C1,

and includes portions of Parcels 8, 9 and 10 (attached Exhibit A). The applicant proposes to dedicate 36 acres to meet mandatory requirements for this project and the Heritage Reserve subdivision (4-02128) to the south. The application for the Heritage Reserve subdivision has been withdrawn, but the applicant indicates that the application will be resubmitted. The mandatory dedication of parkland requirement for the two projects totals 36 acres.

DPR staff finds that there is a need for the parkland in this area to be usable for active recreation. The proposed offsite parkland on Floral Park Road contains only 22 acres of land suitable for the development of ballfields and supporting facilities and 14 acres of 100-year floodplain and steep slopes. DPR staff finds that the area would be acceptable for the development of a needed public community park.

The area proposed for parkland dedication along the Piscataway Creek on the subject application contains farm ponds. The subject ponds are not designed in accordance with Department of Environmental Resources safety standards and could be a hazard. DPR staff believes that the farm ponds must be breached and the area regraded and restored to a natural state.

At the Planning Board hearing it was determined that at the time of review of the DSP, the DPR will determine if the floodplain parcel containing the farm pond should be adjusted to provide for the dedication of the farm pond to the HOA with the conveyance of the abutting open space parcel. The DPR is concerned about the safety of the farm pond as it exists today without modification.

In summary, the dedication of 119 acres of parkland in the Piscataway Creek Stream Valley and dedication of 26 acres in Saddle Creek Subdivision or 36 acres on Floral Park Road and the provision of proposed private recreation facilities will satisfy master plan recommendations and current zoning and subdivision regulations as they pertain to public parks and recreation in the planned community in accordance with Sections 24-134(a) and 24-137 of the Subdivision Regulations subject to conditions.

9. **Trails**—The adopted and approved Subregion V Master Plan recommends that several trails be located on the subject property. A multiuse (hiker/biker/equestrian), stream valley trail is proposed along the entire length of Piscataway Creek. Discussions are ongoing regarding the Piscataway Creek Stream Valley Trail regarding the location and construction of this master plan facility. Ultimately, the determination of the improvement on park property will be made by DPR.

~~[A multiuse trail is]~~ *Multiuse trails were also proposed through the subject site along Old Marbury Road *and [The applicant should construct the master plan trail on Parcel A from the end of Old Marbury Road, as indicated on the submitted preliminary plan. The trail should be a minimum of eight feet wide and made of asphalt for its entire length. A multiuse trail is proposed] along planned A-65 *with a link to Old Marbury Road. [This trail would be completed at the time of road construction and should be required by the operating agency.] *These trails were proposed as part of an equestrian-themed community which was envisioned on the subject site prior to the cluster subdivision. These trails were incorporated into stream valleys and other

available open space and planned roadways. However, with the removal of the equestrian element from the development, these trails are no longer necessary and are not required. Pedestrian connections in this site will be accommodated by the sidewalks provided along the internal and master planned roads.

The adopted and approved Subregion V Master Plan recommends that Brandywine Road be designated as a Class III bikeway with appropriate signage. Because Brandywine Road is a county right-of-way, the applicant should provide a financial contribution to the Department of Public Works and Transportation (DPW&T) for the placement of this signage. If road frontage improvements are required by DPW&T, wide asphalt shoulders are recommended to accommodate bicycle traffic.

*Denotes Amendment

Underlining indicates new language

[Brackets] and strikethrough indicate deleted language

~~*[The clear, dirt surface (or natural turf) is acceptable for the remaining equestrian trails shown on the preliminary plan. The location and surface type of all trails should be determined at the time of review of the detailed site plan.]~~ The detailed site plan should address that raised crosswalks and signage are strongly encouraged to ensure the safety of trail users at road crossings. In addition to increasing the visibility of the trail crossing to motorists, raised crosswalks also serve to calm traffic. Due to the density of development currently being proposed, standard sidewalks are recommended along both sides of all internal roads.

~~*[All trails not on land dedicated to M-NCPPC, the HOA, or along a public right-of-way should be within a public use easement, which should be clearly marked and labeled on the detailed site plan. The detailed site plan should indicate the width and surface type of all master plan trails, equestrian trails, and feeder trails.]~~

10. **Transportation**—The Transportation Planning Section has reviewed the subdivision application referenced above. The subject property consists of approximately 518.16 acres of land in the R-R Zone. The property is located on the west side of Brandywine Road. The applicant proposes a residential subdivision consisting of 389 single-family detached residences.

The transportation staff determined that a traffic study detailing weekday analyses was needed. In response, the applicant submitted a traffic study dated September 2002. There is a supplement dated January 2003. Staff has also prepared a comprehensive analysis of the area and all pending applications dated May 2003; this will be completed and placed into the file for this case prior to the Planning Board hearing. The findings and recommendations outlined below are based upon a review of these materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*. Comments from the county Department of Public Works and Transportation (DPW&T) and the State Highway Administration (SHA) in the file.

Growth Policy—Service Level Standards

The subject property is located within the Developing Tier, as defined in the General Plan for Prince George's County. As such, the subject property is evaluated according to the following standards:

Links and signalized intersections: Level-of-service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better. Mitigation, as defined by Section 24-124(a)(6) of the Subdivision Ordinance, is permitted at signalized intersections within any tier subject to meeting the geographical criteria in the guidelines.

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Underlining indicates new language

[Brackets] and strikethrough indicate deleted language

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

Analysis of Traffic Impacts

The traffic study for Preliminary Plan 4-02126 examined the site impact at ten intersections in the area:

MD 5/Surratts Road
MD 5/Burch Hill Road/Earnshaw Drive (unsignalized)
MD 5/Moores Road (unsignalized)
MD 5/Brandywine Road
MD 5/MD 373
Brandywine Road/Surratts Road
Brandywine Road/Burch Hill Road (unsignalized)
Brandywine Road/site entrance (unsignalized)
Brandywine Road/Moores Road (unsignalized)
Brandywine Road/Floral Park Road (unsignalized)

Staff observed traffic operations in the area between 6:45 a.m. and 8:15 a.m. on March 25, 2003, in connection with an earlier case. Consistent with findings made during review of the earlier case (Preliminary Plan of Subdivision 4-02106, Buckler property), staff makes the following findings:

1. Severe backups occurred along MD 5 from Surratts Road to a point beyond Brandywine Road. Over this entire four-mile section, traffic proceeds in a stop-and-go condition.
2. Staff observed northbound traffic along Brandywine Road in a backup from MD 223 back through Surratts Road and from Surratts Road back through Thrift Road. At its worst, the backup extended as far south as Symposium Way.
3. Staff drove several routes as a means of comparing travel times from Brandywine Road/Groveton Drive to MD 5/Coventry Way. In the past, staff has consistently contended that with a proposed widening of Surratts Road in place, traffic generated in neighborhoods along Brandywine Road would tend to use Surratts Road to access MD 5 and continue north. Staff believes that this presumption is no longer valid for the following reasons:
 - A. This routing is longer in distance—by 20 percent or more —than routings using Brandywine Road up to MD 223.
 - B. The timing of the signal on the eastbound approach to MD 5 has been adjusted to give more preference to through traffic along MD 5—so much so that average delays spent waiting for a green light exceed three minutes. This is a great deterrent to traffic from the local communities using Surratts Road, regardless of whether the CIP project to widen Surratts Road is implemented or not, and the delay at the MD 5 approach causes this route to be the slower than other routes in the area *despite the backups along Brandywine Road between MD 223 and Surratts Road.*
 - C. The traffic backups along Brandywine Road at the Surratts Road and Thrift Road intersections are so severe that road users encounter considerable delay just getting to Surratts Road.

The Planning Board's guidelines assume that each intersection in a traffic study operates independently of other adjacent intersections (unless the intersections are linked through signal progression or other means). In this circumstance, however, the Brandywine Road/Surratts Road intersection cannot operate independently of either the MD 223/Old Branch Avenue/Brandywine Road intersection or the Brandywine Road/Thrift Road intersection. The submitted traffic study did not review the MD 223/Old Branch Avenue/Brandywine Road or the Brandywine Road/Thrift Road intersections because they are outside of the scope of the traffic study. Further, the Planning Board has determined that these intersections are not critical for the subject property. The intersections are included in the analysis for informational purposes.

At the time of review of the study regarding the subject property, staff had three separate traffic studies with similar study areas, and each with their own set of counts. Because multiple counts are multiple snapshots of traffic flows that naturally vary day by day, basing an analysis on multiple counts is technically superior to basing the analysis on a single count. Furthermore, it is preferable to have a single basis to assist the Planning Board in making consistent findings for a

group of cases. For that reason, staff has produced a comprehensive analysis of the area, using a single assumption for growth and a single set of approved developments with common assumptions of trip distributions for those developments. Also, staff has averaged the available traffic counts where multiple counts were available at the same intersection, with a couple of exceptions. Staff had two counts at the MD 223/Old Branch Avenue/Brandywine Road intersection, and one count was lower on all approaches than the other and was excluded. The lower count was also lower than available hourly state counts that were more than one year old. At MD 5/Surratts Road, staff had three counts. While two counts were relatively close numerically, the third count was inconsistent during the PM peak hour, particularly on the north and east approaches, and was excluded. All three counts were used during the AM peak hour.

The existing conditions at the study intersections are summarized below:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 5 and Surratts Road	1,527	1,283	E	C
MD 5 and Burch Hill Road/Earnshaw Drive	988.4*	+999*	--	--
MD 5 and Moores Lane	+999*	+999*	--	--
MD 5 and Brandywine Road	2,050	2,220	F	F
MD 5 and MD 373	1,623	1,989	F	F
MD 223 and Old Branch Avenue/Brandywine Road	1,571	1,408	E	D
Surratts Road and Brandywine Road	1,585	1,567	E	E
Thrift Road and Brandywine Road	1,107	930	B	A
Brandywine Road and Burch Hill Road	7.9*	7.7*	--	--
Brandywine Road and site entrance	future			
Brandywine Road and Moores Lane	7.7*	7.8*	--	--
Brandywine Road and Floral Park Road	12.2*	21.7*	--	--
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the guidelines, an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are outside of the normal range of the procedure, and should be interpreted as a severe inadequacy.				

The area of background development includes the large industrially zoned area in Brandywine to the east of US 301/MD 5. This area has extensive approved preliminary plans that are 10 to 12 years old, but limited development has occurred in that area over the years, and much of the development has occurred at density levels far short of those previously assumed. Therefore, the

traffic study counts background development within this industrial area at about 10 percent of the level of development that was approved. This recognizes that an increase in the pace of development is unlikely to occur within the next six years, and that major improvements to eliminate the signalized intersections along MD 5 will likely need to be programmed before an increase in development occurs.

Background conditions also assume the widening of Surratts Road between Beverly Drive and Brandywine Road. Given that the project is shown in the current county Capital Improvement Program (CIP) with 100 percent funding within six years, the traffic study includes this improvement as a part of the background condition. However, staff notes that this improvement has an unusually long history of full funding in the CIP without being constructed. The page regarding this improvement from the current CIP for FY 2003 is provided as an attachment.

This improvement is particularly important to traffic circulation in the area. Widening the link of Surratts Road eastward from Brandywine Road may provide an outlet for traffic using Brandywine Road. Also, the intersection improvements at Brandywine Road/Surratts Road that are a part of this CIP project are important because this intersection currently operates poorly, particularly in the AM peak hour.

Background conditions, with the Surratts Road CIP improvement in place, are summarized below:

BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 5 and Surratts Road	1,683	1,450	F	D
MD 5 and Burch Hill Road/Earnshaw Drive	+999*	+999*	--	--
MD 5 and Moores Lane	+999*	+999*	--	--
MD 5 and Brandywine Road	2,183	2,410	F	F
MD 5 and MD 373	1,752	2,159	F	F
MD 223 and Old Branch Avenue/Brandywine Road	1,744	1,627	F	F
Surratts Road and Brandywine Road	1,158	989	C	A
Thrift Road and Brandywine Road	1,252	1,071	C	B
Brandywine Road and Burch Hill Road	8.0*	9.4*	--	--
Brandywine Road and site entrance	Future			
Brandywine Road and Moores Lane	7.8*	8.2*	--	--
Brandywine Road and Floral Park Road	17.3*	107.9*	--	--
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average				

delay for any movement within the intersection. According to the guidelines, an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are outside of the normal range of the procedure, and should be interpreted as a severe inadequacy.

The site is proposed for development as a residential subdivision. The site is proposed to be developed with 389 single-family detached residences. The site trip generation would be 292 AM peak-hour trips (59 in, 233 out) and 350 PM peak-hour trips (229 in, 121 out). The site trip distribution and assignment used in the traffic study has been reviewed in light of the field observations done by staff, and it should be revised to reflect the following:

- 5 percent— north along Brandywine Road and west on MD 223
- 15 percent— north along Brandywine Road and north on Old Branch Avenue
- 10 percent— north along Brandywine Road and east on MD 223
- 4 percent— north along Brandywine Road, east on Surratts Road, and north on MD 5
- 9 percent— north along Brandywine Road, east on Surratts Road, and continuing east
- 36 percent— east from the site via Burch Hill/Moores and north on MD 5
- 5 percent— southeast along Brandywine Road
- 15 percent— south along Brandywine Road onto MD 5
- 1 percent— west along Floral Park Road

Furthermore, the traffic study assumes that the MD 5/Moores Lane intersection will be controlled by a half-signal that will only stop southbound traffic along MD 5. In order to minimize the impact of this signal on southbound peak period traffic, the signal would not operate during the PM peak period, and all traffic going northbound along MD 5 that would normally use this signal during the PM peak would instead be assigned northbound along Brandywine Road to Surratts Road, where this traffic would proceed to the MD 5 signal and turn left. With the revised trip distribution and assignment, subject to the assignment limitation used in the traffic study, we obtain the following results under total traffic:

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 5 and Surratts Road	1,719	1,506	F	E
MD 5 and Burch Hill Road/Earnshaw Drive	+999*	+999*	--	--
MD 5 and Moores Lane	+999*	+999*	--	--
MD 5 and Brandywine Road	2,183	2,428	F	F
MD 5 and MD 373	1,757	2,168	F	F
MD 223 and Old Branch Avenue/Brandywine Road	1,805	1,669	F	F
Surratts Road and Brandywine Road	1,233	1,041	C	B

Thrift Road and Brandywine Road	1,357	1,170	D	C
Brandywine Road and Burch Hill Road	8.1*	29.2*	--	--
Brandywine Road and site entrance	16.0*	420.6*		
Brandywine Road and Moores Lane	11.7*	11.7*	--	--
Brandywine Road and Floral Park Road	21.1*	188.0*	--	--
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the guidelines, an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are outside of the normal range of the procedure, and should be interpreted as a severe inadequacy.				

Given these analyses, staff finds that several intersections within the study area would operate unacceptably in both peak hours. Each of these intersections, plus the Brandywine Road/Surratts Road intersection (which is part of the link of Surratts Road proposed for improvement by the CIP) are discussed in separate sections below.

MD 5/Surratts Road

In response to the inadequacy at the MD 5/Surratts Road intersection, the applicant has proffered mitigation. This intersection is eligible for mitigation under the third criterion in the Guidelines for Mitigation Action (approved as CR-29-1994). The applicant recommends the improvements described below to mitigate the impact of the applicant's development in accordance with the provisions of Sec. 24-124(a)(6). The improvements include:

1. The addition of a northbound left-turn lane along MD 5.
2. The addition of a southbound left-turn lane along MD 5.

The impact of the mitigation actions at this intersection is summarized as follows:

IMPACT OF MITIGATION				
Intersection	LOS and CLV (AM & PM)		CLV Difference (AM & PM)	
MD 5/Surratts Road				
Background Conditions	F/1683	D/1450		
Total Traffic Conditions	F/1719	E/1506	+36	+56
Total Traffic Conditions w/Mitigation	E/1653	D/1449	-66	-89

As the CLV at MD 5/Surratts is between 1,450 and 1,813 during the AM peak hour, the proposed

mitigation action must mitigate at least 150 percent of the trips generated by the subject property during the PM peak hour, according to the guidelines. The above table indicates that the proposed mitigation action would mitigate at least 150 percent of site-generated trips during the AM peak hour, and it would provide LOS D during the PM peak hour. **Therefore, the proposed mitigation at MD 5 and Surratts Road meets the requirements of Section 24-124(a)(6)(B)(i) of the Subdivision Ordinance in considering traffic impacts.**

The mitigation plan was reviewed by DPW&T and SHA. Comments from both agencies are provided under a separate heading later in this memorandum. SHA agreed that the mitigation was acceptable. DPW&T did raise a slight objection to the mitigation that was proposed, and that is discussed later in this memorandum under a separate heading.

The Planning Board ~~should be~~ is aware that there are two other properties in the area that have subdivision applications pending at this time. These are:

1. Walls Property, 4-03003: This development of 289 residences is located on the east side of Brandywine Road north of Brooke-Jane Drive. Staff estimates that this development would increase the CLV at the MD 5/Surratts Road intersection by 57 units in the AM peak hour and 20 units in the PM peak hour.
2. White Property, 4-03014: This development of 136 residences is located immediately west of the Buckler property with access through the Buckler property. Staff estimates that this development would increase the CLV at the MD 5/Surratts Road intersection by 28 units in the AM peak hour and 9 units in the PM peak hour.

At this point, using a common analytical approach and common traffic counts from multiple days, it does not appear that the succeeding developments can be approved. However, each development has a separate traffic study and a separate transportation facilities mitigation plan, and the Transportation Planning Section will analyze each application on its own merits.

MD 5/Brandywine Road and MD 5/MD 373

The traffic study identifies inadequacies at both MD 5/Brandywine Road and MD 5/MD 373. The Planning Board found in 1990 that future development overwhelms this existing intersection and several others along US 301 and MD 5 in the Brandywine area, and little has changed to alter that finding. The Planning Board approved the creation of a road club, known as the Brandywine Road Club, to assist in the funding of the needed road improvements. The improvements that are part of a Brandywine road club would provide adequacy in the area by widening the major facilities and by replacing the signalized intersections with interchanges. The use of a pro-rata share toward these interchanges was used to approve a number of major developments prior to 1993. Staff has however, raised concerns that allowing applicants to “participate in” improvements that provide adequacy may not be consistent with a current reading of Section 24-124

In 1993, the Subregion V Master Plan was adopted. The *Subregion V Master Plan* discusses road clubs and includes a recommendation that strict conformance to the transportation adequacy “may

be tempered, in selected cases, by the use of mechanisms such as road clubs” for funding roads in the area. Road clubs were cited as one of several strategies to provide a balanced relationship between land development and the provision of adequate public facilities. The Planning Board has determined that the MD 5/Brandywine Road and the MD 5/MD 373 intersections are appropriate locations for the use of a road club, consistent with the master plan.

MD 5/Burch Hill/Earnshaw and MD 5/Moores

The traffic study identifies inadequacies at both of the unsignalized intersections of MD 5/Burch Hill/Earnshaw and MD 5/Moores. In response to the inadequacy, the applicant recommends that a half-signal be studied and installed at MD 5/Moores in order to serve traffic generated by the subject development. As noted earlier, this half-signal would stop southbound traffic while allowing northbound traffic to continue through the intersection. It would also not be operational during the PM peak period.

Staff is aware that signalization at MD 5/Burch Hill/Earnshaw is currently under review by SHA by means of a signal warrant study provided by a development off of Earnshaw Drive on the east side of MD 5, and for that reason staff is not recommending that the subject property also study this intersection.

At MD 5/Moores, staff is very concerned about the presumption that a signal would not be operational during certain hours of the day. There are few roads in this part of the county, and a diversion that would occur during the nonoperational hours would involve a sizable distance. Furthermore, Moores Lane is not a very direct route between the subject property and MD 5, nor is it a quality roadway. For that reason, staff remains concerned that residents might not prefer Moores Lane in general as a means to access MD 5, but will instead utilize Brandywine Road to the north. However, neither SHA nor DPW&T indicated issues with this arrangement, and for that reason **and that reason alone** the Transportation Planning Section will accept this half-signal as a means of providing adequate transportation facilities in this immediate area.

Brandywine Road/Surratts Road, MD 223/Old Branch/Brandywine Road, and the Adjacent Link of Surratts Road

As noted earlier, an improvement is funded in the FY 2003 CIP. This improvement would include the link of Surratts Road between Brandywine Road and Beverly Drive; also, the Brandywine Road/Surratts Road intersection. Although including this improvement is perfectly legal, staff has reservations about its inclusion given its status in the CIP. As noted earlier, construction funding had not moved forward for several years, and the project has been deferred in succeeding documents.

In order to relieve the inadequacies at Brandywine Road/Surratts Road, staff would recommends the following improvements on the approaches:

1. Provide separate through and right-turn lanes along northbound Brandywine Road.
2. Provide two through lanes and an exclusive left-turn lane along southbound Brandywine Road.

3. Provide an exclusive left-turn lane and a shared right-turn/left-turn lane along westbound Surratts Road.

In order to relieve the inadequacies at MD 223/Old Branch Avenue/Brandywine Road, staff would recommends the following improvements on the approaches:

1. Provide separate left turn, through, and right turn lanes along northbound Brandywine Road, with a needed widening along Brandywine Road south of MD 223 to receive two through lanes.
2. Reconfigure southbound Brandywine Road to provide an exclusive left turn lane, and exclusive through lane, and a shared through/right turn lane.
3. Provide an exclusive left turn lane, an exclusive through lane, and a shared through right turn westbound MD 223.
4. Provide an exclusive left turn lane, two through lanes, and an exclusive right turn lane along eastbound MD 223.
5. With the elimination of shared left turn lanes along MD 223, convert the current split-phase signal operation along MD 223 to shared phase operation.

The Planning Board finds, however, that (a) the MD 223/Old Branch Avenue/Brandywine Road intersection is outside of the scope of the traffic study; and (b) the Brandywine Road/Surratts Road intersection is fully funded for improvement in the current county CIP. In making these findings, the Planning Board determines that it is not appropriate for the subject property to be responsible for the list of improvements described above. In light of the concerns raised by staff and local residents, the applicant proffered to contribute funds toward the construction of the improvements described above. The Planning Board determines that it is appropriate to accept the applicant's proffer of \$1,393 per residence toward the cited improvements and that the applicant's proffer is consistent with the methodology used for the Buckler Property (4-02106) subdivision. This number is based upon staff's determination that the subject property has approximately two-thirds of the impact per residence, compared with the Buckler Property, on the MD 223/Old Branch Avenue/Brandywine Road intersection. It is also based upon staff's final determination that the site has 160 peak hour trips using the Brandywine Road/Surratts Road intersection, and 64 peak hour trips using the link of Surratts Road east of Brandywine Road.

Brandywine Road and Site Access

The traffic study recommends the conduct of a traffic signal warrant study at this location, and staff agrees with this recommendation.

Brandywine Road and Floral Park Road

The traffic study recommends that the eastbound approach of this intersection be restriped to provide separate right turn and left turn lanes. Staff generally agrees with this recommendation,

but believes that a minor widening will be required to accomplish the improvement.

Comments—Operating Agencies

Both DPW&T and SHA have provided comments on the traffic study, and the comments are attached. DPW&T had several comments:

1. DPW&T recommends that the applicant provide for acceleration and deceleration lanes along southbound Brandywine Road, as well as a northbound left turn bypass lane, at the site entrance. These requests are appropriate conditions.
2. DPW&T notes the disparity in traffic volumes between the various studies and indicates that the northbound double left turn lane is not appropriate due to the low traffic volume. Regarding the disparity, staff is utilizing a common set of numbers to analyze the various current applications and has averaged the various counts where multiple counts exist, subject to the notes earlier in this memorandum. Staff generally agrees that the northbound dual left turn lane may be difficult to justify, but notes that SHA, who is the responsible permitting agency for this improvement, did not raise an objection.
3. DPW&T has noted the funding issue with the Brandywine Road/Surratts Road intersection, and staff is addressing this concern.
4. DPW&T requests a link analysis of Brandywine Road between MD 223 and Surratts Road and an analysis between Surratts Road and MD 5. Particularly if a signal is studied and installed at the site access to Brandywine Road, the signals generally control the flow of traffic up and down the corridor. For that reason, the guidelines do not recommend the study of a link less than two miles in length between signalized intersections. Although the link between the subject property and Thrift Road is marginally two miles in length, no other portions of Brandywine Road would be eligible for a link analysis.

SHA offered no comments other than to recommend strategies for mitigation at the MD 5/Brandywine Road and the MD 5/MD 373 intersections. Staff reviewed the mitigation actions suggested by SHA, and while they did offset trips, they did not improve critical lane volumes to 1,813 in both peak hours, which is a requirement for the approval of a mitigation action. Therefore, staff will hold to the earlier recommendation at these intersections.

A-65 Master Plan Arterial

Brandywine Road is a master plan collector facility, and the plan correctly reflects dedication of 40 feet from centerline. The Subregion V Master Plan shows an arterial facility, designated as A-65, crossing the subject property from east to west. The subject plan, when submitted, recognized this right-of-way; however, it moved the right-of-way closer to the creek along the southern edge of the property, and the plan initially proposed to place the right-of-way in reservation.

Procedurally, staff has not supported the concept of reservation from the time of application, and did not refer the plan out to the operating agencies regarding possible purchase of the right-of-way. Staff had four reasons for procedurally opposing the reservation:

1. The area proposed for reservation was not proposed for lots, suggesting that there was no real intent to develop within the right-of-way. The use of reservation is intended to delay potential development so that a public agency can complete the purchase of land for a planned public facility. The current revised plan bears this out by placing all of this land, previously proposed for reservation, into the homeowners' open space or open space retained in private ownership.
2. If the area proposed for reservation is part of the homeowners' open space, it would not be taxed. Therefore, there would have been no financial benefit of reservation.
3. Staff believes that there is a strong need for this facility related to the development of the site, and these reasons will be explained below. When a nexus exists between a planned facility and the adjacent development, dedication and not reservation should be ideally pursued.
4. The routing initially proposed was along a different alignment than shown in the master plan, and DPW&T has indicated that, if the roadway is publicly constructed in the future, the government will incur greater costs for side slope grading in that location than with the master plan location.

The Transportation Planning Section strongly believes that there is a need for the A-65 facility to be dedicated and partially constructed concurrently with development in the area. In the case of the subject property, most of the development is centered upon a single primary residential roadway connection to Brandywine Road. The current plan places 354 lots along this single point of access. A single point of access to 354 residences should pose concerns for access to emergency services. If the single access point were blocked for any reason, this large community, when developed, would be blocked from access by police, fire, and ambulance services. In such an instance, residents could also be blocked from access to their homes. Furthermore, DPW&T does not consider a single primary roadway to be an acceptable roadway to serve so many lots, particularly given that the ultimate A-65 facility may not be buildable on the land set aside for it.

It is evident that there are severe transportation issues north of the subject property, and these issues result, in part, from the lack of transportation alternatives. A-65 was placed on the master plan in order to provide better access to MD 223, MD 210, and other locations without a reliance upon Brandywine Road. The Subregion V Technical Bulletin, which was prepared in connection with the Subregion V Master Plan, projected that an average of 26,200 vehicles per day would use A-65 as it crosses the subject property. Without A-65, this traffic would use MD 5 or Brandywine Road, and both facilities currently experience adequacy issues now and into the future.

At one time, the 1973 Subregion V Master Plan showed both the Outer Beltway and the Southeast Expressway in order to address specific access and circulation issues in the southern part of Prince George's County. Those facilities have been deleted from the master plan; the function of these two significant facilities remains with the A-65 arterial facility.

The applicant provided testimony at the hearing from an expert land planner and an expert transportation consultant on the nexus between the proposed subdivision and A-65. They testified that the purpose of A-65 as stated in the 1993 Subregion V Master Plan and Sectional Map Amendment is “primarily to serve traffic generated by Employment Area ‘H’” and is identified as a “later need.” Further, they testified that constructing a half section of A-65 was not needed to serve the proposed subdivision from a safety standpoint. In response to staff’s concern, the transportation consultant recommended that traffic be slowed in the proposed subdivision by widening the main entrance road into the subdivision to 80 feet to the first four-way intersection (approximately 700 feet), providing a traffic calming device (such as a traffic circle) at this intersection and one other four-way intersection in the subdivision.

Neither dedication of A-65 nor the provision of a collector facility through the community are options which are deemed acceptable by the Planning Board. The current plan designates parcels which would denote a location for proposed A-65. All parcels within the located right-of-way should be labeled as follows: “To be retained in private ownership for the future construction of the A-65 arterial facility, as designated on the 1993 *Subregion V Approved Master Plan and Sectional Map Amendment*”. Considering the nature of A-65 as a future planned facility and its uncertain timetable for construction, the Planning Board determines that designating parcels in this way is an appropriate means of preserving the A-65 right-of-way. The Planning Board also determines that the proposed amendment to the plan recommended by the applicant to reduce the speed of vehicles within the Subdivision are appropriate.

It is important that A-65 be accommodated in some direct way on this plan. Many of the recommendations for the Tippet community in the Subregion V Master Plan are based upon the recommendation of an arterial facility, namely A-65, linking MD 5, MD 223, and MD 210 from southeast to northwest. If A-65 is never realized, there is a strong likelihood that many of the zoning and land use recommendations within the Tippet community, as envisioned in the Subregion V Master Plan, cannot be implemented. The plan proposed by the applicant accommodates A-65.

Based on the preceding findings adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Subdivision Regulations.

11. **Schools**—The Historic Preservation 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 Adequate Public Facilities Regulations for Schools (CR-23-2001 and CR-38-2002) and concluded the following:

Finding

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 5	Middle School Cluster 3	High School Cluster 3
Dwelling Units	389 sfd	389 sfd	389 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	93.36	23.34	46.68
Actual Enrollment	4452	4598	8393
Completion Enrollment	180	66	132
Wait Enrollment	20	15	29
Cumulative Enrollment	43.20	46.86	93.72
Total Enrollment	4788.56	4749.20	8694.40
State Rated Capacity	4175	5114	7752
Percent Capacity	114.70%	92.87%	112.16%
Funded School	N/a	N/a	Surrattsville Addn.

Source: Prince George's County Planning Department, M-NCPPC, January 2003

The affected elementary and high school cluster percent capacities are greater than 105%. There is no Funded School in the affected elementary cluster. The Surrattsville addition is the Funded School in the affected high cluster. Therefore, this subdivision can be approved with a six-year waiting period in accordance with Section 24-122.02. of the Subdivision Regulations.

*[10.] 12. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of fire and rescue facilities and concluded the following:

- a. The existing fire engine service at Brandywine Fire Station, Company 40, located at 14201 Brandywine Road has a service travel time of 5.25 minutes, which is within the 5.25-minute travel time guideline for lots **generally** within 2,400 feet of Brandywine Road. Adequacy is based on road alignment and shall be further determined at the time of DSP. All other lots are beyond.

*Denotes Amendment

Underlining indicates new language

[Brackets] and strikethrough indicate deleted language

- b. The existing ambulance service at Brandywine Fire Station, Company 40, located at 14201 Brandywine Road has a service travel time of 6.25 minutes, which is within the 6.25-minute travel time guideline for lots **generally** within 4,800 feet of Brandywine Road. Adequacy is based on road alignment and shall be further determined at the time of DSP. All other lots are beyond.
- c. The existing paramedic service at Brandywine Fire Station, Company 40, located at 14201 Brandywine Road has a service travel time of 7.25 minutes, which is within the 7.25- minute travel time guideline for lots **generally** within 2,400 feet of Brandywine Road. Adequacy is based on road alignment and shall be further determined at the time of DSP. All other lots are beyond.

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*. Staff Exhibit "A" generally defines the parameters discussed above.

In order to alleviate the negative impact on fire and rescue services due to the inadequate service discussed, the Fire Department recommends that a fire suppression system be installed in all residential structures in accordance with National Fire Protection Association Standard 13D and all applicable Prince George's County laws. Since this is a matter of existing law, no condition is necessary.

The Historic Preservation and Public Facilities Planning Section has concluded that a significant number of lots proposed for this development are beyond the recommended response time standards from existing facilities that provide ambulance service and/or paramedic service. This finding is based on using the existing road system and existing stations as well as evaluating the proposed street alignments within the subdivision.

The staff of the HP&PFP found that the planned Brandywine Special Study Area Emergency Services Facility would be the first new station that will provide ambulance and paramedic service to this development. The cost of this emergency services facility ambulance and paramedic is \$1,535,000.

In order to mitigate the paramedic and ambulance response time deficiencies, the staff recommends that the applicant participates in providing a fair share contribution toward the construction of the Brandywine Special Study Area Emergency Services Facility. The fee amount is based on the construction cost of the facility (\$1,275,000), ambulance (\$130,000) and paramedic unit (\$130,000) divided by the total amount of residential and employment population within the entire service area in 2006 (10,024). The service area includes those areas that will be served by the planned facility. The fair share fee for the units, which are beyond response time standards for ambulance service only is \$141 per person for 119 lots and \$153.13 per person for 112 lots that are beyond response time standards for paramedic and ambulance service.

However, it is staff's understanding that the final design and layout of this subdivision may still be under consideration. Changes to the final street layout may alter the findings and the amounts collected to mitigate the deficiencies in rescue and ambulance services.

Paramedic and Ambulance Fee

2006 service area population/workers=10,024

Station Cost of \$1,535,000/10,024=\$153.13 per person

\$153.13 x 3.13 planning area household size=\$479.29 per du/\$480. The subject development has 112 dwelling units beyond response time standards for both services. Hence, fair share=112 lots x \$480=fee of \$53,760

Ambulance Only Fee

2006 service area population/workers=10,024

Station Cost of \$1,405,000/10,024=\$140.16 per person

\$140.16 x 3.13 planning area household size=\$439.7 per du/\$440. The subject development has 119 dwelling units beyond response time standards. Hence, fair share=119 lots x \$440=fee of \$52,360

Total fee=\$53,760+\$52,360=\$106,120

The Historic Preservation and Public Facilities Planning Section recommends that the following condition be applied to Preliminary Plan of Subdivision 4-02126.

Staff recommends that the applicant provide a fee to Prince George's County, which will serve as a fair share contribution toward the construction of the Brandywine Special Study Area Station and acquisition of an ambulance and paramedic unit. The fee is based upon the cost of the facility, paramedic unit, and ambulance, divided by the expected population of the service area. The fee should be paid prior to the issuance of each building permit and shall be determined at the time of DSP based on the above formula.

*[~~14.~~] 13.

Police Facilities—The proposed development is within the service area for Police District V-Clinton. In accordance with Section 24-122.01(c) of the Subdivision Regulations, the existing county police facilities will be adequate to serve the proposed Saddle Creek development. This police facility will adequately serve the population generated by the proposed subdivision.

*Denotes Amendment

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*[~~12.~~] 14. **Health Department**—The Health Department has noted that numerous old barns in varying degrees of maintenance are scattered throughout the property. A raze permit is required through the Department of Environmental Resources prior to the removal of any barns or other existing buildings. Any hazardous material located in any structures on site must be removed and properly discarded prior to the structures being razed.

All trash, abandoned farm equipment, empty oil storage tanks, and other debris that has been dumped on the property (especially around the old barn sites) must be removed and properly disposed. Any hazardous materials located on the site must be removed and properly stored or discarded.

Numerous tires were found in the vicinity of the old barns. The tires must be hauled away to a licensed scrap tire disposal/recycling facility and a receipt submitted to the Health Department.

*[~~13.~~] 15. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan, # 30920-2002-00, 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.~~] 16. **Cemeteries**—Section 24-135.02 of the Subdivision Regulations establishes that when a proposed preliminary plan of subdivision includes a cemetery within the site, and there are no plans to relocate the human remains to an existing cemetery, the applicant shall observe the following requirements:

- (1) The corners of the cemetery shall be staked in the field prior to preliminary plat submittal. The applicant shall maintain the stakes until preliminary plat approval.
- (2) An inventory of existing cemetery elements (such as walls, gates, landscape features and tombstones, including a record of their inscriptions) and their condition shall be submitted as part of the preliminary plat application. The applicant has provided a cemetery inventory.
- (3) The placement of lot lines shall promote long-term maintenance of the cemetery and protection of existing elements. This shall be further evaluated at the time of review of the Detailed Site Plan (DSP)

*Denotes Amendment

Underlining indicates new language

[Brackets] and strikethrough indicate deleted language

- (4) An appropriate fence or wall constructed of stone, brick, metal or wood shall be

maintained or provided to delineate the cemetery boundaries. The Planning Board shall approve the design of the proposed enclosure and a construction schedule at the time of review of the Detailed Site Plan.

- (5) The cemetery shall be protected by arrangements sufficient to assure the Planning Board of its future maintenance and protection to be determined at the time of review of the DSP. The applicant shall establish a fund in an amount sufficient to provide income for the perpetual maintenance of the cemetery. These arrangements shall ensure that stones or markers are in their original location. Covenants and/or other agreements shall include a determination of the following:
 - (A) Current and proposed property ownership;
 - (B) Responsibility for maintenance;
 - (C) A maintenance plan and schedule;
 - (D) Adequate access; and
 - (E) Any other specifications deemed necessary by the Planning Board.
- (6) Appropriate measures to protect the cemetery during the development process shall be provided, as deemed necessary by the Planning Board.
- (7) Upon approval of a preliminary plat of subdivision, any cemetery approved in accordance with this section that does not meet the regulations of the zone in which it is located shall be deemed to be a certified nonconforming use unless otherwise specified by the Planning Board.

*[~~15.~~] 17. **Flag Lots**—At the Planning Board hearing the applicant requested the flexibility to propose standard flag lots at the time of DSP review. Staff agreed that the use of flag lots on this property could be appropriate if all of the design standards required by the Subdivision Regulations and Zoning Ordinance were met. The applicant originally proffered to limit the number of flag lots at the Planning Board hearing, staff however, indicated that limiting the number of flag lots at this time was not necessary as long as the flag lots would be provided at a minimum of 20,000 square feet exclusive of the flag stem. The applicant agreed and the Planning Board did not set a limit on the number of flag lots. The use of flag lots is a function of the review of the lotting pattern proposed. The location and number of flag lots are determined through *~~he~~ the review of the preliminary plan, however; again the review of this application was unique.

*Denotes Amendment

Underlining indicates new language

[Brackets] and strikethrough indicate deleted language

This 500+ acre project has unique topographical conditions, with the northern property

boundary along Piscataway Creek and the southern boundary along Piscataway Creek Tributary #6. The topography is often quite steep, sloping towards those streams, with ravines that drain into the stream valleys in several places. These topographic constraints define developable parts of the property as small pockets of land, but offer the opportunity to incorporate the wooded valleys into the site plan, dividing development into defined 'pods' and giving house sites excellent views of the ravines and valleys.

For this reason we request the ability to utilize flag lots as a design concept throughout the development process, to allow lots which take advantage of the potential views of the valleys, while limiting the amount of street frontage required to the flag stem only. It is understood that all lots will meet the 20,000 SF minimum net lot area requirement outside of the flag stem. It is also understood that the buffer-yard requirements will be met with plantings, as necessary, at the time of detailed site plan, dependent upon the final orientation of each house, per Section 24-138.01(d)(6) of the Subdivision Ordinance.

After careful study of the site's topographic constraints, we have concluded that the proposed road and lot layout is the most practical and suitable. This layout results in several secondary road alignments, with pockets of developable acres remaining that are suitable for four to five lots. The typical approach would be to extend a very short cul-de-sac in these areas to serve four to five lots, however, a more ecologically sensitive approach is to place two lots on the main road with two flag lots behind, which eliminates unnecessary infrastructure (i.e. water, sewer, stormdrain, street lights and roadway), reduces public maintenance and preserves green space. Flag lots will only be proposed at strategic locations, where they are justified by the above intents, to produce advantageous site lots with reduced frontage but good views and orientations.

Per Section 27-441(b) of the Zoning Ordinance, flag lots are permitted in the R-R Zone in accordance with Section 24-138.01 of the Subdivision Ordinance.

(a) The design is clearly superior to what would have been achieved under conventional subdivision techniques.

The developable area of the site is limited, and broken into small 'pods' by the environmental constraints reflected by the expanded buffer delineation. The proposed road layout allows efficient lot yields while still providing adequate internal circulation and sufficient points of ingress and egress. The use of flag lots allows the applicant to maintain green space for future residential enjoyment and to reduce infrastructure for the development, yet still meet minimum development requirements for flag lots in the R-R Zone.

(b) The transportation system will function safely and effectively; and

The applicant has provided an adequate and sufficient transportation system. There are various points of ingress and egress to the residential lots. The flag lots will in no way create potential hazards for pedestrians or vehicles on the proposed road system.

(c) The use of flag lots will result in the creative design of a development that blends harmoniously with the site and with adjacent development; and

The use of flag lots allows the applicant flexibility in providing the best site design suitable to the topographic constraints of this property. Such development, and the use of flag lots, will not create any adverse effects to the balance of the site or to surrounding residential developments. The ability to employ flag lots will be quite important at time of Detailed Site Plan, when more precise street grades are established and full grading of the site has been studied in more detail. The flexibility to utilize this design tool at the time of Detailed Site Plan provides the greatest flexibility in achieving the best ultimate layout.

(d) The privacy of adjoining property owners has been assured in accordance with the evaluation criteria established above.

The privacy of each individual lot is assured through adherence to the applicable setback regulations and buffer-yard requirements for flag lots, as dictated by the Subdivision Regulations. The type of plantings to be placed in the buffer-yards will be selected at time of detailed site plan.

*[16-] 18. At the Planning Board hearing property owners abutting to the north testified that are served by Marbury Road and that a portion of Marbury Road was constructed on the subject property, outside the right-of-way. It appears that Marbury Road is an “OP” road, other public right-of-way. The applicant proffered to create a parcel and convey that portion of the subject property containing Marbury Drive to DPW&T or the appropriate authority at the time of record plat. In addition the applicant proffered to provide a minimum 10-foot bufferyard along Marbury Road for screening of the adjacent dwellings on Marbury Road. Access from the subject property to Marbury Road will be denied.

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.

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*Denotes Amendment
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[Brackets] and strikethrough indicate deleted language

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 Lowe, seconded by Commissioner Scott, with Commissioners Lowe, Scott, Eley, Vaughns and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, May 15, 2003, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 10th day of July 2003.

*This is to certify that the foregoing is a true and correct copy of the reconsideration action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Geraldo, seconded by Commissioner Bailey, with Commissioners Geraldo, Bailey, and Hewlett voting in favor of the motion, and with Commissioners Doerner and Washington absent at its regular meeting held on Thursday, May 30, 2019, in Upper Marlboro, Maryland. The adoption of this amended resolution based on the reconsideration action taken does not extend the validity period.

Adopted by the Prince George's County Planning Board this 20th day of June 2019.

Elizabeth M. Hewlett
Chairman

By Jessica Jones
Planning Board Administrator

EMH:JJ:JO:gh

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