

R E S O L U T I O N

WHEREAS, Spargo is the owner of a 56.24-acre parcel of land known as Parcels 29, 30 and 80, Tax Map 164, Grid D-4, said property being in the 11th Election District of Prince George's County, Maryland, and being zoned R-E; and

WHEREAS, on September 9, 2004 filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 41 lots and 1 parcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-04153 for Timber Village was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on December 16, 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 December 16, 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/80/04), and further APPROVED Preliminary Plan of Subdivision 4-04153, Timber Village including a variation to sections 27-130 and 27-121 (a)(3) for Lots 1-41 and Parcel A with the following conditions:

1. During the subsequent review of a wetlands permit by the Maryland Department of the Environment or the US Army Corps of Engineers, if the extent of wetlands increases and impacts to these areas are proposed, a new Preliminary Plan of Subdivision shall be required to evaluate additional variation requests.
2. At 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 approval. The following note shall be placed on the final 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."

3. Prior to the issuance of any permits which impact jurisdictional wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
4. 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/80/04), 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. A limited Detailed Site Plan shall show the landscaping in the 40 foot-wide scenic easement adjacent to the 10-foot public utility easement parallel to the land to be dedicated for McKendree Road, as depicted on the preliminary plan. The landscaping shall be sufficient to preserve the historic character of McKendree Road.
6. Landscape buffers, a minimum of 40 feet-wide easements adjacent to the 10-foot public utility easements parallel to the land to be dedicated for McKendree Road, shall be shown on the final plats as scenic easements and the following note shall be placed on the plats:

"Scenic easements described on this plat are areas where the installation of structures 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 permitted."
7. Prior to signature of the Preliminary Plan, copies of the approved Stormwater Management Concept plan and approval letter shall be submitted.
8. Prior to signature of the Preliminary Plan and prior to submission of the limited Detailed Site Plan, the Type I Tree Conservation Plan shall be revised to:
 - a. Show all streams and minimum 50-foot stream buffers;
 - b. Remove the soil boundaries from the plan and the legend;
 - c. Remove the “proposed tree line” from the plan and the legend;
 - d. Use a pattern to show the wetlands on the plan and in the legend;
 - e. Show the expanded stream buffers;
 - f. Remove the pattern for woodland conservation within the 100-year floodplain from the plan and the legend;

- g. Recalculate the worksheet as needed; and
 - h. Have the revised plan signed and dated by the qualified professional who prepared the plan.
9. Prior to issuance of 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.
10. At the time of final plat, the applicant, his heirs, successors and/or assignees shall convey to the homeowners association (HOA) 3.91± acres of open space land (Parcel A). Land to be conveyed shall be subject to 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. 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.

11. The applicant, his heirs, successors, and/or assignees shall provide adequate, private recreational facilities on site in accordance with the standards outlined in the *Park and Recreation Facilities Guidelines* and subject to the following:
 - a. The applicant shall allocate appropriate and developable areas for the private recreational facilities on homeowners association (HOA) open space land. The private recreational facilities shall be reviewed by the Urban Design Review Section of DRD for adequacy and property siting prior to approval of the final plats by the Planning Board.
 - b. Prior to the approval of the final plat a Limited Detailed Site Plan (LDSP) shall be approved by the Planning Board or its designee for the construction of private on-site recreational facilities in accordance with the *Park and Recreation Facilities Guidelines*.
 - c. The applicant, heirs, successors and/or assignees shall submit three original, executed Recreational Facilities Agreements (RFA) to DRD for their approval prior to the submission of final plats, for construction of private on-site recreational facilities on homeowners land. Upon approval by DRD, the RFA shall be recorded among the County Land Records.
 - d. The applicant, heirs, successors and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee in an amount to be determined by DRD prior to building permits for the construction of private on-site recreational facilities on homeowners land.
 - e. Prior to building permits, the developer, his successor and/or assignees shall satisfy the Planning Board that there are adequate provisions to assure retention and a future maintenance of the proposed recreational facilities.
12. The applicant shall provide a fee to Prince George's County, which shall serve as a fair share contribution towards the construction of the Proposed Brandywine Station, and acquisition of an ambulance. The fee shall be paid at time of the issuance of building permits. The fair share fee is \$441 for the 39 lots proposed beyond response time standards.
13. At the time of final plat approval, the applicant shall dedicate right-of-way along McKendree Road as shown on the submitted plan. Improvements within the right-of-way shall be determined by DPW&T
14. The applicant and/or the applicant's heirs, successors, or assigns shall contribute toward and participate in the construction of certain additional off-site transportation improvements as identified hereinafter. These improvements shall be funded and constructed through the formation of a Road Club which will include the applicant, the Montgomery Wards Brandywine Distribution Center, the Brandywine Commerce Center, the Mattawoman-Brandywine Commerce Center, the Brandywine Business Park, the Brandywine/301 Industrial Park, the Hampton CDZ,

and other property owners in the area designated as Employment Area "C" in the Subregion V Master Plan, as well as any properties along U.S. 301/Md. 5 between T.B. (the intersection of U.S. 301 and Md. 5 in Prince George's County) and Mattawoman Creek, and any other properties for which participation is deemed necessary by the Planning Board.

For development of the subject property, the applicant's sole funding responsibility toward the construction of these off-site transportation improvements shall be the payment of the following:

A fee calculated as \$1,472 per detached residence X (the most recent FHWA Highway Construction Cost Composite Index four-quarter average available at the time of building permit application) / (FHWA Highway Construction Cost Composite Index for first quarter, 1993)

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

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

- a. Widen US 301/MD 5 from a four (4) lane road to a six (6) lane road beginning at Timothy Branch (north of Cedarville Road) and extending northerly to the US 301/MD 5 interchange (at T.B.). The construction shall be in accordance with presently-approved SHA plans.
- b. Install a traffic signal at the A-63/Cedarville Road intersection, provided said signal is deemed warranted by DPW&T.
- c. Make minor widening/striping improvements to the US 301/MD 5 interchange ramps.
- d. Widen US 301 from a four (4) lane road to a six (6) lane road beginning at the T.B. interchange (US 301/MD 5) and extending northerly to a point approximately 2,500 feet north of MD 381.
- e. Reconstruct the traffic signal at US 301/MD 381.
- f. Install a traffic signal at the MD 381/A-63 intersection, provided said signal is deemed warranted by DPW&T and SHA.
- g. Provide a grade separation at the point the Spine Road crosses US 301 northeast of T.B.

- h. Reconstruct the traffic signal at MD 5/Brandywine Road.
 - i. Construction of an interchange in the area of US 301/MD 5 and Cedarville/McKendree Roads.
 - j. Construction of an interchange in the area of MD 5 and A-63 north of T.B.
 - k. Construction of A-63 as a six-lane arterial roadway (where off-site) between the US 301/MD 5/Cedarville 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.
15. Prior to the issuance of permits, a Type II Tree Conservation Plan shall be approved.
16. Prior to approval of the final plat of subdivision and/or any disturbance occurring on this property, the applicant shall submit a Phase I archeological investigation and a Phase II and Phase III investigation if determined to be necessary by the Planning Department staff. If necessary, the final plat shall provide for the avoidance and preservation of the resources in place or shall provide for mitigating the adverse effect upon these resources. All investigations must be conducted by a qualified archaeologist and must follow *The Standards and Guidelines for Archeological Investigations in Maryland* (Schaffer and Cole: 1994) and must be presented in a report following the same guidelines.

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 site is located on the southwest side of McKendree Road, approximately 2,500 feet west of the McKendree Road/Crain Highway intersection.
- 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
Uses	Single-Family Residence and	Single-Family Residences

	Outbuildings	
Acreage	56.24	56.24
Lots	0	41
Parcels	3	1
Outparcels	0	0
Dwelling Units	0	41

4. **Environmental**—There are streams, wetlands and 100-year floodplain on the property associated with Mattawoman Creek in the Potomac River watershed. There are no steep or severe slopes on the property. According to the *Prince George's County Soils Survey* the principal soils on this site are in the Beltsville and Leonardtown series. Marlboro clay does not occur in the area. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program publication titled "Ecologically Significant Areas in Anne Arundel and Prince George's Counties," December 1997, rare, threatened, or endangered species do not occur in the vicinity of this property. McKendree Road is a designated historic road. There are no nearby sources of traffic-generated noise. The proposal is not expected to be a noise generator. This property is located in the Developing Tier as reflected in the adopted General Plan.

Streams, Wetlands and Floodplain

There are streams, wetlands and 100-year floodplain on the property associated with Mattawoman Creek in the Potomac River watershed. These natural features are required to be protected under Section 24-130 of the Subdivision Regulations.

The Forest Stand Delineation (FSD) shows a 100-year floodplain, wetlands, minimum 25-foot wetland buffers, streams and minimum 50-foot stream buffers. The plans note that the 100-year floodplain is from an approved Flood Plain Study, FPS #890162. The wetlands and wetland buffers shown on the plans are acceptable for the review of this application; however, if during the subsequent review of a wetlands permit by the Maryland Department of the Environment or the U.S. Army Corps of Engineers the extent of wetlands increases and impacts to these areas are proposed, a new Preliminary Plan of Subdivision shall be required to evaluate additional variation requests. Based upon the information presented, the expanded stream buffer is correctly shown on the FSD.

Variation Request: Section 24-130

Impacts to significant environmental features that are required to be protected by Section 24-130 of the Subdivision Regulations are proposed. The design should avoid any impacts to streams, wetlands or their associated buffers unless the impacts are essential for the development as a whole. Staff will not support impacts to sensitive environmental features that are not associated with essential development activities. Essential development includes such features as public utility lines (including sewer and stormwater outfalls), streets, and so forth, which are mandated for public health and safety; nonessential activities are those, such as grading for lots, stormwater management ponds, parking areas, and so forth, which do not relate directly to public health, safety or welfare. Impacts to sensitive environmental features require variations to the

Subdivision Regulations. One impact for the construction of a stormwater management facility outfall has been proposed. The proposed outfall for the stormwater management facility appears to be necessary and unavoidable.

Section 24-113 of the Subdivision Regulations contains four required findings [text in bold] to be made before a variation can be granted. The following is an analysis of the variation. The text in bold represents the text from the Subdivision Ordinance.

Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon evidence presented to it in each specific case that:

- (1) The granting of the variation request would not be detrimental to public safety, health or welfare and does not injure other property;**

The installation of stormwater management is required by the Prince George's County Department of Environmental Resources to provide for public safety, health and welfare. All designs of these types of facilities are reviewed by the appropriate agency to ensure compliance with other regulations. These regulations require that the designs are not injurious to other property.

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

The specific topography of the site and soil types require the use a stormwater management pond and an outfall to adequately serve the proposed development. The requested variations are not generally applicable to other properties.

- (3) The variation does not constitute a violation of any other applicable law, ordinance or regulation; and**

The installation of stormwater management facilities is required by other regulations. Because the applicant will have to obtain permits from other local, state and federal agencies as required by their regulations, the approval of this variation request would not constitute a violation of other applicable laws.

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

The topography provides no alternative for the locations of the stormwater outfalls that are required to serve the development. Without the required stormwater management facilities, the property could not be properly developed in accordance with the regulations of the R-E Zone.

The Environmental Planning Section supports the variation request for the reasons stated above.

Woodland Conservation

A Detailed Forest Stand Delineation (FSD) was submitted with this application. The FSD, based upon 16 sample points, notes two forest stands totaling 21.74 acres and indicates the location, species, size and condition of five specimen trees. All wetlands, streams and soil boundaries are shown.

Forest Stand A covers approximately 20.22 acres, principally in the western portion of the site and along the stream. The dominant tree species are willow oak and sweetgum with American holly common in the understory. There are Virginia pines greater than 6 inches in diameter at breast height. The woodland within the expanded stream buffer is a priority area for preservation.

Forest Stand B covers approximately 1.52 acres in a band along the southwestern property boundary. The dominant tree in this stand is Virginia pine that has naturally regenerated a former agricultural field.

The FSD meets the requirements of the Woodland Conservation Ordinance.

This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the gross tract area of the property is greater than 40,000 square feet and there are more than 10,000 square feet of existing woodland. A Type I Tree Conservation Plan is required.

The Type I Tree Conservation Plan, TCPI/80/04, has been reviewed and was found to require revisions. A proposed limit of disturbance and the 100-year floodplain are shown on the plan; however, the wetlands, minimum 25-foot wetland buffers, stream, minimum 50-foot stream buffers and the expanded stream buffers are not shown on the plans. Except for the small impact discussed above, all of these areas are within the preserved areas on the plans. For clarity, proposed woodland conservation in the 100-year floodplain should not be illustrated.

The worksheet indicates clearing 9.44 acres of the existing 15.92 acres of upland woodland and the clearing of 0.03 acre of the 5.82 acres of woodland within the 100-year floodplain. The woodland conservation threshold has been correctly calculated as 11.47 acres, and the woodland conservation requirement based upon the proposed clearing is 17.59 acres. The plan proposes to meet the requirement by providing 6.53 acres of on-site preservation, 6.93 acres of on-site reforestation/afforestation, and 4.13 acres of off-site conservation. There is a small calculation error in the worksheet because only 6.48 acres of upland woodland are not proposed to be cleared and 6.53 acres are proposed for preservation. A minor adjustment to the amount of on-site

planting or off-site conservation can correct this error.

An abundance of larger diameter Virginia pine (*Pinus virginiana*) are located within Forest Stand B. This species is relatively short-lived and is subject to windfall and TCP Note 7 is appropriate. Because there are extensive planting areas proposed on lots, TCP Note 8 is appropriate. The preservation of the woodland in the expanded stream buffer and proposed plantings to increase its size are in conformance with the Prince George's County Woodland Conservation and Tree Preservation Policy Document.

Because this site has proposed on-site recreational facilities that require a limited Detailed Site Plan, a Type II Tree Conservation Plan should be approved with the limited Detailed Site Plan.

Historic Road: McKendree Road

McKendree Road is a designated historic road; however, the Preliminary Plan and TCPI incorrectly describe it as a scenic road. The *Design Guidelines and Standards for Scenic and Historic Roads* provides guidance for the review of applications that could result in the need for roadway improvements. A visual inventory containing three photographs was submitted with the application.

The plans provide 40-foot-wide landscape buffers adjacent to the 10-foot public utility easement parallel to the land to be dedicated for McKendree Road. This treatment is consistent with previously approved plans along McKendree Road. Because this site has proposed on-site recreational facilities that require a limited Detailed Site Plan, the landscaping should be approved with the limited Detailed Site Plan.

Soils

According to the Prince George's County Soils Survey the principal soils on this site are in the Beltsville and Leonardtown series. Beltsville soils are highly erodible, may have a perched water table, and are in the C-hydric group. Leonardtown soils are may have a perched water table, poor drainage, wetlands inclusions, and are in the D-hydric group. High groundwater is problematic for both foundations and basements.

Water and Sewer Categories

The water and sewer service categories are W-3 and S-3 according to water and sewer maps dated June 2003 obtained from the Department of Environmental Resources. The proposed development will utilize these public systems

5. **Community Planning**—The property is in Planning Area 85A/Brandywine. The 2002 General Plan places the property in the Developing Tier. 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. This application is not inconsistent with the 2002 General Plan Development Pattern policies for the Developing Tier. The 1993 Subregion V master plan recommends a Suburban Estate residential land use at roughly one acre per dwelling. This application conforms to the master plan recommendation.

A floating symbol for a proposed elementary school is located on the property subject to this application. A referral was sent to the Board of Education (BOE), but no response was available at the time this report was released. If comments are received from BOE, they will be presented at the public hearing.

6. **Parks and Recreation**—The proposed subdivision is subject to the mandatory dedication requirements of Section 24-134 of the Subdivision Regulations. The Department of Parks and Recreation recommends that the applicant provide on-site private recreational facilities in lieu of dedication of parkland. The preliminary plan shows a walking path, benches, gazebo and open playfield located on the 3.91-acre Parcel A, which will also be the site of a stormwater management pond. This parcel will be subject to limited Detailed Site Plan approval in accordance with Section 27-445
7. **Trails**—There are no master plan trail issues identified in the 1993 Subregion V master plan. The vicinity of the subject property is rural with open section road and no sidewalks. If a closed road cross section is used, a standard sidewalk is recommended along one side of all internal roads.
8. **Transportation**—Due to the size of the subdivision, staff has not required that a traffic study be done. Multiple traffic counts were available to staff at the intersection of US 301/MD 5 and McKendree Road, which was deemed to be the critical information for the subject property. Therefore, 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*.

Growth Policy—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.

Staff Analysis of Traffic Impacts

The intersection of US 301/MD 5 and McKendree Road is determined to be the critical intersection for the subject property. This intersection would serve virtually all of the site-generated traffic. The critical intersection is not programmed for improvement with 100 percent construction funding within the next six years in the current Maryland Department of Transportation Consolidated Transportation Program or the Prince George's County Capital Improvement Program.

Recent traffic counts indicate that the critical intersection operates at Level-of-Service (LOS) C, with a critical lane volume (CLV) of 1,225 during the AM peak hour. During the PM peak hour, the intersection operates at LOS F with a CLV of 1,876.

As previously noted, there are no funded capital projects at this intersection in either the county Capital Improvement Program or the state Consolidated Transportation Program that would affect the critical intersection. There are many approved but unbuilt developments that would affect the intersection that have been reviewed and counted by staff, including about 10,000,000 square feet of industrial space that is located along the east side of US 301/MD 5. With background growth added, the critical intersection would operate as follows: AM peak hour—LOS F, with a CLV of 1,897; PM peak hour—LOS F, with a CLV of 2,575.

With the development of 41 single-family detached residences, the site would generate 31 AM (6 in and 25 out) and 37 PM (25 in and 12 out) peak-hour vehicle trips. The site was analyzed with the following trip distribution:

- 60 percent—North along US 301/MD 5
- 30 percent—South along US 301/MD 5
- 5 percent—East along Cedarville Road/Mattawoman Drive
- 5 percent—Northwest along McKendree Road

Given this trip generation and distribution, staff has analyzed the impact of the proposal. With the site added, the critical intersection would operate as follows: AM peak hour—LOS F, with a CLV of 1,912; PM peak hour—LOS F with a CLV of 2,590. Therefore, the critical intersection operates unacceptably under total traffic.

A number of improvements have been reviewed by staff, including mainline widenings and widenings of turning approaches. While it is possible to mitigate the impact of the site during the AM peak hour in accordance with Section 24-124(a)(6), such mitigation is not possible during the PM peak hour, and greatly improved service levels cannot be achieved unless a planned interchange at US 301/MD 5 and McKendree/Cedarville Roads is constructed.

In response to the inadequacy, the applicant has indicated a desire to participate in the Brandywine Road Club.

- a. Council Resolution CR-60-1993 approved the master plan and the sectional map amendment for the Subregion V master plan. As a part of that resolution, A-9878 for Brandywine Village was approved with conditions that allow that particular property to participate in the Brandywine Road Club as a means of determining transportation adequacy. The same condition allows such road club participation by “any properties along US 301/MD 5 between T.B. (the intersection of US 301 and MD 5 in Prince George’s County) and Mattawoman Creek.” The same condition in CR-60-1993 allows Brandywine Road Club participation for properties “for which participation is deemed necessary by the Planning Board.” This language clearly suggests that the Planning Board can and should determine circumstances where Brandywine Road Club participation is appropriate.
- c. In this instance, the Planning Board finds that this application is within a reasonable distance from US 301 / MD 5 and is similarly sited to other developments which have been placed in the Brandywine Road Club. In addition, the site has frontage on the developer-funded spine road called for in the master plan, which although not part of the road club improvements, is an important link in the future transportation network for this area.

McKendree Road is a master plan major collector facility with a planned 100-foot right-of-way. The right-of-way shown on the plan is acceptable and in accordance with the master plan.

Transportation Conclusions

Based on the preceding findings, the Planning Board concluded that an adequate transportation facilities will exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code. Needed road improvements can be provided through the applicant's participation in the Brandywine Road Club.

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	41 sfd	41 sfd	41 sfd

Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	9.84	2.46	4.92
Actual Enrollment	4206	4688	8866
Completion Enrollment	112.80	69.06	136.68
Cumulative Enrollment	9.84	0.24	0.48
Total Enrollment	4338.48	4759.76	9008.08
State Rated Capacity	4215	5114	7752
Percent Capacity	102.93%	93.07%	116.20%

Source: Prince George's County Planning Department, M-NCPPC, December 2004

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 school facilities, which are expected to accommodate the new students that will be generated by this development proposal. This project meets the adequate public facilities policies of Section 24-122.02, CB-30-2003, 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 public facilities and concluded the following.

The existing fire engine service Brandywine Fire Station, Company 40, located at 14201 Brandywine Road, has a service travel time of 6.87 minutes, which is beyond the 5.25-minute travel time guideline.

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 41 and 7. All other lots are beyond.

The existing paramedic service at Brandywine Fire Station, Company 40, located at 14201 Brandywine Road, has a service travel time of 6.87 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. Since this is a matter of law, no condition is necessary.

The Historic Preservation and Public Facilities Planning Section has concluded that the entire development is beyond the recommended response times from existing facilities which provide ambulance and paramedic service. This finding is based on using the existing road system and existing stations. The staff also found that planned Brandywine Emergency Services Facility which is shown in the General Plan will be the first due station that will provide ambulance and paramedic service to this development.

In order to mitigate the ambulance response time deficiency, the staff recommends that the applicant participate in providing a fair share contribution toward the construction of the Brandywine Emergency Services Facility.

The fee amount is based upon the total cost of the facility: \$1,275,000 plus ambulance (\$131,000) divided by the total amount of residential and employment population within the service area in 2006. The service areas include those areas that will be served by the planned facility. The fair share fee is \$441 per dwelling unit, for ambulance service

2006 Service Area Population/Workers 10,024
Station /Ambulance \$1,406,000 / 10,024 = \$140.26
3.15 Planning Area Dwelling Unit Size x \$140.26 = \$441 Per Dwelling
No of Dwellings (39) x \$ 441 = \$17,160 (number of units beyond response time standards)

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

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 an additional 57 sworn personnel. Therefore, in accordance with Section 24-122.01(c) of the Subdivision Regulations, existing county police facilities will be adequate to serve the proposed development.
12. **Health Department**—The Health Department reminds the applicant that a raze permit is required prior to the removal of any structures on the site. In addition, any abandoned wells or septic tanks must be handled in accordance with applicable state and county laws.
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 has been submitted, but is not yet approved. To ensure that development of this site does not result in on-site or downstream flooding, this concept plan must be approved prior to signature approval of the preliminary plan. Development must be in accordance with an approved plan.

14. **Cemeteries**—There are no known cemeteries on the subject property. However, this land is close to and may be part of the antebellum Roswell, Wills and Townsend properties. Prehistoric archeological sites exist in similar settings in the vicinity of the property. Therefore, a Phase I archeological investigation should be required.
15. **Public Utility Easement**—The preliminary plan includes the required ten-foot-wide public utility easement. This easement will be shown on the final plat.
16. **Lot Size Averaging**—Section 24-121(a)(12) requires that the Planning Board make the following findings in permitting the use of lot size averaging:

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

Comment: The design of this subdivision respects the natural features on this property and provides for the retention of the scenic nature of McKendree Road. Large, deep lots are proposed along the frontage of McKendree Road (some as large as two and three acres) in order to give an estate feel along the road and to accommodate the extended buffer for the stream located to the rear. By providing such large lots to protect these amenities, the center of the site is constrained. It is eight of these interior lots that are proposed to be in the 30,000- to 40,000-square-foot range.

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

Comment: The property abuts undeveloped land to the north, northwest and south and platted but undeveloped land to the southwest, all in the R-E Zone. Across McKendree Road to the east are single-family residences on wooded lots in the R-R Zone. All of the lots along the site's periphery exceed the minimum 40,000 square foot lot area requirement.

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

Comment: The limited on- and off-site environmental features are well protected by this plan. In the one place where the stream on the site continues onto the adjoining property to the north, large lots (1.5 to 3 acres) are provided to ensure that this area remains undisturbed.

In addition, Section 27-423 of the Prince George's County Zoning Ordinance sets the zoning requirements for lot size averaging. Specifically, in the R-E Zone:

- A. The maximum number of lots permitted is equal to the gross acreage divided by the largest minimum lot size in the zone (40,000 square feet).**

Comment: In this case, with 56.24 acres in the R-E Zone and a minimum lot size of 40,000 square feet, the maximum number of lots allowed is 61. The applicant proposes 41 lots.

- B. At least 50 percent of the lots created shall equal or exceed the largest minimum lot size in the zone (40,000 square feet).**

Comment: As proposed, 33 of the proposed 41 lots (or 80+ percent) exceed 40,000 square feet. Therefore the proposed subdivision meets the minimum Zoning Ordinance standards for lot size averaging.

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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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 Squire, seconded by Commissioner Eley, with Commissioners Squire, Eley, Vaughns and Hewlett voting in favor of the motion, and with Commissioner Harley absent at its regular meeting held on Thursday, December 16, 2004, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 13th day of January 2005.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:TL:rmk