

R E S O L U T I O N

WHEREAS, Alfred H. Smith is the owner of a 26.87-acre parcel of land known as Parcels 34 and 57, being located on Tax Map 135 and Grid E-3, said property being in the 11th Election District of Prince George's County, Maryland, and being zoned R-E; and

WHEREAS, on February 26, 2004, Chesapeake Custom Homes filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for two lots and three parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-04013 for Brandywine Crossing was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on June 24, 2004, 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 June 24, 2004, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED the Type I Tree Conservation Plan (TCPI/54/03), and further APPROVED Preliminary Plan of Subdivision 4-04013, for Lots 1-21 and Parcels A, B, and C with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the plan shall be revised as follows:
 - a. To relabel the "reservation" as dedication along the property's frontage with MD 301.
 - b. To establish a front building setback on Lot 7 at 70 feet from the front street line and a front building setback on Lot 6 at 90 feet from the front street line.
 - c. To relabel Lot 10 as Parcel C, to be dedicated to the homeowners association for private recreational facilities, and renumber lots accordingly.
2. Prior to the issuance of permits, a Type II tree conservation plan shall be approved.
3. Development of this site shall be in conformance with the approved Stormwater Management Concept Plan, # 4182-2004-00 or revision thereto.

4. Prior to the approval of the final plat of subdivision, the applicant will obtain approval from the Department of Environmental Resources (DER) of the technical stormwater management plan. Adjustments to the lot layout may occur to accommodate these facilities and the necessary outfalls on site.
5. Prior to the approval of the final plat of subdivision, a limited detailed site plan shall be approved by the Planning Board or its designee for the stormwater management facilities on Parcels A and B. Review shall include but not be limited to additional requirements for landscaping and ornamental fencing to ensure pleasing views of these facilities from adjoining lots and neighboring properties.
6. The record plat of subdivision shall establish a front building setback on Lot 7 at 70 feet from the front street line and a front building setback on Lot 6 at 90 feet from the front street line.
7. 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.
8. At the time of final plat, the applicant, his heirs, successors and/or assignees shall convey to the homeowners association (HOA) 1.53± acres of cluster open space land (Parcels A and B). 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 the 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. 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.
- 10. Prior to signature approval of the Type I TCP, the woodland conservation worksheet shall be revised as follows:
 - a. Provide for the woodland conservation requirements on-site to the greatest extent possible.
 - b. Add a table itemizing the area of existing woodland, woodland cleared, WCA preservation, WCA afforestation, WCA reforestation, and woodland saved not counted, for each lot;
 - c. Add a note regarding the presence or absence of rare, threatened, or endangered species on the site; and
 - d. Have the revised plan signed and dated by the qualified professional who prepared the plan.
- 11. Any off-site woodland mitigation shall be located in the Piscataway Creek subwatershed as the first alternative and in the Potomac River watershed as the second alternative.
- 12. 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/54/03), 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.”
- 13. Prior to the approval of a TCPII for the subject property, any adjacent tree conservation plans that are impacted by the development of this site shall be revised to reflect impacts necessary for required utilities.
- 14. Technical stormwater management plans for the subject property shall not include impacts to the adjacent off-site woodland mitigation bank (TCPII/08/01).
- 15. At time of final plat, the area that includes the delineated “expanded stream buffer” shall be described by bearings and distances and shall be placed a conservation easement. 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.”

16. At time of final plat, the 75-foot-wide landscape easement adjacent to US 301 shall be delineated and the following note shall be placed on the plat:

“The landscape easement delineated on this plan, required by Section 4.6 of the Prince George’s County *Landscape Manual*, is an area where the installation of structures and/or 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 in allowed.”
17. Prior to the issuance of any building permits within the subject property, the applicant shall conduct a traffic signal warrant study at the intersection of US 301 and Dyson Road. The performance of a new study may be waived by SHA in writing if SHA determines that an acceptable recent study has been conducted. If a traffic signal is deemed warranted by SHA, the applicant shall bond a pro-rata share of the cost of the signal, provided that full funding for the signal, through any combination of public funding and funding by other private parties, is available, and provided that an equitable arrangement can be coordinated with SHA. Otherwise, the applicant shall bond the full cost of the signal prior to the release of any building permits within the subject property and install it at a time when directed by SHA. The applicant will be responsible for any additional pavement markings and signage at the intersections.
18. US 301 is a master plan freeway with a proposed right-of-way of 350 feet. The plan reflects adequate right-of-way of 175 feet from centerline. At the time of final plat approval, the applicant shall dedicate right-of-way along US 301 as shown on the submitted plan.
19. Prior to the first building permit a limited detailed site plan shall be approved by the Planning Board for recreational facilities to be provided on Parcel C in the amount of a value of no less than \$50,000. The contribution does not include the land value of Parcel C. Development of the private recreational facilities on Parcel C shall include a tot-lot. Timing for the construction of the recreational facilities shall be determined at the time of review of the limited detailed site plan.
20. Prior to the first building permit, or as determined by the Planning Board, the applicant, his heirs, successors and/or assignees shall submit three original Recreational Facilities Agreements (RFA) to DRD for approval for construction of recreational facilities on Parcel C. Upon approval by DRD, the RFA shall be recorded among the county Land Records.
21. Prior to the first building permit, or as determined by the Planning Board, the applicant, his heirs, successors and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for the construction of recreational facilities on homeowners land.

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

1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.
2. The property is located on the southeast side of US 301, three-quarters of a mile north of Dyson Road.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	R-E	R-E
Use(s)	Vacant	Residential
Acreage	26.87	26.87
Lots	0	21
Parcels	2	3
Dwelling Units:		
Detached	0	21

4. **Environmental**—This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the property is greater than 40,000 square feet gross tract area, there are more than 10,000 square feet of existing woodland, and more than 5,000 square feet of woodland clearing is proposed. A revised Type I Tree Conservation Plan (TCPI/54/03) was submitted on June 9, 2004.

The revised tree conservation plan has been reviewed. The woodland conservation threshold for this site is 6.72 acres plus additional acres due to removal of 16.93 acres of woodland, for a total minimum requirement of 10.95 acres of woodland conservation. The TCPI proposes to meet the requirement with 7.80 acres of on-site preservation and 3.15 acres of off-site mitigation.

In a residential development with large lots and good quality woodlands, the Environmental Planning Section encourages the provision of woodland conservation on site to the greatest extent possible. The TCPI currently proposes providing almost 30 percent of the woodland conservation requirement off site. The TCPI should be revised to increase and provide a greater percentage of on-site woodland conservation. Any off-site woodland conservation should be provided within the Piscataway Creek subwatershed as the first alternative and within the Potomac River watershed as the second alternative.

There are no streams, nontidal wetlands, or 100-year floodplain located on this property, but an expanded stream buffer associated with the property directly north of this site extends onto the northern portion of the property. The site is fully wooded and the topography is gently sloping toward the unnamed tributary to Piscataway Creek on the adjacent property to the east. No

impacts to expanded stream buffer (primary management area) are shown on the revised preliminary plan.

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 lot. There are no designated scenic and historic roads located adjacent to the property or in the vicinity of the property.

Crain Highway (US 301) is a master-planned freeway (F-10) with a right-of-way of 350 feet. The current traffic volume is 30,850 vehicles per day. The estimated location of the 65 dBA Ldn noise contour based on the Environmental Planning Section noise model is 283 feet from the centerline of US 301 using 10-year traffic projections. The preliminary plan and TCPI have been revised to show the location of the 65-dBA Ldn noise contour. The location of the noise contour does not impact any proposed dwellings or the assumed 40-foot-wide active rear yard.

The Subdivision Ordinance requires a minimum lot depth of 300 feet adjacent to a freeway, which all lots adjacent to Crain Highway (US 301) meet. In addition, the *Landscape Manual* requires a Section 4.6 residential landscape buffer adjacent to a freeway. This buffer, with a minimum width of 75 feet, is required to be placed in a landscape easement at time of final plat. Planting requirements in the Section 4.6 buffer can be met with existing woodlands. The TCPI shows that existing woodlands, which are of good quality, are proposed to be preserved.

The soils found to occur, according to the Prince George’s County Soil Survey, include Aura, Beltsville, Croom, Iuka, and Sassafras. The Aura soils are not hydric, but are highly erodible. Beltsville soils may exhibit impeded drainage and perched water tables, as well as being highly erodible. Croom soils are hydric and highly erodible. Iuka soils are in hydrologic class C, and may experience development limitations with respect to impeded drainage or seasonally high water tables. Sassafras soils are in hydrologic class B and have few development limitations. Although these limitations may affect the construction phase of this development, there are no apparent limitations that would affect the site design or layout if the PMA were respected.

Water and Sewer Categories

The water and sewer service categories are W-4 and S-4 according to CR-15-2004, adopted March 30, 2004.

5. **Community Planning**—The subject property is located within the limits of the 1993 Subregion V Master Plan, Planning Area 85A in the Brandywine Community. The master plan land use recommendation is for suburban estate residential land use at up to one dwelling unit per acre. The 2002 General Plan locates the property in the Developing Tier. One of the visions for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities. The proposed preliminary plan is consistent with the recommendations of the master plan and the General Plan.

The previously submitted application (4-03083) proposed a cul-de-sac subdivision with access only to/from US 301, a controlled access highway that is recommended for improvement to freeway standards. This revised application shows street access to both US 301 and to the property adjoining to the southwest along US 301, thus providing an alternative means of future access when US 301 is upgraded to freeway standards and direct access is prohibited. Completing the proposed alternative means of access will require future right-of-way dedication or acquisition and involves crossing a number of other properties. Whether there is a design for a frontage road with improvements to US 301 in this area and how the proposed alternative access route from this application would connect are unknown.

6. **Parks and Recreation**—In accordance with Section 24-134 of the Subdivision Regulations, all of the lots proposed in the subdivision that exceed one acre (43,560 square feet) are exempt from the requirement of mandatory dedication of parkland. The remaining lots are subject to mandatory dedication of parkland.

For the lots that are subject, Section 24-134 would provide for the dedication of land to M-NCPPC for the fulfillment of mandatory dedication of parkland. Because there is no abutting parkland and because the dedication is not a sufficient area for a public park, the Department of Parks and Recreation does not recommend the dedication of land to M-NCPPC for public park purposes.

The Planning Board deleted Lot 10 at the public hearing for this case. Lot 10 was located abutting the southwest parcel line of Parcel A. The Planning Board deleted Lot 10 to provide for common open space appropriate for a private recreational facility to serve the residents of the community, for the fulfillment of the requirement of the mandatory dedication of parkland. The preliminary plan as proposed to the Planning Board did not provide on-site recreational facilities. At the Planning Board hearing the applicant proffered to provide on-site recreational facilities, which would include a tot-lot, in the amount of \$50,000. The Planning Board accepted the applicant's proffer and has included it as a condition of this approval.

The Planning Board finds that the applicant's proffer offset the staff recommendation to delete Lot 1 abutting the west property line and the Brandywine Motel. The Planning Board found that the additional proffer in recreational facilities enhanced the overall environment of the development. Staff's original recommendation indicated concerns with the reduction in usable yard area on Lot 1 because of bufferyards and tree conservation. However, the enhanced recreational facilities offset the reduction in usable yard area on Lot 1, and Lot 1 was retained.

Lot 10 is to be relabeled as Parcel C and is subject to a limited detailed site plan to be approved by the Planning Board. The review of the recreational facilities is not to be done at a staff level, pursuant to a specific request of the Planning Board.

7. **Trails**—There are no master plan trail issues associated with this application
8. **Transportation**—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*. The staff did not request traffic counts of this applicant because counts dated March 2004 were provided in connection with another project and available for staff analysis.

Growth Policy¾ Service Level Standards

The subject property is in 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 is required in the developing tier.

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.

The intersection of US 301 and Dyson Road is determined to be the critical intersection for the subject property. This is the nearest major intersection to the site and would serve a significant portion of the site-generated traffic. The critical intersection is unsignalized, and due to the width of the US 301 median, actually operates as a pair of intersections¾ one along US 301 northbound and one along US 301 southbound. Recent turning movement counts indicate that the following conditions exist at the critical intersection: AM peak hour, maximum average delay of 776.1 seconds at the northbound intersection and 99.5 seconds at the southbound intersection; PM peak hour, maximum average delay of 51.0 seconds at the northbound intersection and 589.3 seconds at the southbound intersection. The Prince George's County Planning Board has defined an upper limit of 50.0 seconds of delay in any movement as the lowest acceptable operating condition on the transportation system.

There are no funded capital projects at this intersection in either the county's Capital Improvement Program or the state's Consolidated Transportation Program that would affect the critical intersection. An annual growth rate of three percent was assumed for through and background traffic along US 301. The following background traffic conditions were determined: AM peak hour, maximum average delay of 976.5 seconds at the northbound intersection and 231.0 seconds at the southbound intersection; and PM peak hour, maximum average delay of 56.5 seconds at the northbound intersection and 670.2 seconds at the southbound intersection.

The original application was a plan for a residential development of 24 single-family dwelling units. Subsequent to the original application the preliminary plan was revised to 22 units. The analysis was performed on a 24-lot subdivision. The proposed development would generate 18 AM (4 in, 14 out) and 22 PM (14 in, 8 out) peak-hour vehicle trips as determined using the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*. The site was

analyzed using the following trip distribution:

15 percent—West along Dyson Road
40 percent—South along US 301
45 percent—North along US 301

With site traffic, the following operating conditions were determined: AM peak hour, maximum average delay of 1,441.0 seconds at the northbound intersection and 483.8 seconds at the southbound intersection. In the PM peak hour, a maximum average delay of 72.3 seconds at the northbound intersection and 733.1 seconds at the southbound intersection.

In analyzing unsignalized intersections, average vehicle delay for various movements through an intersection is measured in seconds of vehicle delay. According to the guidelines, an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Staff has determined that the minimum delay exceeds 50.0 seconds during both the AM and PM peak hours at the intersection of US 301 and Dyson Road. 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. Therefore, the applicant should provide a traffic signal warrant study and install the signal if it is deemed warranted by the State Highway Administration. The condition is written to allow the applicant to pay a fair share of the cost of the signal if it is warranted, but only in the context of the remainder of the funding being available from other private or government sources. This identical condition was approved by the Planning Board for the Tayman Property, Preliminary Plan of Subdivision 4-03130.

The proposed residential lots would receive access via a new primary street onto US 301. US 301 is classified as a freeway facility on the Subregion V master plan. Any access must have SHA approval. The preliminary plan for the resubdivision of Drula Estates (4-03023) to the southwest provided a new street stubbing to Parcels 32 and 72 to the west of this site. The subject plan shows a stub street to the southwest that could eventually serve as an alternate access to Dyson Road in the event that access to US 301 is closed or denied in the future. As noted previously, US 301 is a master plan freeway with a proposed right-of-way of 350 feet. The plan reflects adequate right-of-way of 175 feet from centerline.

Based on the preceding findings, adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code.

9. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and CB-30-2003 and CR-23-2003 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	21 sfd	21 sfd	21 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	5.04	1.26	2.52
Actual Enrollment	4096	4689	8654
Completion Enrollment	180.48	86.22	158.07
Cumulative Enrollment	180.96	50.64	101.28
Total Enrollment	4462.48	4827.12	8915.87
State Rated Capacity	4214	5114	7752
Percent Capacity	105.90%	94.39%	115.01%

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

County Council bill CB-31-2003 establishes a school facilities surcharge in the amount of: \$7,000 per dwelling if a building is located between I-495 and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$12,000 per dwelling for all other buildings.

The school surcharge may be used for the construction of additional or expanded school facilities and renovations to existing school buildings or other systemic changes. This project meets the adequate public facilities policies for school facilities contained in Section 24-122.02, CB-30-2003 and CB-31-2003 and CR-23-2003.

10. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan 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 Block A, Lots 1-2, and Block B, Lots 1-5, 8-13, 19-22. All other lots are beyond.
 - b. The existing ambulance service at Brandywine Fire Station, Company 40, located at 14201 Brandywine Road, has a service travel time of 5.32 minutes, which is within the 6.25-minute travel time guideline.
 - c. The existing paramedic service at Brandywine Fire Station, Company 40, located at 14201 Brandywine Road, has a service travel time of 5.32 minutes, which is within the 7.25-minute travel time guideline.

In order to alleviate the negative impact on fire and rescue services due to the inadequate service discussed, an automatic fire suppression system shall be provided in all new buildings proposed in this subdivision, unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate.

These findings are in conformance with the *Approved Public Safety Master Plan* (1990) and the *Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities*. To alleviate the negative impact on fire and rescue services due to the inadequate service discussed, the Fire Department requires that all residential structures be fully sprinklered 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.

11. **Police Facilities**—The proposed development is within the service area for Police District V-Clinton. The Planning Board's current test for police adequacy is based on a standard for square footage in police stations relative to the number of sworn duty staff assigned. The standard is 115 square feet per officer. As of January 2, 2004, the county had 823 sworn staff and a total of 101,303 square feet of station space. Based on available space, there is capacity for additional 57 sworn personnel. This police facility will adequately serve the population generated by the proposed subdivision.
12. **Health Department**—The Health Department has no comment.
13. **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, # 4182-2004-00, 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.

Staff has concerns with the proximity of the two-stormwater management facilities to the east property line. The applicant has proposed a significant amount of grading to accommodate the stormwater facility on Parcel A. In addition, the grading and outfall locations for both the facilities, on Parcel A and B, are in close proximity to the east property line. The original preliminary plan proposed outfalls from these facilities off-site on the abutting property to the east. Staff requested that the plan be revised to accommodate the necessary improvements for the development of this property on site. Although the preliminary plan has been revised to relocate the outfalls on site, assurances should be required that off-site outfalls will not be necessary. Staff recommends that the approval of the technical stormwater management plan occur prior to the approval of the final plat. Alterations to the lot layout could result if on-site outfalls cannot be accommodated with the proposed lot configuration.

14. **Limited Detailed Site Plan**^{3/4} The applicant has proposed two stormwater management facilities. The facility on Parcel A is located near the end of a cul-de-sac in a highly visible location from adjoining lots. The facility on Parcel B will be visible from the majority of the dwellings at the end of the southern-most cul-de-sac. Both facilities are in close proximity to the abutting

properties to the east. Because of this, staff recommends that a limited detailed site plan be approved prior to the approval of the final plat. Review of the LDSP should include evaluation of the approved technical stormwater management plan.

The Planning Board deleted Lot 10 at the public hearing for this case. Lot 10 was located abutting the southwest parcel line of Parcel A. The Planning Board deleted Lot 10 to provide for common open space appropriate for a private recreational facility to serve the residents of the community, for the fulfillment of the requirement of the mandatory dedication of parkland. The preliminary plan as proposed to the Planning Board did not provide on-site recreational facilities. At the Planning Board hearing the applicant proffered to provide on-site recreational facilities, which would include a tot-lot, in the amount of \$50,000. The contribution does not include the land value of Parcel C. The Planning Board accepted the applicant's proffer and has included it as a condition of this approval.

The Planning Board finds that the applicant's proffer offset the staff recommendation to delete Lot 1 abutting the west property line and the Brandywine Motel. The Planning Board found that the additional proffer in recreational facilities enhanced the overall environment of the development. Staff's original recommendation indicated concerns with the reduction in usable yard area on Lot 1 because of bufferyards and tree conservation. However, the enhanced recreational facilities offset the reduction in usable yard area on Lot 1, and Lot 1 was retained.

Lot 10 is to be relabeled as Parcel C and is subject to a limited detailed site plan to be approved by the Planning Board. The review of the recreational facilities is not to be done at a staff level, pursuant to the action of the Planning Board.

15. **Building Restriction Line**— The required lot width at the front building line on Lot 8 is 100 feet from the front street line. In order to ensure orderly development along Harsh Call Drive, greater than normal front building setbacks should be required for Lots 6 and 7. Because Lot 8 has a narrow front yard, the lot width at the front building line requires a greater setback than the normal 50 feet specified for the zone. If the dwelling on abutting Lot 7 is located at the minimum front building setback (50 feet), the dwelling on Lot 8 would be oriented to the rear of the dwelling on Lot 7, similar to a flag lot effect. This problem cascades to Lot 6. Therefore, additional graduating setbacks on Lots 6 and 7 are required to ensure that dwellings are located harmoniously to one another.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the adoption of this Resolution.

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Harley, seconded by Commissioner Eley, with Commissioners Harley, Eley, Vaughns and Hewlett voting in favor of the motion, and with Commissioner Squire voting in opposition,

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at its regular meeting held on Thursday, June 24, 2004, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 15th day of July 2004.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:WSC:meg