



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
www.pgplanning.org

PGCPB No. 14-110(C)(A)

File No. 4-11004

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

WHEREAS, Route 301 Industrial CPI Limited Partnership is the owner of a 169.34-acre parcel of land located on Tax Map 145, known as part of the Brandywine Business Park, said property being in the 11th Election District of Prince George's County, Maryland, and being zoned Mixed Use–Transportation Oriented (M-X-T); and

WHEREAS, on April 23, 2014, Route 301 Industrial CPI Limited Partnership filed an application for approval of a Preliminary Plan of Subdivision for 379 lots and 73 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-11004 for Stephen's Crossing at Brandywine 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 October 2, 2014, for its review and action in accordance with the Land Use Article of the 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 October 2, 2014, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

†WHEREAS, by a letter dated October 29, 2021, Edward C. Gibbs, Jr., representing the applicant, requested a waiver and reconsideration of Conditions 10, 11, 15, 16, and 33, and associated findings for the phasing of improvements which are required to meet the mandatory parkland dedication requirements;

†WHEREAS, on December 16, 2021, the Planning Board approved the waiver and request for reconsideration based on good cause and substantial public interest; and

†WHEREAS, on February 17, 2022, the Prince George's County Planning Board heard testimony and approved the reconsideration.

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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 1 Tree Conservation Plan (TCP1-007-12-01), and further APPROVED Preliminary Plan of Subdivision 4-11004, Stephen's Crossing at Brandywine, including a Variance to Section 25-122 for removal of specimen trees, a Variation to Section 24-128(b)(12) for public utility easements along private streets, a Variation to Section 24-128(b)(7)(A) relating to the use of alleys, and a Variation to Section 24-121(a)(3) for direct access to an arterial for 379 lots and 73 parcels with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision the plan shall be revised to make the following corrections:
 - a. Reflect proposed Outlot W, and made appropriate adjustments to the general notes of proposed lots. Add a general note that adequacy for transportation and mandatory dedication is based on 436 townhouse *attached lots.
 - b. Revise General Note 5 to reflect the proposed development, consistent with the TIS at 100,000 square feet of gross floor area (GFA) of office, 200,000 square feet of GFA for retail uses, and 1,295 residential units.
 - c. Revise Sheet 3 of 12 to clearly show the areas of existing right-of-way to be vacated, and label Cattail Way.
 - d. Revise General Note 27 to indicate variation approval for public utility easements (PUEs) along private streets (Section 24-128(b)(12) of the Subdivision Regulations), subject to utility company consent and ten-foot-wide PUEs provided as required by Section 24-122(a) of the Subdivision Regulations.
 - e. Revise Sheet 2 of 12 to accurately reflect the use of all parcels, and to whom the parcels are being dedicated or retained by.
 - f. Add a general note that, prior to final plat, part of Daffodil Court, all of Cattail Way southwest of Mattawoman Drive, and Sparrow Court shall be vacated in accordance with Section 24-112 of the Subdivision Regulations.
 - g. Label and delineate the proposed Washington Suburban Sanitary Commission (WSSC) easements.
 - h. Revise the plan to delineate the Interim Land Use Control (ILUC) noise contour and remove the dBA Ldn noise contours that are no longer applicable based on the revised noise analysis dated May 12, 2014 prepared by Stainano Engineering, Inc.

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- i. Provide a general note that all existing structures are to be razed.

- j. Revise Sheet 2 of 12 and other appropriate notes to include the total number of parcels proposed, including acreage of land to be conveyed to the homeowners association.
 - k. Label, dimension, and provide the square footage of areas to be dedicated to public use for Robert S. Crain Highway (US 301), and relocate the PUE behind the right-of-way dedication.
 - l. Revise the floor area ratio to reflect the exact amount of development approved with this application, not a range.
 - m. Label denial of access along the frontage of Robert S. Crain Highway (US 301), not “restricted,” Brandywine Road (MD 381), and Mattawoman Drive, with the exception of the approved driveway access.
 - n. Revise the plans in accordance with Applicant’s Exhibit 1.
 - o. Label and delineate a private HOA vehicular access easement from the terminus of Private Road B through Parcel B-4 to Cattail Way.
- 2. Development of this site shall be in conformance with Stormwater Management Concept Plan 15615-2014, approved August 15, 2014, and any subsequent revisions consistent with the approved preliminary plan of subdivision.
 - 3. Prior to approval of the final plat for any area of the site containing part of Daffodil Court, all of Cattail Way southwest of Mattawoman Drive, and Sparrow Court necessary to implement this preliminary plan of subdivision, the dedicated public right-of-way, shall be vacated in accordance with Section 24-112 of the Subdivision Regulations.
 - 4. Prior to approval of development of Outlot W a new preliminary plan of subdivision is required.
 - 5. At the time of final plat, the applicant shall grant a ten-foot-wide public utility easement (PUE) along both sides of the public rights-of-way. The PUEs along all private rights-of-way shall be ten feet wide along at least one side of the rights-of-way, or the applicant shall obtain the consent of all the affected utility companies prior to detailed site plan approval. The PUE locations shall be in accordance with the approved detailed site plan and preliminary plan of subdivision.
 - 6. Prior to approval of building permits the applicant and the applicant’s 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.

7. Prior to approval of building permits, the applicant and the applicant's heirs, successors, and/or assignees shall convey to the homeowners association (HOA) open space land as delineated on the approved preliminary plan of subdivision (PPS). Land to be conveyed shall be subject to the following:
 - a. Conveyance shall take place prior to issuance of building permits.
 - b. A copy of unrecorded special warranty deeds for the property to be conveyed shall be submitted to the Subdivision Review 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 HOA shall be in accordance with an approved detailed site plan. 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.
 - f. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to an HOA. The location and design of drainage outfalls shall be in conformance with the approved PPS and detailed site plan.
8. At the time of final plat, the following note shall be placed on the plat:

“This property lies within the JLUS Interim Land Use Controls area as established by Subtitle 27, Part 18 (CB-3-2012).”
9. A substantial revision to the mix of uses on the subject property that substantially affects the Subtitle 24 adequacy findings, as set forth in a resolution of approval, may require the approval of a new preliminary plan of subdivision prior to approval of building permits.
- †10. Prior to ~~†[the 100th residential building permit or prior to April 1, 2017, whichever comes first]~~ approval of a building permit for the 455th residential dwelling unit within Preliminary Plan 4-15011 and Preliminary Plan 4-11004 (cumulatively), the applicant and the applicant's heirs,

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successors, and/or assignees shall ~~†[design and]~~ construct a half-section of Cattail Way and an eight-foot-wide trail/sidewalk within the public right-of-way along the entire frontage of Brandywine Area Community Park. This work, as well as all other improvements associated with Cattail Way construction, must meet the requirements of the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE). In addition, the applicant shall construct a 30-foot-wide asphalt driveway and an eight-foot-wide concrete trail connector from Cattail Way to the Southern Area Aquatic and Recreational Complex (SAARC) parking lot within Brandywine Area Community Park. Construction of these improvements shall be deemed complete upon the opening of at least one lane of the road in each direction to traffic and provision of access to the SAARC from Cattail Way. In the event that the Prince George's County Department of Parks and Recreation (DPR) determines that the timing of the completion of these improvements can be delayed based upon ~~†[the construction schedule associated with the SAARC project,]~~ coordination with DPIE, DPR may, at its sole discretion, delay the completion date. Any such revision to the completion date shall be communicated in writing to the applicant.

- †11. Prior to ~~†[issuance of 50th residential building permit]~~ approval of a building permit for the 300th residential dwelling unit within Preliminary Plan 4-15011 and Preliminary Plan 4-11004 (cumulatively), the applicant and the applicant's heirs, successors, and/or assignees shall develop ~~†100 percent design~~ construction drawings and specifications for the construction of a half-section of Cattail Way, an eight-foot-wide trail/sidewalk, and any required improvements within the public right-of-way (along the Brandywine Area Community Park's road frontage) and submit them to the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE). ~~†Prior to approval of a building permit for the 370th cumulative residential dwelling unit,~~ the applicant shall obtain permits for construction of these improvements from DPIE.
12. The applicant and the applicant's heirs, successors, and/or assignees shall be responsible for obtaining all permits and bonding that may be required by federal, state or local authorities needed to accomplish the design and construction of improvements within the Cattail Way right-of-way.
13. Prior to construction of the 30-foot-wide asphalt entrance driveway and an eight-foot-wide concrete trail connector from Cattail Way to the Southern Area Aquatic and Recreational Complex (SAARC) parking lot, the Prince George's County Department of Parks and Recreation (DPR) shall provide the applicant construction drawings for the aforementioned improvements.
14. The applicant and the applicant's heirs, successors, and/or assignees shall design and construct any required stormwater management facilities needed for the construction of the half-section of Cattail Way.

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- †15. Prior to the first final plat of subdivision, the applicant and the applicant's heirs, successors, and/or assignees shall enter into an agreement with the Prince George's County Department of Parks and Recreation (DPR) for construction of the eight-foot-wide trail/sidewalk and any required improvements on park property along the Brandywine Area Community Park's road frontage, as well as the 30-foot-wide asphalt entrance and driveway and the eight-foot-wide concrete trail connector from Cattail Way to the Southern Area Aquatic and Recreational Complex (SAARC) parking lot area. †~~[Six weeks]~~ Prior to submission of a final plat of subdivision, the applicant shall submit to DPR for review and approval three original executed agreements. Upon approval by the DPR, the agreement shall be recorded among the Land Records of Prince George's County, Upper Marlboro, Maryland, and the liber and folio reflected on the final plat prior to recordation.
- †16. Prior to the recommendation of approval by The Maryland-National Capital Park and Planning Commission (M-NCPPC) †of a building permit for the 50th residential †~~[building permit]~~ dwelling unit within Preliminary Plan 4-15011 and Preliminary Plan 4-11004 (cumulatively), the applicant and the applicant's heirs, successors, and/or assignees shall submit to the Prince George's County Department of Parks and Recreation (DPR) a performance bond, letter of credit, or other suitable financial guarantee, in an amount to be determined by DPR. †The current estimated bonding amount is \$200,000 for construction of the eight-foot-wide trail/sidewalk and any other improvements on parkland along the Brandywine Area Community Park's road frontage necessary for the construction of a 30-foot-wide asphalt entrance †at Cattail Way and †a driveway †with ~~[and]~~ an eight-foot-wide concrete trail connector from Cattail Way to the Southern Area Aquatic and Recreational Complex (SAARC) parking lot area.
17. At the time of detailed site plan and final plat, the applicant shall utilize the list of 23 street names as reflected in the Property Address memorandum dated July 25, 2014 (Grigsby to Nguyen).
18. Prior to approval of the first detailed site plan (DSP) which includes lots, the applicant and the applicant's heirs, successors, and/or assignees shall provide a plan for any interpretive signage to be erected and public outreach measures (based on the findings of the Phase I and Phase II archeological investigations). The location and wording of the signage and the public outreach measures shall be subject to approval by the Historic Preservation Section. The DSP shall include the timing for installation of the signage and the implementation of public outreach measures.
19. Prior to the recommendation of approval by The Maryland-National Capital Park and Planning Commission (M-NCPPC) for any ground disturbance or grading permits, the applicant shall deliver all artifacts and appropriate associated documentation to the Maryland State Archeological Conservation Laboratory for curation, and shall provide documentation of the state's acceptance of the materials to the M-NCPPC Planning Department's archeologist.

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20. Prior to approval of the detailed site plan for the multifamily buildings located on the north side of Mattawoman Drive and Cattail Way (Parcel T-1), the applicant shall submit a viewshed analysis from the Gwynn Park Historic Site (85A-013) to identify any buildings that would be visible from the historic site. The architecture of those buildings visible shall be reviewed by the Historic Preservation Section and the Historic Preservation Commission, if determined appropriate at that time.
21. In conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT), the 2013 *Approved Subregion 5 Master Plan and Sectional Map Amendment*, and Conceptual Site Plan CSP-09003, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following:
 - a. Provide an eight-foot-wide sidepath on the eastern side of Mattawoman Drive, unless modified by the Prince George's County Department of Public Works and Transportation (DPW&T).
 - b. The following improvements and right-of-way dedication shall be provided along Brandywine Road (MD 381), unless modified by the Maryland State Highway Administration (SHA):
 - (1) Provide sufficient dedication on the preliminary plan of subdivision along MD 381 for on-road bike lanes in accordance with SHA standards and the American Association of State Highway and Transportation Officials (AASHTO) guidance, subject to approval by SHA.
 - (2) The applicant shall provide an eight-foot-wide concrete sidepath in the right-of-way along the subject site's entire frontage of MD 381, subject to SHA approval and in accordance with SHA standards, and subject to American Association of State Highway and Transportation Officials (AASHTO) guidance.
 - c. Provide a minimum eight-foot-wide continuous sidepath that connects the commercial/retail area to the sidepath on Mattawoman Drive (A-63).
 - d. Provide a minimum eight-foot-wide continuous sidepath on the north side of Cattail Way between Mattawoman Drive and Missouri Avenue, to ensure access to the public park from the development.
 - e. Provide standard sidewalks along both sides of all internal roads (public and private, excluding alleys), unless modified by the Prince George's County Department of Public Works and Transportation (DPW&T) for public roads and detailed site plan for private roads.

- f. Mark and label the limits and alignment of the “Proposed 6’ wide private path” indicated on Sheet 11.

Prior to signature approval, these improvements shall be reflected on the preliminary plan of subdivision and the Type 1 tree conservation plan.

22. Prior to approval and at the time of detailed site plan (DSP), the following design issues shall be addressed:

- a. Provide bicycle parking at major transit locations and adjacent to all new commercial development and recreational uses on-site. Provide bicycle parking details for all bicycle parking.
- b. Streetscape details, crosswalks, lane control markings, lighting, curb ramps, splitter island locations, driveway crossings, pedestrian safety symbols, and pedestrian safety signage shall be delineated on the DSP, as applicable.
- c. Provide continuous sidewalks adjacent to all of the commercial buildings and along both sides of all roads, unless a sidepath is provided.
- d. Trails shall be shown no less than 20 feet from all private residential lot lines and/or 25 feet from all residential buildings, excluding where trails connect with the internal road or sidewalk network, unless environmental constraints/impacts exist that make this impractical.
- e. Provide a hard surface trail connection from the proposed multifamily dwelling units located at the end of Daffodil Court directly to Mattawoman Drive to the west, provided that the necessary approvals and permits for disturbance of environmental features are approved by all applicable authorities including, but not limited to, the Maryland Department of the Environment and/or the U.S. Army Corps of Engineers.
- f. Sidewalks and/or striped designated pedestrian walkways shall be considered through large areas of surface parking at the time of DSP.
- g. Provide pedestrian refuge islands, crosswalks, curb extensions, and other traffic calming and safety devices on all roads per the Prince George’s County Department of Public Works and Transportation (DPW&T) standards and with American Association of State Highway and Transportation Officials (AASHTO) guidance. Details of the pedestrian refuge islands, crosswalks, curb extensions, and other traffic calming devices shall be shown on the DSP and are subject to modification by DPW&T.
- h. All trail connectors to the proposed park to the east shall be provided on the DSP and shall be constructed to meet *Parks and Recreation Facilities Guidelines*, unless modified by the Prince George’s County Department of Parks and Recreation.

23. Prior to approval of the detailed site plan, the applicant shall obtain consents and/or make appropriate adjustments for the co-location of any proposed and existing utility easements and stormdrain outfalls, to including Washington Gas, public utilities, and the Washington Suburban Sanitary Commission (WSSC).
24. The applicant and the applicant's heirs, successors, and/or assignees shall record a condominium plat for the two-family dwelling units (116 dwelling units) in accordance with the provisions of the Maryland Condominium Act, setting out each dwelling unit as a separate unit.
25. The approval of this preliminary plan of subdivision shall supersede Preliminary Plan of Subdivision 4-90045 (PGCPB Resolution No. 90-230) for the development of this property.
26. The detailed site plan shall delineate the extent of:
 - a. The vehicular access easements authorized pursuant to Section 24-128(b)(9) of the Subdivision Regulations in accordance with the approved preliminary plan of subdivision and the variation approved from Section 24-124(a)(3) of the Subdivision Regulations for Parcels A-1, A-2, B-2, B-3, and B-4 onto Mattawoman Drive (A-63). The remaining frontage of these parcels shall be denied direct access to Mattawoman Drive, Brandywine Road (MD 381), and Robert S. Crain Highway (US 301).
 - b. A cross vehicular access easement between the homeowners association and the owner of Parcel B-4, for access from Private Road B to Cattail Way, across Parcel B-4.
27. Prior to approval of the final plat of subdivision, the following draft vehicular access easements shall be approved by The Maryland-National Capital Park and Planning Commission (M-NCPPC) and be fully executed. The easement documents shall set forth the rights, responsibilities, and liabilities of the parties and shall include the rights of M-NCPPC. Prior to recordation, the easements shall be recorded in land records and the liber/folio of the easement(s) shall be indicated on the final plat and the limit of the easements reflected:
 - a. A cross vehicular access easement for Parcels A-1, A-2, B-2, B-3, and B-4 onto Mattawoman Drive (A-63) being authorized pursuant to Section 24-128(b)(9) of the Subdivision Regulations, and a variation to Section 24-121(a)(3) of the Subdivision Regulations. The remaining frontage of these parcels shall be denied direct access to Mattawoman Drive, Robert S. Crain Highway (US 301), and Brandywine Road (MD 381).
 - b. A cross vehicular access easement between the homeowners association and the owner of Parcel B-4, for access from Private Road B to Cattail Way, across Parcel B-4.
28. At the time of final plat approval, the applicant shall dedicate to public use 40 feet from the centerline along the property's frontage of Brandywine Road (MD 381).

29. At the time of final plat, the applicant shall provide dedication to public use of 60 feet from the right-of-way along the property's frontage of Robert S. Crain Highway (US 301) within the master plan alignment, as delineated on the approved preliminary plan of subdivision and detailed site plan.
30. The applicant shall develop and submit a phasing plan for the following improvements at the time of the initial detailed site plan for property involving development on Mattawoman Drive, and also shall submit any needed warrant studies related to the installation of signalization at this time. The installation of signalization would be implemented when deemed warranted and required by SHA. A status report for these improvements shall be submitted with each detailed site plan following the approval of the phasing plan, with the transportation staff recommendation to be based upon a comparison of the status with the phasing plan:
- a. Provision of signalization and dual southbound left-turn lanes along US 301 at Mattawoman Drive, provision of a northbound right-turn lane along US 301 at Mattawoman Drive, and provision of the east leg of the intersection (the Mattawoman Drive approach from the south/east) as five lanes, configured with two left-turn lanes, two through lanes, and one right-turn lane.
 - b. Provision of signalization at the MD 381/Mattawoman Drive intersection, and provision of an eastbound left-turn lane and westbound right-turn lane along MD 381 at Mattawoman Drive is proposed.
31. The applicant and the applicant's heirs, successors, and/or assignees 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 that will include the applicant, the Montgomery Wards Brandywine Distribution Center, the Brandywine Commerce Center, the Mattawoman-Brandywine Commerce Center, the Brandywine Business Park, the Brandywine/301 Industrial Park, the Hampton CDZ, and other property owners in the area designated as Employment Area "C" in the Subregion V Master Plan, as well as any properties along US 301/MD 5 between T.B. (the intersection of US 301 and MD 5 in Prince George's County) and Mattawoman Creek, and any other properties for which participation is deemed necessary by the Planning Board:

A fee calculated as $\$1.41 \text{ per gross square foot of space X (Engineering News-Record Highway Construction Cost index at time of payment) / (Engineering News-Record Highway Construction Cost Index for first quarter, 1993)}$.

For each townhouse, duplex, or two-family attached (two-over-two) unit, a fee calculated as $\$1,187 \text{ X (Engineering News-Record Highway Construction Cost index at time of payment) / (Engineering News-Record Highway Construction Cost Index for first quarter, 1993)}$.

For each multifamily unit, a fee calculated as $\$886 \text{ X (Engineering News-Record Highway Construction Cost index at time of payment) / (Engineering News-Record Highway Construction Cost Index for first quarter, 1993)}$.

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 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-lane road to a six-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-lane road to a six-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-lane road to an eight-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-lane road to a six-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.
- 32. Total development of the site shall be limited to uses that would generate no more than 1,079 AM and 1,479 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.
- †33. Prior to the recommendation of approval by The Maryland-National Capital Park and Planning Commission (M-NCPPC) ~~†[for the 200th building permit,]~~ of a building permit for the 370th residential dwelling unit within Preliminary Plan 4-15011 and Preliminary Plan 4-11004 (cumulatively), the applicant shall †obtain permits from the Prince George's County Department of Permitting, Inspections and Enforcement to construct Cattail Way over Timothy Branch. This roadway connection shall include construction within the public right-of-way of an eight-foot-wide trail/sidewalk which shall connect Daffodil Court to the Southern Area Aquatic and Recreational Complex (SAARC). The status of the construction of Cattail Way shall be provided with each detailed site plan proposing residential development which fronts on or accesses Cattail Way. †Prior to the recommendation of approval by M-NCPPC of a building permit for the 455th residential dwelling unit, the applicant shall construct these improvements.
- 34. All Type 2 tree conservation plans prepared for the subject property shall include an invasive species management plan which addresses best management practices and appropriate methods of control for invasive species found on-site.
- 35. At the time of the first detailed site plan for any commercial office or retail use with frontage on Brandywine Road (MD 381), the required overall signage plan shall address appropriate size, scale, design, and materials for any signage visible from a historic roadway, consistent with the overall treatment of the scenic viewshed and/or associated scenic easements.
- 36. Prior to signature approval of the preliminary plan of subdivision, the natural resources inventory shall be revised to delineate additional nontidal wetlands and wetland buffers located on both sides of the Cattail Way right-of-way at the intersection of Missouri Avenue (Outlot W).
- 37. At the time of final plat, a primary management area (PMA) conservation easement shall be described by bearings and distances. The conservation easement shall contain the delineated Patuxent River PMA, except for approved impacts, and shall be reviewed by the Environmental Planning Section prior to approval of the final plat. The following note shall be placed on the plat:

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“PMA 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.”

38. Prior to issuance of any permits which impact wetlands, wetland buffers, streams, or waters of the U.S., the applicant shall provide the Environmental Planning Section with copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
39. Prior to signature approval of the preliminary plan of subdivision, the Type 1 tree conservation plan (TCP1) shall be revised as follows:
 - a. Provide the minimum on-site woodland conservation requirement in conformance with Condition 20 of Conceptual Site Plan CSP-09003 (PGCPB Resolution No. 14-09), or as amended.
 - b. Remove all proposed woodland conservation areas from within the dedicated right-of-way and public utility easements.
 - c. The TCP approval block shall be revised to show the prior approval of the TCP1.
 - d. Sheet 8 of 10 shall be revised to remove any lots and improvements from proposed Outlot W.
 - e. Revise the woodland conservation worksheet to correctly calculate the minimum on-site woodland conservation requirement.
 - f. Revise the note below the worksheet to be consistent with Type 1 Tree Conservation Plan TCP1-007-12.
 - g. Remove the tree canopy coverage schedule from the TCP1.
 - h. Add a sheet specific specimen tree table to each plan sheet.
 - i. The revised plan shall be signed and dated by the qualified professional who prepared it.
40. Development of this subdivision shall be in conformance with approved Type 1 Tree Conservation Plan TCP1-007-12-01. The following note shall be placed on the final plat of subdivision:

“This development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan (TCP1-007-12-01), or as modified by the Type 2 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 and Wildlife Habitat

Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005. Copies of all approved Tree Conservation Plans for the subject property are available in the offices of the Maryland-National Capital Park and Planning Commission, Prince George's County Planning Department."

41. Prior to signature approval of the Type 2 tree conservation plan (TCP2) for this site, the liber and folio of the recorded woodland and wildlife habitat conservation easement shall be added to the standard TCP2 notes on the plan as follows:

"Woodlands preserved, planted, or regenerated in fulfillment of woodland conservation requirements on-site have been placed in a woodland and wildlife habitat conservation easement recorded among the Prince George's County Land Records at Liber ____ Folio _____. Revisions to this TCP2 may require a revision to the recorded easement."

42. The following note shall be placed on the final plat:

"Prior to signature approval of a TCP2 for this property, pursuant to Section 25-122(d)(1)(B), all woodland preserved, planted or regenerated on-site shall be placed in a woodland conservation easement recorded among Land Records of Prince George's County and the liber/folio of the easement shall be indicated in a note on the TCP2 plan."

43. Prior to signature approval of the preliminary plan of subdivision (PPS), the PPS and Type 1 tree conservation plan shall be revised as follows:

- a. The 65 dBA Ldn noise contour affecting the subject property associated with the Joint Base Andrews Naval Air Facility shall be shown and labeled.

44. At the time of final plat of subdivision, the following notes shall be added to the plat:

"The entire property is mapped as an Imaginary Runway Surface and as Approach/Departure Horizontal(C)."

"The 65 dBA Ldn noise contour associated with Joint Base Andrews affects a portion of the subject property. At time of building permit application an acoustical certification indicating that interior noise levels have been mitigated to 45 dBA Ldn or lower shall be submitted."

45. In the event the interim Land Use Controls associated with Joint Base Andrews are still in effect at the time of final plat of subdivision, the following note shall be added to all of the plats for the subject property:

“No permit shall be issued for construction that exceeds the height of the Imaginary Surfaces. At the time of detailed site plan or building permit application (whichever occurs first), a registered Engineer or qualified professional of competent expertise shall certify that structures do not exceed the Imaginary Surfaces shown in Figure [height].”

46. Prior to signature approval of the preliminary plan of subdivision (PPS), the PPS and Type 1 tree conservation plan shall be revised to remove the unmitigated noise contours identified in the revised Phase 1 noise study.
47. The design and implementation of any road improvements to Brandywine Road (MD 381), a designated historic road, required by this project shall be coordinated by the Maryland State Highway Administration (SHA) and include all interested stakeholders, including the Environmental Planning Section, M-NCPPC. The road improvements shall seek to implement context-sensitive solutions as required by SHA policy. This coordination shall occur during the review of the first detailed site plan which includes property abutting Brandywine Road (MD 381).
48. Prior to signature approval of the preliminary plan of subdivision, the Type 1 tree conservation plan shall be revised to delineate a 20-foot-wide scenic buffer adjacent to historic Brandywine Road (MD 381).
49. At the time of detailed site plan review for development with frontage on Brandywine Road (MD 381), the treatment for the frontage of Brandywine Road (historic road) shall include the following:
 - a. Eastern red cedar in the planting palette to match the existing vegetation on the south side of the roadway; and
 - b. Consistency with the special roadway treatment proposed for Stephen’s Crossing, Lot 22, and the Villages of Timothy Branch.
50. At the time of detailed site plan review, details of all lighting fixtures shall be submitted along with certification that the proposed fixtures are full cut-off optics, and a photometric plan showing the proposed light levels shall be submitted.
51. Prior to signature approval of the preliminary plan of subdivision, the applicant shall:
 - a. Remove the list of the proposed private recreational facilities from the plan.
 - b. Revise the parcel summary on Sheet 2 to reflect a mix of uses for proposed Parcels A-2 and G-1.
 - c. Remove the off-site private path shown on Sheet 11.

52. At the time of detailed site plan, the applicant shall:
- a. Show conformance with the requirements of Section 4.6 of the 2010 *Prince George's County Landscape Manual* for Lots 1 and 4 in Blocks D and F to provide the bufferyard outside of the lots, or obtain approval of an Alternative Compliance application, or remove one lot from each townhouse building stick.
 - b. Explore and provide additional information on sustainability at both the site and building levels, to the extent practical.

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 with conditions, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and the Land Use Article of the Annotated Code of Maryland.
2. **Background**—The subject property is located on Tax Map 145, has a gross tract area of 169.34 acres, and a net tract area of 128.84 acres due to 40.50 acres of floodplain. The property is currently known as part of the Brandywine Business Park, and is comprised of Lots 1–7 (REP 209-15); Lots 8 and 9, Parcel C (REP 209-16); Lots 10–14, Parcel A (MMB 239-77); Lots 15–21 (MMB 239-78); Lots 23–27, Parcel B (MMB 239-79); and Outlot A (PM 228-79), and includes the dedicated rights-of-way of Cattail Way cul-de-sac (southwest of Mattawoman Drive), Sparrow Court, and part of Daffodil Court. The dedicated public rights-of-way as described above are to be vacated prior to final plats for this preliminary plan of subdivision (PPS).

The Brandywine Business Park is subject to Preliminary Plan of Subdivision 4-90045 (PGCPB Resolution No. 90-230), which was approved by the Prince George's County Planning Board on May 31, 1990 at which time the property was located in the Light Industrial (I-1) Zone. Subsequently, final plats were recorded pursuant to that approval for the business park. The subject PPS includes 169.34 acres of land previously covered by PPS 4-90045 (195.91 acres). Lot 22, areas of right-of-way dedication, and land conveyed to The Maryland-National Capital Park and Planning Commission (M-NCPPC) are not included in this PPS (26.57 acres). This PPS supersedes that approval for the development of this property.

Outlot

On August 21, 2014, staff was advised that an area of wetlands was identified that had not previously been known by staff or the applicant. This area of wetlands is located on the south side of Cattail Way, south of Brandywine Area Community Park (M-NCPPC), in the southwest quadrant of the intersection of Cattail Way and Missouri Avenue. This pod of development contains 57 lots for the development of townhouses. The PPS reflected these 57 lots and the single access to this pod of development impacting the wetlands. Because this environmental feature was identified late in the review of this PPS, it was not evaluated or reflected on the approved natural resources inventory, the tree conservation plan, or PPS. Therefore, staff advised the applicant that this area of the site should be converted to an outlot, where the applicant could then prepare appropriate plans, consult with the U.S. Army Corp of Engineers, and file a new PPS for the

lotting out of this area of development. With the new PPS, the applicant will file statements of justification for the disturbance to the wetlands, which could result in shifting the entrance drive and a loss of lots within this pod of development to avoid impacts to the wetlands. As a result, the applicant proposed the creation of Outlot W (5.85 acres), which will require a new PPS where a thorough review can occur and an appropriate lotting pattern can be evaluated including appropriate spacial relationships for buffering. The analysis of this PPS included adequacy for mandatory dedication of parkland and transportation which would support the resubdivision of Outlot W into 57 townhouse lots.

The 2013 *Approved Subregion 5 Master Plan and Sectional Map Amendment* (Subregion 5 Master Plan and SMA) rezoned the subject property from the I-1 Zone to the M-X-T Zone. The applicant obtained approval of Conceptual Site Plan CSP-09003 on February 6, 2014 (PGCPB Resolution No. 14-09). This PPS is in conformance with that approval.

The application includes three variation requests and one variance request, as discussed within this report. All of the variations and the variance request are approved.

On September 23, 2014 the applicant filed a revised lotting pattern exhibit to make further adjustments to the plan that include the identification of Outlot W and appropriate right-of-way dedication along US 301. The revisions included minor adjustments to the lotting pattern that addressed issues related to parking, distance between lot lines, and configuration of lots. In general, these modifications improve the overall design of the subdivision. The Planning Board approved Applicant's Exhibits 1A and 1B.

3. **Setting**—The subject property comprises 169.34 acres located at the northeast quadrant of the intersection of Crain Highway (US 301) and Brandywine Road (MD 381) in Brandywine, Maryland. The property is bounded on the north and west by US 301, on the west and south by MD 381, and on the east by Missouri Avenue and Brandywine Area Community Park. The site is located on both sides of the proposed A-63 facility (also termed the Spine Road), Mattawoman Drive.

4. **Development Data Summary**—The following information relates to the subject PPS application and the proposed development.

	EXISTING	APPROVED
Zone	M-X-T	M-X-T
Use(s)	Commercial	Mixed Use
Acreage		
Lots	26	379
Outlots	1	1
Parcels	0	73
Dwelling Units:	0	1,295
Multifamily	0	800
Townhouse	0	*[434] 377†
Attached (two-over-two)	0	116
Single-Family Attached	0	2
Office	0	100,000
Commercial/Retail	0	200,000
Public Safety Mitigation Fee	No	No
Variance	No	Yes
		Section 25-122(b)(1)(G)
Variation	No	Yes
		Section 24-128(b)(7)(A)
		Section 24-128(b)(12)
		Section 24-121(a)(3)

*†See Outlot Finding.

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard before the Subdivision and Development Review Committee (SDRC) meeting of May 9, 2014. The requested variations are to Section 24-128(b)(12) of the Subdivision Regulations for a modification to the required ten-foot wide public utility easements along private streets, Section 24-121(a)(3) of the Subdivision Regulations for direct vehicular access to an arterial facility, and Section 24-128(b)(7)(A) for the use of alleys where the lot fronts on a private street or open space. These variations were accepted and heard at SDRC meetings on May 9, June 6, and June 20, 2014 as required by Section 24-113(b) of the Subdivision Regulations, no less than 30 days prior to the Planning Board hearing of October 2, 2014. The applicant also filed a variance to Section 25-122(b)(1)(G) of the County Code for the removal of specimen trees. All of the variations and the variance are approved.

†Denotes Amendment

*Denotes Correction

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

5. **Community Planning**—The *Plan Prince George's 2035 Approved General Plan* (Plan Prince George's 2035) makes no recommendations influencing a specific development application on this property, therefore the PPS is not inconsistent with or contrary to the General Plan.

The application is consistent with the Subregion 5 Master Plan, which recommends mixed-use development. Although the future land uses envisioned in the master plan are commercial, employment, and light industrial, the accompanying SMA implemented the recommended land use by rezoning the subject property from the I-1 Zone to the M-X-T Zone, which allows the residential, commercial, and retail uses proposed in this application. Pursuant to Section 24-121(a)(5), a PPS and the final plat are required to conform to the area master plan unless events have occurred to render the plan recommendations no longer appropriate. Here, the land use recommendation of commercial, employment, and light industrial is no longer appropriate based on the rezoning through the SMA to M-X-T. The PPS is consistent with the approved CSP and the land uses allowed in the M-X T Zone. The uses include townhouses, single-family attached, multifamily, retail, and office. None of the proposed land uses are prohibited.

6. **Urban Design**—The subject PPS is approved for approximately 379 lots, 73 parcel, and one outlot on a 169.34-acre consolidation of land for construction of a mixed-use development project consisting of approximately 1,295 residential dwelling units and 300,000 square feet of commercial/retail and office space.

The M-X-T Zone requires that a CSP and a DSP be approved for all uses and improvements. Conceptual Site Plan CSP-09003 was approved by the Planning Board on February 6, 2014 with 24 conditions (PGCPB Resolution No. 14-09). The following conditions of the CSP approval are relevant to the review of the subject application:

3. **At the time of preliminary plan of subdivision, the following issues shall be addressed, or information shall be provided:**
- a. **Provide proper turnarounds or connections for all private and public streets.**

The submitted PPS provides adequate turnarounds or connections for all streets.
 - b. **Provide adequate spacing between the proposed stormwater management ponds and townhouse lots in the southern section of the site.**

The submitted PPS and Type 1 tree conservation plan (TCP1) provide adequate spacing around the proposed stormwater management ponds and townhouse lots in the southern section of the site. However, this issue will need to be more closely examined at the time of DSP once a final grading plan is submitted.
 - c. **Provide sufficient dedication on the preliminary plan along Brandywine Road (MD 381) for on-road bike lanes in accordance with Maryland State Highway Administration (SHA) standards and American Association of**

State Highway and Transportation Officials (AASHTO) guidance, subject to approval by SHA.

Conformance with this condition was reviewed by the Transportation Planning Section where additional dedication is being required along Brandywine Road (MD 381) as reflected on the PPS.

- d. Long blocks of structures shall, where feasible, be broken into smaller blocks with roads, paths, and/or green space.**

The submitted PPS breaks up long blocks of structures, where feasible.

- e. The plan shall address the following rights-of-way:**

- (1) Dedication of a right-of-way of 40 feet from centerline along C-613 and Brandywine Road (MD 381), along the site's frontage.**
- (2) Right-of-way preservation for the planned interchange at the intersection of Robert Crain Highway (US 301) and A-63, with the limits of the interchange vis à-vis the development, to be determined in consultation with SHA at that time.**

Conformance to this condition is discussed in the Transportation Finding and appropriate conditions included.

- f. A TCP1 consistent with the scale of the preliminary plan, and at a scale no greater than one inch equals 100 feet.**

The TCP1 and PPS are provided at the same scale.

- g. A detailed statement of justification for the proposed removal of any specimen trees. The justification shall be provided separately for each tree, with the exception of those that can be grouped together based on certain similarities.**

Conformance to this condition is reviewed in the Environmental Finding.

- h. The preliminary plan application package shall contain a revised statement of justification for the proposed impacts to regulated environmental features.**

Conformance to this condition is reviewed in the Environmental Finding.

- i. **An approved revised stormwater management concept plan and letter which reflects the most recent revision to the delineated primary management area on the west side of Mattawoman Drive. The revised stormwater concept plan shall show the same site layout as the preliminary plan and its associated TCP1.**

This information was provided.

- j. **A copy of the erosion and sediment control concept plan.**

Conformance to this condition is reviewed in the Environmental Finding.

- k. **A Phase II noise study shall be submitted that addresses noise impacts on residential, or potential residential use areas, and the necessary mitigation methods which reflect the “worst case” noise impact scenario for Robert Crain Highway (US 301).**

Conformance to this condition is reviewed in the Noise Finding.

- l. **An inventory of scenic and historic features for the frontage and viewshed of Brandywine Road (MD 381) adjacent to the subject property.**

This information was provided and discussed in the Environmental Finding.

- m. **The preliminary plan and TCP1 shall be designed in such a way as to accommodate appropriate landscape planting, and limit signage treatments along the frontage of Brandywine Road (MD 381).**

The PPS proposes a parcel configuration which will accommodate landscape planting along Brandywine Road (MD 381). This requirement will be fully examined at the time of DSP.

- n. **Supplemental forest stand delineation information shall be submitted on the extent of invasives in the herbaceous/woody layer of Forest Stand 3, including location, species, and areas identified on-site. The information shall be prepared by a qualified professional and be sufficient to determine if an invasive species management plan is indicated at the time of Type 2 tree conservation plan (TCP2) review.**

Conformance to this condition is reviewed in the Environmental Finding.

- 4. **At the time of detailed site plan (DSP), the following design issues shall be addressed:**

A list of issues was identified with the CSP approval that is required to be addressed at the time of DSP. While they are not required to be addressed on the PPS, the following conditions involve spatial relationships that are considered in order to ensure that conformance can occur at the time of DSP.

b. The applicant shall consider setting aside space for a community garden.

The layout reflects homeowners association open space parcels that could be used for a community garden. This issue will be examined further at the time of DSP when final grading and utility placement are determined.

j. No rear elevations of residential buildings shall be oriented towards Mattawoman Drive or Cattail Way. Any side elevations of residential buildings highly visible from Mattawoman Drive or Cattail Way shall be designed with the same attention to detail as the front elevation.

All of the proposed lots are to be oriented such that no rear elevations will face Mattawoman Drive or Cattail Way. Residential building design will be examined further at the time of DSP.

p. An appropriate landscape bufferyard shall be provided between the commercial and residential uses. This bufferyard shall be specifically designed to screen and buffer undesirable views and activities, while also creating defined direct pedestrian circulation between the uses.

There are several locations in Blocks B, D, and F where commercial and residential uses directly abut each other. The submitted TCP1 appears to provide sufficient room for a landscaped bufferyard. This issue will be examined further at the time of DSP.

s. All single-family attached or two-family attached dwelling units shall be set back a minimum of 30 feet from the right-of-way of Cattail Way (C-610). This setback shall include a 20-foot-wide landscaped area with enhanced landscaping treatments.

The submitted PPS provides a deeper lot configuration along Cattail Way that accommodates this setback. This issue will be further examined for conformance at the time of DSP when dwellings units are sited.

v. Provision of sufficient visitor parking spaces evenly distributed among the townhouse development areas.

In Applicant's Exhibit 1B, the PPS was revised to include opportunities for evenly distributed parking within each townhouse block. This issue will be examined further at the time of DSP by requiring a block-based parking analysis.

5. **At the time of detailed site plan (DSP), the private on-site recreational facilities shall be reviewed. The following issues shall be addressed:**

- a. **The applicant shall provide a final list of proposed private recreational facilities and their cost estimates. The list of facilities provided on the conceptual site plan shall be viewed as the minimum number and size of facilities required. This list shall be expanded as deemed necessary to ensure that the overall development, and each phase, is capable of sustaining an independent high-quality environment.**

Although this condition is set for the time of DSP, it should be noted that the recreational facilities list on the PPS does not match that approved on the CSP. This list should be removed from the PPS as they are not part of the mandatory parkland dedication requirement.

6. **Prior to approval of a preliminary plan of subdivision, the applicant shall consult with Historic Preservation Section staff to develop traditional names for the streets included in the subject application, rather than the proposed names, which do not appear to have a historic relationship to the property.**

Conformance to this condition is discussed further in the Historic Finding.

9. **Prior to approval of a final plat for the proposed lots and parcels that will be incorporating existing rights-of-way, approval of a vacation petition shall be obtained in accordance with Section 24-112 of the Subdivision Regulations.**

Appropriate conditions are required to ensure that the existing dedicated rights-of-way are vacated prior to the re-platting of this property in accordance with the PPS.

11. **The applicant shall provide an eight-foot-wide concrete sidepath in the right-of-way along the subject site's entire frontage of Brandywine Road (MD 381), subject to Maryland State Highway Administration (SHA) approval and in accordance with SHA standards, and subject to American Association of State Highway and Transportation Officials (AASHTO) guidance.**
12. **Provide a minimum eight-foot-wide sidepath on the east side of Mattawoman Drive (A 63) between Brandywine Road (MD 381) and Robert Crain Highway (US 301), unless modified by the Department of Public Works and Transportation (DPW&T).**
13. **Provide a minimum eight-foot-wide continuous sidepath that connects the commercial retail area to the sidepath on Mattawoman Drive (A-63).**

- 14. Provide a minimum eight-foot-wide continuous sidepath on one side of Cattail Way between Mattawoman Drive and Missouri Avenue, unless modified by the Department of Public Works and Transportation (DPW&T).**

Conformance to Conditions 11 through 14 is discussed in the Trails Finding.

- 17. The preliminary plan of subdivision recommendations shall include the following transportation improvements, or similar equivalent improvements, as proffered in the July 2010 traffic impact study:**
- a. Provision of signalization, if warranted, and dual southbound left-turn lanes along Robert Crain Highway (US 301) at Mattawoman Drive, provision of a northbound right-turn lane along US 301 at Mattawoman Drive, and provision of the east leg of the intersection (the Mattawoman Drive approach from the south/east) as five lanes, configured with two left turn lanes, two through lanes, and one right-turn lane.**
 - b. Provision of signalization, if warranted, at the Brandywine Road (MD 381)/Mattawoman Drive intersection, and provision of an eastbound left-turn lane and westbound right-turn lane along MD 381 at Mattawoman Drive.**

Conformance to this condition is discussed further in the Transportation Finding. These improvements have been carried forward as conditions of this approval.

- 18. The applicant and the applicant's heirs, successors, and/or assignees 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 that will include the applicant, the Montgomery Ward 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 2013 Approved Subregion 5 Master Plan and Sectional Map Amendment, as well as any properties along Robert Crain Highway (US 301)/MD 5 between T.B. (the intersection of US 301 and MD 5 in Prince George's County) and Mattawoman Creek, and any other properties for which participation is deemed necessary by the Prince George's County Planning Board. For development on the subject property, the applicant's sole funding responsibility toward the construction of these off site transportation improvements shall be payment of the following:**

- A fee calculated as \$1.41 per gross square foot of space X (Engineering News-Record Highway Construction Cost index at time of payment) / (Engineering News-Record Highway Construction Cost Index for first quarter, 1993).**

- **For each townhouse, duplex, or two-family attached (two-over-two) unit, a fee calculated as \$1,187 X (Engineering News-Record Highway Construction Cost index at time of payment) / (Engineering News-Record Highway Construction Cost Index for first quarter, 1993).**
- **For each multifamily unit, a fee calculated as \$886 X (Engineering News-Record Highway Construction Cost index at time of payment) / (Engineering News-Record Highway Construction Cost 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 Maryland-National Capital Park and Planning Commission (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-lane road to a six-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 Maryland State Highway Administration (SHA) plans.**
 - b. **Install a traffic signal at the A-63/Cedarville Road intersection, provided said signal is deemed warranted by the Department of Public Works and Transportation (DPW&T).**
 - c. **Make minor widening/striping improvements to the US 301/MD 5 interchange ramps.**
 - d. **Widen Crain Highway (US 301) from a four-lane road to a six-lane road beginning at the T.B. interchange (US 301/MD 5) and extending northerly to a point approximately 2,500 feet north of Brandywine Road (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 the Department of Public Works and Transportation (DPW&T) and the Maryland State Highway Administration (SHA).**
- g. Provide a grade separation at the point the spine road crosses Crain Highway (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 Branch Avenue (MD 5) and A-63 north of T.B.**
- k. Construction of A-63 as a six-lane arterial roadway (where off-site) between the US 301/MD 5/Cedarville Road/McKendree Road intersection and MD 5 north of T.B.**
- l. Widen US 301/MD 5 from a six-lane road to an eight-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-lane road to a six-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.**

Conformance to this condition is discussed further in the Transportation Finding. These improvements have been carried forward as conditions of this approval.

- 19. Total development of the overall site shall be limited to uses that would generate no more than 1,109 AM and 1,512 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein-above shall require an amendment to the conceptual site plan with a new review of the finding associated with Section 27-546(d)(9) of the Zoning Ordinance.**

Conformance to this condition is discussed further in the Transportation Finding. The PPS establishes a lower trip cap than that approved in Condition 19 above. The PPS trip cap is 1,079 AM and 1,479 PM peak hour trips. The applicant is limited to the lower trip cap which supports the proposed development and the possible future addition of 57 townhouse lots on Outlot W.

- 22. At the time of preliminary plan of subdivision review, if the private access point proposed onto Brandywine Road (MD 381), east of the intersection with Robert Crain Highway (US 301) and/or the proposed “minor neighborhood entrance feature” on Phase 10 are to be retained, a statement of justification shall be provided regarding why an access point and/or entrance feature is appropriate and/or necessary in this location. The statement of justification shall be evaluated for conformance with the policies and strategies of the 2009 Approved Countywide Master Plan of Transportation for the conservation of special roadways.**

Conformance to this condition is discussed in the Environmental and Transportation findings. One access is approved for approval for the entire frontage along Brandywine Road. All other frontage along Brandywine Road is denied.

Conformance with the Requirements of the Zoning Ordinance

The subject proposal in the M-X-T Zone also requires DSP approval. Prior to final plat, the applicant shall obtain DSP approval for the proposed development.

Development in the M-X-T Zone is required to have direct vehicular access to a public street in accordance with Section 27-548(g) as noted below:

- (g) Each lot shall have frontage on, and direct vehicular access to, a public street, except lots for which private streets or other access rights-of-way have been authorized pursuant to Subtitle 24 of this Code.**

The subject site fronts on three existing public rights-of-way including Missouri Avenue to the east, Brandywine Road (MD 381) to the south, and Crain Highway (US 301) to the north. Additionally, there are two internal master-planned rights-of-way, Mattawoman Drive and Cattail Way. However, multiple lots shown on the PPS do not show frontage and/or direct access to a public street. Access has been evaluated and discussed further in the Transportation Finding pursuant to Subtitle 24, Subdivision Regulations.

Conformance with the 2010 Prince George’s County Landscape Manual

Per Section 27-548 of the Zoning Ordinance, landscaping, screening, and buffering within the M-X-T Zone shall be provided pursuant to the provisions of the 2010 *Prince George’s County Landscape Manual* (Landscape Manual). Conformance with the requirements of the Landscape Manual will be further determined at the time of DSP review. However, at the time of review of the PPS, the spatial relationships between lots should ensure that conformance to the Landscape Manual can be accommodated. The following specific requirements are relevant to the subdivision review:

- a. In accordance with Section 4.6, a minimum 20-foot-wide buffer, planted with 80 plant units per 100 linear feet, is required along the property’s entire frontage on Brandywine Road (MD 381), which is a designated historic road.

- b. In accordance with Section 4.6, a minimum 50-foot-wide buffer, planted with a specified number of plant units, and a minimum 75-foot-wide buffer, planted with a specified number of plant units, is required between multifamily development and an arterial or freeway, respectively.
- c. In accordance with Section 4.6, a planted buffer, either on the lots or in a common open space, is required between the rear yards of single-family attached dwellings and a street. The required width of this buffer varies from 20 to 75 feet relative to the classification of the street, with alleys excluded. Given the small size of the townhouse lots, staff recommends that the full width of this required buffer be provided outside of the lots in order to allow for sufficient usable outdoor space on each lot. Staff worked with the applicant during the review process to ensure the appropriate distance was being provided wherever possible, as shown on Applicant's Exhibit 1B. However, Lots 1 and 4 in Blocks D and F still do not provide the required buffer outside of the lots. This area will have to be examined further at the time of DSP, when detailed architecture and landscaping plans are available. If the requirements cannot be met, the applicant will be required to either obtain approval of an Alternative Compliance application or remove one lot from each stick, for a total loss of two townhouse lots.
- d. In accordance with Section 4.7, a bufferyard is required between the proposed commercial and residential uses. The specific width and planting requirements are relative to the specific type of each use. This issue will be evaluated further at the time of DSP.

Tree Canopy Coverage Ordinance

The Tree Canopy Coverage Ordinance requires ten percent tree canopy coverage for properties in the M-X-T Zone. The subject 169.34-acre property must provide 16.94 acres of site area covered by tree canopy. This requirement can be met either through the preservation of existing trees, proposed on-site landscaping, or a combination of both, and will be evaluated at the time of DSP.

The applicant indicated their intent to incorporate 100 multifamily residential units into the commercial parcels on the west side of Mattawoman Drive. Although the CSP did not show this integration of uses in this specific area, staff is very supportive of a mix of uses, which would be consistent with the intent and purposes of the M-X-T Zone. However, the submitted PPS parcel summary on Sheet 2 does not reflect a mixed use for proposed Parcel A-2. The parcel summary does reflect a mix of uses on Parcel G-1 in conformance with the approved CSP. Therefore, the parcel summary should be revised prior to signature approval of the PPS to reflect the mix of uses on these proposed parcels.

The submitted PPS mistakenly shows a private trail off-site on Sheet 11. This should be removed prior to signature approval.

Adequate space between townhouse sticks serves multiple purposes, such as allowing homeowners access to their front and rear yards, allowing access for utility maintenance, and provision and maintenance of landscaping. Staff worked with the applicant during the review of the PPS to ensure a minimum of eight feet is provided between lot lines wherever possible, as shown on

Applicant's Exhibit 1B. There was one location, between Lots 37 and 38 within Block L, where the space was reduced to five feet. This location will be evaluated at the time of DSP as the final engineering and grading is done in order to be determined if eight feet can be accommodated.

Applicant's Exhibit 1B includes one group of two single-family attached units within Block C, located between environmental features and a private road. The CSP approval included townhouses, single-family attached (two-over-two), and multifamily residential products. Technically, these two proposed units do not fit into any of these groups, as townhouses only include groups of three or more units. However, given their location and the fact that these lots will use the same building product and lot regulations as proposed for townhouse lots, this dwelling unit type will have minimal impact on the overall organization of the community and is found to be in substantial conformance with the approved CSP residential land uses.

This development has a great potential of integrating green building techniques at both the site and building levels. The applicant should explore and provide additional information on sustainability, to the extent practical, at time of DSP review.

7. **Environmental**—The Environmental Planning Section has reviewed the most recent revised PPS and TCP1, stamped as received by the Environmental Planning Section on August 27, 2014, and supplemental information.

Background

This site was previously reviewed by the Environmental Planning Section in conjunction with Zoning Map Amendment A-9751-C, the approval of PPS 4-90045, and Type I Tree Conservation Plan TCPI-084-90. A portion of the PPS moved forward to approval of a Detailed Site Plan, DSP-02006, and a Type II Tree Conservation Plan, TCPII-023-02 on April 11, 2002 for a pressure-reducing station located in the northeast quadrant of the intersection of Brandywine Road (MD 381) and Mattawoman Drive.

A Natural Resource Inventory, NRI-047-08, was signed for the overall Stephen's Crossing development on March 13, 2009. The NRI was revised several times due to new information regarding the existing condition. The most recent review for a revision was approved on December 26, 2013.

Zoning Map Amendment A-9751-C: Zoning Map Amendment A-9751-C was a request to rezone 196.70 acres of land located in the northeast quadrant of Brandywine Road and Crain Highway (US 301), from the Residential-Agricultural (R-A) Zone to the I-1 Zone, which was approved by the District Council on July 24, 1989 subject to certain conditions.

The site was further evaluated in the 2013 Subregion 5 Master Plan and SMA. The adopted SMA for Subregion 5 rezoned Brandywine Business Park, Lots 1 through 21, from I-1 to M-X-T, consistent with the Brandywine concept plan, which proposes a mix of commercial, employment, and light industrial uses; however, Lot 22 was retained in the I-1 Zone. Because the I-1 Zone was retained for Lot 22, the previous conditions of approval for A-9751-C still apply to Lot 22, but are no longer applicable to the M-X-T-zoned portion of the site.

The original CSP-09003 application first reviewed in 2010 was for approval of a CSP and TCP1 for approximately 750 residential units (townhouse and multifamily) and 200,000 to 400,000 square feet of commercial/office/retail space in the M-X-T Zone, but was placed in a pending status for the resolution of outstanding issues, including a revised NRI and a final District Council decision.

Conceptual Site Plan CSP-09003 and TCP1-007-12-12 were approved by the Planning Board on February 6, 2014, subject to conditions contained in PGCPB Resolution No. 14-09.

The current application is a PPS and revised TCP1 for development of approximately 1,295 residential units (single-family attached townhouses and multifamily) and 300,000 square feet of commercial/office/retail space in the M-X-T Zone.

Grandfathering

This project is subject to the current environmental regulations contained in Subtitles 24 and 27 of the County Code that became effective on September 1, 2010 and February 1, 2012, as there are no previous development approvals that would provide grandfathering.

This project is subject to the current requirements of Subtitle 25, Division 2, Woodland and Wildlife Habitat Conservation Ordinance, that became effective on September 1, 2010 and February 1, 2012, due to the requirement for a new PPS.

Site Description

The 169.34-acre site is located in the northeast quadrant of the intersection of Brandywine Road (MD 381) and Crain Highway (US 301) and is zoned M-X-T. A review of the information available indicates that streams, wetlands and wetland buffers, and areas of 100-year floodplain are found to occur on the subject property. No areas of severe slopes or steep slopes with highly erodible soils are found on the subject property. The development is located adjacent to US 301, which is classified as a freeway, and Brandywine Road (MD 381), which is classified as a collector. Mattawoman Road, which is a master-planned right-of-way classified as an arterial, bisects the development. This site required evaluation for transportation-related noise impacts on the proposed residential uses of the site for all roads classified as arterial or higher. The property is also located within the Air Installation Compatible Use Zone (AICUZ) of the Joint Land Use Study (JLUS), as discussed further.

The soils found to occur according to the *Prince George's County Soil Survey* include the Beltsville, Bibb, Chillum, Croom, Elkton, Iuka, Keyport, Leonardtown, Matawan, Rumford, and Sassafras series. The majority of these soils have been identified as having limitations for development due to impeded drainage and high or perched watertables. No Marlboro clays are found to occur in the vicinity of the property. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program, there are no rare, threatened, or endangered species found to occur on this property or adjacent properties. This property fronts Brandywine Road, which is a designated historic road. The property is located in what was formerly the Developing Tier of the 2002 Prince George's County Approved General

Plan and is located in a priority funding area. The site is currently located within the Established Communities area of the Growth Policy Map and in Environmental Strategy Area 2 (formerly the Developed Tier) of the Regulated Environmental Protection Areas Map as designated by Plan Prince George's 2035. The site is located in the Mattawoman Creek subwatershed of the Potomac River. According to the 2005 *Approved Countywide Green Infrastructure Plan* (Green Infrastructure Plan), the site includes regulated areas, evaluation areas, and network gaps.

Plan Prince George's 2035 Approved General Plan

The site is now located within the Established Communities area of the Growth Policy Map and in Environmental Strategy Area 2 (formerly the Developing Tier) of the Regulated Environmental Protection Areas Map as designated by Plan Prince George's 2035.

Conformance with the Subregion 5 Master Plan

The subject property is located within the 2013 Subregion 5 Master Plan and SMA. The SMA for Subregion 5 rezoned the majority of the Stephen's Crossing development from I-1 to M-X-T, consistent with the Brandywine concept plan, which proposes a mix of commercial, employment, and light industrial uses, but retained Lot 22 in the I-1 Zone. Because the I-1 Zone was retained for Lot 22, the previous conditions of approval still apply to Lot 22, which has an approved Detailed Site Plan (DSP-09011) and Type 2 Tree Conservation Plan (TCP2-055-09), subject to conditions contained in PGCPB Resolution No. 10-108. Lot 22 is not a part of this application.

The Subregion 5 Master Plan includes a chapter on the environment, with seven subchapters which include the following policies and strategies which are applicable to the current application.

Subchapter A. Green Infrastructure Plan

Policies

- **Implement the master plan's desired development pattern while protecting sensitive environmental features and meeting the full intent of environmental policies and regulations.**
- **Ensure that new development incorporates open space, environmentally sensitive design, and mitigation activities.**
- **Protect, preserve, and enhance the identified green infrastructure network within Subregion 5.**

The master plan rezoned this site from the I-1 and I-3 (Planned Industrial/Employment Park) Zones to the M-X-T Zone indicating the preferred development pattern for the site. The PPS generally shows the retention of the regulated environmental features delineated in the Green Infrastructure Plan and adjacent evaluation areas providing expanded riparian buffer, where priority woodlands have been retained consistent with the intentions of environmental policies and regulations cited in the master plan. A more detailed

evaluation of the protection of regulated environmental features will be evaluated in more detail at future stages in the development process as appropriate.

Environmentally-sensitive design will be further incorporated into the project through the application of environmental site design (ESD) techniques for stormwater management.

Further opportunities for on-site environmental mitigation and enhancement through restoration and conservation of regulated environmental features and implementation of best management practices will be identified at the appropriate application stage of the development process.

Strategies

Ongoing

- **Protect primary corridors (Mattawoman Creek, Piscataway Creek and Tinkers Creek) during the review of land development proposals to ensure the highest level of preservation and restoration possible. Protect secondary corridors to restore and enhance environmental features, habitat and important connections.**
- **Protect the portions of the green infrastructure network that are outside the primary and secondary corridors to restore and enhance environmental features, habitat, and important connections.**

The site lies within the Mattawoman Creek watershed, which is a primary corridor where a stringent standard (to the fullest extent possible) will apply to the review of land development proposals. Preservation, conservation, and enhancement of the on-site stream and hydrologic system are discussed under the Environmental Finding.

- **Preserve or restore regulated areas designated in the green infrastructure network through the development review process for new land development proposals.**

Proposed impacts to the primary management area (PMA) are evaluated in the Environmental Finding, and will be evaluated in greater detail at future points in the development process. An overall assessment of the stream corridor found it to be in good condition.

- **Evaluate land development proposals in the vicinity of SCAs to ensure the SCAs are not impacted and that green infrastructure connections are either maintained or restored.**

The PPS is located within the Mattawoman Creek Special Conservation Area (SCA) where maintaining the continuity and environmental quality of the green infrastructure network is a priority established in the Green Infrastructure Plan. Approved impacts to the PMA are discussed in the Environmental Finding.

- **Continue to implement the county’s Woodland Conservation and Tree Preservation Ordinance, which places a priority on the preservation of woodlands in conjunction with floodplain, wetlands, stream corridors, and steep slopes and emphasizes the preservation of large, contiguous woodland tracts.**
- **Preserve habitat areas to the fullest extent possible during the land development process.**

The site is subject to the Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance and the preservation of priority woodlands associated with sensitive species and environmental features. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program, there are no rare, threatened, or endangered species found to occur on or in the vicinity of this property and the site is not located in a sensitive species review area. A GIS layer obtained from the Natural Heritage Program indicates that the site should be evaluated for potential forest interior dwelling species habitat, which consists of large contiguous blocks of mature forest containing “interior” woodlands, and/or along riparian buffers with a minimum width of 300 feet along green infrastructure corridors linking blocks of mature forest.

Conservation of the sensitive environmental features identified on the most recently approved NRI and the retention of priority woodland and habitat areas on the TCP1 is discussed further in the Environmental Finding.

Subchapter B. Water Quality, Stormwater Management, Groundwater

Policies

- **Encourage the restoration and enhancement of water quality in degraded areas and the preservation of water quality in areas not degraded.**

Strategies

Short Term

- **Support DER on its various watershed and stream restoration initiatives. Target environmental mitigation projects to sites identified in the countywide catalog of mitigation sites, when developed.**
- **Support managed woodlands to promote sustainable forestry and provide clean water, improve stream health, stabilize soil, reduce nutrients, and sequester carbon through actively growing forests and tree biomass.**

Ongoing

- **Emphasize protection and preservation of the headwater wetlands and headwaters areas of streams to preserve and maintain area hydrology when reviewing land development proposals.**
- **Support ground water recharge areas through techniques such as bioretention and rain gardens, and enhance existing wetland areas and stream buffers to maintain groundwater recharge areas.**
- **Explore wastewater reuse to reduce demands for potable water for non-potable uses.**
- **Encourage protection of land along high quality waters and in headwater areas of high quality watersheds, especially Mattawoman Creek and Piscataway Creek, both of which contain Tier II waters.**
- **Strive to achieve or surpass established TMDLs in the Mattawoman and Piscataway.**
- **Evaluate applicability of tributary strategies in Subregion 5 during development review of new projects.**
- **Reduce or eliminate any potential flood hazards and prevent future flood hazards caused by new development and increased imperviousness.**
- **Protect and preserve existing forests and wetlands through existing land conservation and protection programs.**
- **Maintain, to the maximum extent practicable, the natural hydrologic patterns during development.**
- **Complete stream corridor assessments for all watersheds in the subregion in support of the countywide watershed restoration efforts.**

Opportunities to encourage the restoration and enhancement of water quality with the development of the subject property are discussed further herein.

Subchapter C. Watersheds

Policies

- **Ensure that, to the extent that is possible, land use policies support the protection of the Mattawoman Creek and Piscataway Creek watersheds.**

The PPS is located within the Mattawoman Creek SCA where stringent review for the protection of the watershed and regulated environmental features is required.

- **Minimize impervious surfaces in the Developing Tier portion of the watershed through use of conservation subdivisions and environmentally sensitive design and, especially in the higher density Brandywine Community Center, incorporate best stormwater design practices to increase infiltration and reduce run-off volumes.**

The PPS was previously located in the Developing Tier based on the 2002 General Plan, but was located outside of the Brandywine Community Center core and edges. The impervious surface areas proposed are appropriate for the development patterns allowed under the M-X-T zoning. The sensitive environmental features of the site associated with the hydrology will be protected to the fullest extent possible through the preservation, conservation, and enhancement of the PMA. Best management practices will be applied to stormwater management design consistent with county regulations.

Short Term

- **Rezone property in the Rural Tier to the lowest density, as recommended in Chapter IV, to retain forest land, reduce the density of development, reduce the amount of impervious cover and reduce the number of new septic systems.**

The PPS is not located in what was identified as the Rural Tier, and was rezoned to M-X-T in the Subregion 5 Master Plan and SMA.

- **Revise the countywide stormwater management ordinance to incorporate revisions in the Maryland Stormwater Design Manual (anticipated in late 2008) and other enhanced stormwater management policies.**

Subtitle 32, the Water Quality Resources and Grading Code, concerning grading, drainage, and pollution control; erosion and sediment control; and stormwater management was revised to incorporate revisions contained in the Maryland Department of the Environment, Maryland Stormwater Design Manual (adopted July 19, 2011).

- **Designate the priority preservation area per the recommendations in Chapter IV. Three areas are proposed, including portions of the Mattawoman Creek watershed in Subregion 5 and two areas west of MD 210 (Map V-3, page 85). A priority preservation area (PPA) is one where strong land use policies and preservation efforts ensure that development does not convert or compromise agricultural or forest resources.**

The current application is not located in a priority preservation area identified in the Subregion 5 Master Plan or in the PPA Functional Master Plan.

Ongoing

- **Incorporate stormwater management best management practices, especially in the future Brandywine center, to increase infiltration and reduce run-off volumes.**

The application of best management practices for stormwater management adopted in Subtitle 32 is the responsibility of the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE). The current site is no longer located within the Brandywine Center. Stormwater management is discussed in the Environmental Finding.

- **Work with landowners to permanently preserve land in the Mattawoman watershed through existing land conservation programs.**

The site is not appropriate for permanent preservation based on the approved zoning and the availability of public water and sewer within the developing envelope. The on-site PMA will be preserved to the fullest extent possible, and woodland conservation provided on-site or off-site will be placed into perpetual protection. All off-site woodland conservation requirements for the site should be met within the Mattawoman Creek watershed to off-set the loss of woodland within the SCA.

Subchapter E. Air Quality and Green House Gas Emissions

Policies

- **Promote “climate-friendly” development patterns through planning processes and land use decisions.**

The site is zoned M-X-T, which is intended as a mixed-use zone combining commercial, office, and residential uses, promoting a dense mixed development and climate-friendly development patterns. The role of the development review process is to achieve a balance between density based on zoning and protection of environmentally-sensitive areas.

Subchapter F. Green Building and Energy Efficiency

Policy

- **Encourage the use of green building techniques that reduce resource and energy consumption.**

The use of green building techniques and energy conservation methodologies techniques is strongly encouraged, and will be evaluated at future development stages (DSP) when architecture is proposed and evaluated.

Subchapter G. Noise Intrusion

Policies

- **Ensure that excessive noise-producing uses are not located near uses that are particularly sensitive to noise intrusion.**

Strategies

Ongoing

- **Evaluate development and redevelopment proposals in areas subject to significant noise intrusions using Phase I noise studies and noise models.**

Noise models employed by the Environmental Planning Section identified noise intrusion on areas proposed for residential development. However, the applicant provided an additional noise analysis which demonstrated that noise was not a factor for outdoor activity areas, as discussed further herein.

- **Provide for adequate setbacks for development exposed to existing and proposed noise generators and roadways of arterial classification or greater.**
- **Provide for the use of noise reduction measures when noise issues are identified.**
- **Require development within DNL 65 dBA and greater noise exposure areas to be properly protected from the transmission of noise with barriers that affect sound propagation and/or the use of sound absorbing materials in construction.**
- **Work with the Maryland State Highway Administration to ensure that as state roads such as MD5 and US 301 are upgraded appropriate noise reduction measures are incorporated into the roadway design.**

There is a minimum lot depth requirement of 300 feet from an expressway or freeway, and 150 feet adjacent to an arterial (Section 24-121(a)(4) of the Subdivision Regulations) which has been provided and delineated on the PPS. A Phase 2 noise study has been submitted with the current application as discussed further.

The protection of environmental features proposed on the PPS and TCP1 is in general conformance with the guidance provided by the master plan, but will warrant further evaluation at a more detailed scale with future development stages. Specific impacts to the regulated environmental features of the site are addressed in the Environment Finding.

Conformance with the Countywide Green Infrastructure Plan

The site contains regulated areas, evaluation areas, and network gaps identified in the Countywide Green Infrastructure Plan. The PPS and TCP1 show preservation of the regulated areas and

adjacent areas, and provides general conformance with the Green Infrastructure Plan to the extent possible at this developmental phase. Reviews during future development phases (DSP) will provide more detailed evaluations for conformance with the Green Infrastructure Plan as development plans become more detailed.

The Mattawoman Creek Stream Valley was designated as an SCA in the Green Infrastructure Plan because its associated stream basin is among the most productive finfish spawning and nursery streams in the entire Chesapeake Bay region. The quality of the water entering the stream systems in the watershed is of particular concern and, when evaluation areas occur within the watershed, woodlands present should be preserved adjacent to streams to widen the corridors adjacent to regulated areas and to protect water quality.

The following policies are applicable to the review of the subject application:

Policy 1: Preserve, protect, enhance or restore the green infrastructure network and its ecological functions while supporting the desired development pattern of the 2002 General Plan.

The TCP1 generally conforms to the Green Infrastructure Plan in that it preserves existing woodlands in priority areas on-site, and proposes afforestation to widen the stream buffer in priority areas on-site within evaluation areas. Provision of the threshold on-site, when priority areas for conservation exist on a site, is a minimum standard of review. Opportunities to maximize on-site woodland conservation are discussed further.

Policy 2: Preserve, protect and enhance surface and ground water features and restore lost ecological functions.

Preservation of water quality will be provided through the protection of the PMA stream buffers and the application of best stormwater management practices for stormwater management. An approved revised Stormwater Management Concept Plan and Letter (15615-2014-00) have been received (expiration August 15, 2017). The location of stormwater management features has been included on the plans.

Policy 3: Preserve existing woodland resources and replant woodland, where possible, while implementing the desired development pattern of the 2002 General Plan.

All TCPs for the subject property shall demonstrate that the requirements of the Woodland and Wildlife Habitat Conservation Ordinance are provided on-site through preservation and/or afforestation to the fullest extent possible, consistent with the desired pattern of development and densities indicated in the General Plan. If off-site mitigation is approved by the Planning Board, it should be provided within the Mattawoman subwatershed.

Conformance with the Master Plan of Transportation

The PPS and TCP1 are required to show the ultimate public rights-of-way associated with the subject property (both state and county) in conformance with the transportation improvements approved with the Subregion 5 Master Plan, the 2009 *Approved Countywide Master Plan of Transportation* (MPOT), and the US 301 Upgrade Option so that areas impacted by noise can be identified for review with the DSP, and the provision of woodland conservation and impacts to regulated features can be further evaluated with the DSP.

Special Roadways

Brandywine Road (MD 381) was designated a historic road in the MPOT. The preservation of existing roads as historic and scenic assets is important to retaining the heritage and community character of the County. Conservation and enhancement of these specially designated roadways are intended to provide safe and enjoyable travel, while preserving the scenic and historic resources both within the rights-of-way and on adjacent land. It is also necessary that all road designs and construction provide, insofar as practicable, a consistently safe but visually varied environment that is pleasing to all road users and adjacent property owners.

Natural and cultural resources within the rights-of-way and adjacent to scenic and historic roads are important, and in need of protection. The predominant encroachment on these resources occurs when new development proposals are submitted, and road improvements are undertaken. Extensive efforts have been made to preserve and enhance the viewsheds of designated scenic and historic roads through the careful placement of new development and through the preservation or enhancement of the existing vegetation along the roadway.

The following policies and strategies related to special roadways are indicated below in **bold** type and relate to the current approval:

Policy 1: Conserve and enhance the scenic and historic values along special roadways.

STRATEGIES:

2. **Require submission of an inventory of scenic and historic features with all applications that propose work within the right-of-way of a designated roadway.**
3. **Utilize the “Guidelines for the Design of Scenic and Historic Roadways in Prince George’s County, Maryland” (DPW&T, 2006) when evaluating applications within the rights-of-way of scenic and historic roadways.**
4. **Consider a variety of techniques in order to protect the scenic and historic qualities of the designated roads during the review of applications that involve work within the right-of-way of a designated roadway. These techniques include alternative ways to circulate traffic; the use of the historic road section as one leg of a needed dual highway; provision of bypass roads; and limiting certain types of development and signs in the viewshed.**

Policy 2: Conserve and enhance the viewsheds along designated roadways.

STRATEGIES:

- 1. Require submission of an inventory of scenic and historic features with all applications that propose work adjacent to the right-of-way of a designated roadway.**
- 2. Require the conservation and enhancement of the existing viewsheds of designated roads to the fullest extent possible during the review of land development or permit applications, whichever comes first. Elements to be considered shall include views of structures from the roadway; design character and materials of constructed features; preservation of existing vegetation, slopes and tree tunnels; use of scenic easements; and limited access points.**

An inventory of scenic and historic features for the segment of Brandywine Road adjacent to this development has been submitted and is evaluated in the Environmental Finding. It should be noted that a private road access point has been shown on the TCP1 onto the site from Brandywine Road into the office/commercial area located in the southwest portion of the site (Parcel A-1). The strategies cited above specifically require conservation of the viewshed to the fullest extent possible through the limiting of access points, and the limiting of signs in the viewshed. The consolidation of access along Brandywine Road is consistent with this recommendation.

Conformance with Previous Zoning Approvals

The rezoning of the property to M-X-T granted in the Subregion 5 SMA supersedes all previous zoning approvals. The zoning change was consistent with the 2002 General Plan's designation of the Brandywine area as a future community center, and the Brandywine concept plan envisioned this property as a mix of commercial, employment, and light industrial uses.

Conformance with Previous Preliminary Plan Approval Conditions

A new PPS was required for the subject property, so all prior conditions of PPS approval will be superseded by this new PPS approval.

Conformance with Conceptual Site Plan CSP-09003-01

On July 19, 2012, the Planning Board approved Type 1 Tree Conservation Plan TCP1-084-90-01 and Conceptual Site Plan CSP-09003-01 subject to the following condition contained in PGCPB Resolution No. 12-76, which is environmental in nature:

- 3. At the time of any development application for the subject property not limited to infrastructure, with frontage on historic Brandywine Road, appropriate landscape treatment for the historic road adjacent to the right-of-way shall be provided.**

The frontage treatment along historic Brandywine Road is addressed further below.

Conformance with Conceptual Site Plan CSP-09003

On February 6, 2014, the Planning Board approved Type 1 Tree Conservation Plan TCP1-007-12 and Conceptual Site Plan CSP-09003 subject to the following conditions contained in PGCPB Resolution No. 14-76, which are environmental in nature:

1. **Prior to certificate of approval of the conceptual site plan (CSP), the following revisions shall be made, or information shall be provided:**
 - e. **The CSP and TCP1 plan shall be revised as follows:**
 - (1) **The noise contours affecting the subject property associated with Joint Base Andrews Naval Air Facility Washington (JBA) shall be shown and labeled.**
 - (2) **The mapped imaginary runway surface shall be mapped and labeled on the plan, or addressed by a note on the plan sheets.**
 - (3) **The unmitigated noise contours identified in the revised Phase 1 noise study, or as further revised, which reflect the “worst case” noise impact scenario for Robert Crain Highway (US 301) shall be shown and labeled.**

The revisions were made and the certificate was issued.

2. **Prior to certification of the conceptual site plan (CSP), the Type 1 tree conservation plan (TCP1) shall be revised as follows:**
 - a. **Note 1 shall be revised to remove the second sentence.**
 - b. **The term “forest preservation” shall be revised to use the term “woodland preservation.”**
 - c. **The term “forest clearing” shall be revised to use the term “woodland clearing.”**
 - d. **Brandywine Road (MD 381) shall be labeled as a historic road.**

- e. **The bearings and distances shall be shown on all property boundary lines.**
- f. **The revised plan shall be signed and dated by the qualified professional who prepared it.**

The revisions were made and the certificate was issued.

3. At the time of preliminary plan of subdivision, the following issues shall be addressed, or information shall be provided:

- f. **A TCP1 consistent with the scale of the preliminary plan, and at a scale no greater than one inch equals 100 feet.**

The scale of the TCP1 is consistent with the scale of the PPS.

- g. **A detailed statement of justification for the proposed removal of any specimen trees. The justification shall be provided separately for each tree, with the exception of those that can be grouped together based on certain similarities.**

A detailed statement of justification for the removal of specimen trees was submitted.

- h. **The preliminary plan application package shall contain a revised statement of justification for the proposed impacts to regulated environmental features.**

A statement of justification for the proposed impacts to regulated environmental features was submitted and was further revised as the PPS and TCP1 evolved.

- i. **An approved revised stormwater management concept plan and letter which reflects the most recent revision to the delineated primary management area on the west side of Mattawoman Drive. The revised stormwater concept plan shall show the same site layout as the preliminary plan and its associated TCP1.**

A revised Stormwater Management Concept Approval Plan and Letter (15615-2014-00) were submitted with the application.

j. A copy of the erosion and sediment control concept plan.

A copy of the Concept Grading, Erosion, and Sediment Control Plan (118-13) for the site has been submitted with the application. The disturbed area for the proposed development is approximately 118 acres, and illustrates mass grading of the site. Because the maximum amount of “open ground” allowed on a site is now 20 acres, it is assumed that the final grading plans will be phased as the design progresses.

k. A Phase II noise study shall be submitted that addresses noise impacts on residential, or potential residential use areas, and the necessary mitigation methods which reflect the “worst case” noise impact scenario for Robert Crain Highway (US 301).

A Phase II noise study was submitted that addresses noise impacts on residential units.

l. An inventory of scenic and historic features for the frontage and viewshed of Brandywine Road (MD 381) adjacent to the subject property.

An inventory of scenic and historic features for the frontage and viewshed of historic Brandywine Road (MD 381) adjacent to the subject property was submitted.

m. The preliminary plan and TCP1 shall be designed in such a way as to accommodate appropriate landscape planting, and limit signage treatments along the frontage of Brandywine Road (MD 381).

The parcel configuration along Brandywine Road is sufficient to provide areas for buffering.

n. Supplemental forest stand delineation information shall be submitted on the extent of invasives in the herbaceous/woody layer of Forest Stand 3, including location, species, and areas identified on-site. The information shall be prepared by a qualified professional and be sufficient to determine if an invasive species management plan is indicated at the time of Type 2 tree conservation plan (TCP2) review.

Supplemental forest stand delineation information was submitted on the extent of invasives in the herbaceous/woody layer of Forest Stand 3. Based on an evaluation done by McCarthy and Associates, three primary invasive species were located throughout the stand: multiflora rose, barberry, and Japanese stiltgrass, with stiltgrass posing the largest problem; multiflora rose and barberry are more easily managed and

eradicated. The location of the Japanese stiltgrass in the stream corridor poses special problems for long-term on-site management.

All TCP2s prepared for the subject property shall include an invasive species management plan which addresses best management practices and appropriate methods of control for invasive species found on-site.

10. **At the time of the first detailed site plan (DSP) for any commercial office or retail use, other than for infrastructure only, an overall cohesive signage plan for all of the retail and office uses within Conceptual Site Plan CSP-09003 shall be submitted for review. This plan shall include unifying design standards including, but not limited to, signage amount, size, location, color, purpose, and style for all freestanding and building-mounted signage.**

The overall signage plan for the site should address appropriate size, scale, design, and materials for any signage visible from a special roadway, consistent with the overall treatment of the scenic viewshed and/or associated scenic easements.

At the time of the first DSP for any commercial office or retail use with frontage on Brandywine Road (Parcels A-1 and V-1), the required overall signage plan shall be submitted and should address appropriate size, scale, design, and materials for any signage visible from a historic roadway, consistent with the overall treatment of the scenic viewshed.

20. **The Type 1 tree conservation plan (TCP1) and all future TCPs shall demonstrate that the woodland conservation requirement has been provided on-site to the greatest extent possible by providing on-site, at a minimum, the total of the woodland conservation threshold plus the portion of the one-quarter-to-one replacement required for clearing above the threshold.**

This condition incorrectly indicates a higher woodland conservation requirement than what was intended at the time of review of the TCP1 with the CSP. The “one-quarter-to-one” should have instead been the “woodland cleared below the woodland conservation threshold.” Staff intends to file a corrected resolution to address this error. Woodland conservation on this site should be consistent with Condition 20 (PGCPB Resolution No. 14-09), or as amended.

21. **All off-site woodland conservation requirements for the subject property shall be met within the Mattawoman Creek subwatershed, unless the application demonstrates due diligence in seeking out opportunities for off-site woodland conservation locations in accordance with the priorities of Sec. 25-122(a)(6).**

This condition will apply at the time of grading permits when off-site woodland conservation must be identified and provided.

Environmental Review

A revised Natural Resources Inventory, NRI-047-08-03, was approved in April 2012 reducing the amount of 100-year floodplain on-site from 53.71 acres to 43.30 acres and increasing the areas of wetlands and wetland buffers. This resulted in an increase in developable site area and an increase in the required amount of woodland conservation for the project.

After approval of the revised NRI, the applicant's consultant met on-site with representatives of the U.S. Army Corps of Engineers and the Maryland Department of the Environment to discuss the wetlands permit, and a field decision determined that the revised wetland delineation was incorrect in extending the wetland system on previous Lots 24 and 25 north to Crain Highway (US 301). An -04 revision to the NRI, limiting the amount of nontidal wetlands and wetland buffers on Lots 24 and 25, was approved on December 26, 2013 and submitted with the current application.

Staff met with the applicant on July 30, 2014 at which time the Prince George's County Department of Parks and Recreation (DPR) presented a plan for the Brandywine Area Community Park located on the north side of Cattail Way which shares frontage along that road with the current application. A separately approved NRI for that site (NRI-124-12) indicated that there were wetlands and wetland buffers on that site that extended on both sides of Cattail Way and onto the current application.

The presence and delineation of nontidal wetlands and buffers on proposed Outlot W was confirmed by a certified wetlands delineator. A revision to the NRI will be necessary to correctly reflect the environmental constraints of the site.

Prior to certification of the PPS, the NRI shall be revised to delineate additional nontidal wetlands and wetland buffers located on both sides of the Cattail Way right-of-way at the intersection of Missouri Avenue (Outlot W).

There is extensive PMA located on the site comprised of streams and wetlands, associated buffers, 100-year floodplain, and adjacent steep slopes. The forest stand delineation indicates the presence of three forest stands totaling 123.45 acres of the gross tract area acres and 56 specimen trees. Stands 1, 2, and 3 are mid-successional mixed hardwood forest.

Invasives comprise 20 percent or less of the herbaceous/woody layer in Stands 1 and 2, but may be more extensive in Stand 3, and will require an invasive species management plan at the time of TCP2. The revised PPS and TCP1, stamped as received on August 20, 2014, is generally consistent with the -04 revision to the NRI, but also shows the location of the additional wetlands on the eastern portion of the site which are not shown on the current NRI.

There is a conflict on the eastern portion of the site between the placement of lots and roadways and the newly delineated wetlands. These impacts were not previously identified, were not requested in the statement of justification for impacts to regulated environmental features, and have not been evaluated by staff under the current application.

Staff met with the applicant on August 21, 2014 to discuss how the current application could move forward, and recommended that the area shown on the PPS for the development of 57 townhouses be placed in an outlot and be the subject of a future PPS. In a letter dated August 26, 2014, the applicant's consultant requested to place this portion of the site in an outlot (Outlot W), which will be subject to a detailed wetland delineation, an updated NRI, a revised layout, and a revised TCP1 at the time of PPS.

Exhibits were submitted with the letter which shows proposed Outlot W, south of Cattail Way and west of Missouri Avenue. The outlot does not include the area for the proposed stormwater management pond, and is 5.85 acres in size.

The evaluation of the regulated environmental features and proposed impacts on Outlot W will be reviewed at the time of PPS for Outlot W.

Primary Management Area Impacts

Nontidal wetlands, streams, and 100-year floodplain are found to occur on this property. These features and the associated buffers comprise the PMA on the subject property.

Section 24-130(b)(5) of the Subdivision Regulations states that, "Where a property is located outside the Chesapeake Bay Critical Areas Overlay Zones the preliminary plan and all plans associated with the subject application shall demonstrate the preservation and/or restoration of regulated environmental features in a natural state to the fullest extent possible consistent with the guidance provided by the Environmental Technical Manual established by Subtitle 25. Any lot with an impact shall demonstrate sufficient net lot area where a net lot area is required pursuant to Subtitle 27, for the reasonable development of the lot outside the regulated feature. All regulated environmental features shall be placed in a conservation easement and depicted on the final plat."

A revised statement of justification for impacts to regulated environmental impacts, including 8.5 by 11-inch impact exhibits, was stamped as received by the Environmental Planning Section on August 20, 2014, and reviewed as part of this application. The revised statement of justification does not include any impacts which will be located on Outlot W, which will be addressed in a future PPS, or impacts within the dedicated right-of-way for Cattail Way, which is assumed by dedication.

Impacts to the regulated environmental features should be limited to those that are necessary for the development of the property. Necessary impacts are those that are directly attributable to infrastructure required for the reasonable use and orderly and efficient development of the subject property, or are those that are required by County Code for reasons of health, safety, or welfare. Necessary impacts include, but are not limited to, adequate sanitary sewerage lines and water lines, road crossings for required street connections, and outfalls for stormwater management facilities. Road crossings of streams and/or wetlands may be appropriate if placed at the location of an existing crossing or at the point of least impact to the regulated environmental features. Stormwater management outfalls may also be considered necessary impacts if the site has been designed to place the outfalls at points of least impact.

The types of impacts that can be avoided include those for site grading, building placement, parking, stormwater management facilities (not including outfalls), and road crossings where reasonable alternatives exist. The cumulative impacts for the development of a property should be the fewest necessary and sufficient to reasonably develop the site in conformance with County Code. Impacts to regulated environmental features must first be avoided and then minimized. The statement of justification must address how each impact has been avoided and/ or minimized.

The statement of justification and associated exhibits reflect **12** proposed impacts to regulated environmental features associated with the proposed development, and includes three differing types of impacts: impacts to nontidal wetlands and wetland buffers, stream impacts, and floodplain impacts (both temporary and permanent).

This application includes the approval of impacts to regulated environmental features totaling 2.32± acres. The permanent and temporary impacts total 203 linear feet of stream beds (perennial, intermittent, and ephemeral), 1.16 acres of wetlands, and 1.155 acres of wetland buffers. The request includes impacts for stream crossings for roads, sewer line, water lines, and stormwater outfalls.

Description of Regulated Environmental Features On-site

The site, not including proposed Outlot W, contains a total of 43.82 acres of PMA. The PMA comprises approximately 6,676 linear feet of regulated streams (ephemeral, intermittent, and perennial) and associated 75-foot-wide buffers, as well as wetlands, wetland buffers, floodplain, and areas of steep slopes. The PMA bisects the site in several locations. The Timothy Branch creek is a perennial stream in good condition and enters the northern portion of the property and runs along the common boundary with the Brandywine Area Community Park, turning south and eventually exiting the subject property through a culvert underneath Brandywine Road (MD 381). An associated unnamed tributary (also perennial in good condition) enters the property from the west and intersects with Timothy Branch on the east side of the property. A second associated unnamed tributary (ephemeral in good condition) parallels the southern boundary of the property running east onto the Washington Gas property (Parcel 309) and eventually exiting the property through a culvert underneath Brandywine Road. The corridors associated with each stream exceed 200 feet in width with a majority of the corridor forested. The existing PMA is 26 percent of the total site area. An isolated area of wetlands is also present along the Cattail Way right-of-way. This wetland area is uphill from Timothy Branch and not connected with the stream.

Specific Descriptions of Proposed Impacts, Justification of Avoidance, and Minimization

The 12 impacts identified may contain one or more impacts, which are quantified and categorized as permanent or temporary. It should be noted that the statement of justification and accompanying exhibits may not be fully correct in the quantification and categorization of temporary and permanent impacts, and this evaluation is based on staff classification and quantification of impacts based on best available information.

- **Impact 1** is associated with the road crossing for Mattawoman Drive. A permanent impact of 12,731 square feet (0.29 acre) of wetland and wetland buffers is proposed. County floodplain impacts also occur at this location and have been delineated on the exhibits. Staff agrees with the applicant that these environmental impacts were previously approved as part of the prior PPS to allow for the construction of master-planned roadways shown in the MPOT in previously dedicated right-of-way, and are unavoidable. The road crossing is proposed to be a bottomless arch over an unnamed tributary in order to minimize impacts. The Planning Board finds that the impacts have been minimized to the extent possible, and **approves** this impact as necessary for the development of the site.
- **Impact 2** is a proposed temporary impact of 293 square feet (0.007 acre) of wetland buffer for the construction of an outfall from a proposed underground stormwater management facility. The temporary impact is necessary to conduct stormwater safely into the adjacent stream system. Staff finds that the impact has been minimized to the extent possible and no mitigation is required because the impact is temporary. The Planning Board **approves** this impact as necessary for the development of the site.
- **Impact 3** was originally grouped with Impacts 4 and 5, but has been separated for evaluation purposes because the grouping was not appropriate. Impact 3 proposes permanent impacts to wetlands and wetland buffers of 4,147 square feet (0.095 acre) for the construction of Mattawoman Drive, a master-planned roadway within a dedicated right-of-way. The Planning Board finds that the impacts were previously approved, are unavoidable based on the location of a master plan roadway, have been minimized to the extent possible, and **approves** this impact as necessary for the development of the site.
- **Impact 4** is a proposed permanent impact of 592 square feet (0.01 acre) of wetland and wetland buffers for construction of an internal access road crossing a linear wetland system within the commercial area of the site (Parcels A-1 and A-2). The proposed road provides a utility corridor which will be needed for water, sewer, and stormdrains. The sewer and stormdrain are gravity systems and must cross through this wetland area to service the upstream commercial area. The water system for the commercial area requires a loop, which will require crossing this wetland area. The design of the crossing will attempt to maintain connectivity between the wetland areas on either side of the crossing. The crossing has been located at a narrow point of the wetlands to minimize impacts. The Planning Board finds that the impacts have been minimized to the extent possible, and therefore **approves** this impact as necessary for the development of the site.
- **Impact 5** is a proposed permanent impact of 6,627 square feet (0.15 acre) of wetland and wetland buffers for construction of an internal access road, parking lot, and building placed over an isolated wetland. Impacts to this isolated wetland, which does not appear to be part of any linked hydrologic system, appear to be justified to achieve the desired development density of the site. The Planning Board **approves** this impact as the minimum necessary for the development of the site.

- **Impacts 6A and 6B** are two proposed permanent impacts totaling 100 linear feet for the crossing of two ephemeral streams in the commercial portion of the development. It appears that the impacts have been minimized to the extent possible, and that the placement of crossings and piping has been provided to maintain the hydrological system across the site of a stream entering the site from under Crain Highway (US 301), and flowing into the stream and wetland system flowing across the southern boundary of the site. The Planning Board **approves** this impact as the minimum necessary for the development of this site.
- **Impact 7** is a proposed temporary impact to 21 linear feet of stream, 0.10 acre of wetland and wetland buffers, and 0.10 acre of floodplain for the installation of a public sewer extension to serve the proposed multifamily development located adjacent to US 301. This impact has been minimized to the extent possible, is necessary for the development of the northern portion of the site, and is temporary in nature. The Planning Board **approves** this impact.
- **Impact 8** includes both temporary and permanent impacts totaling 6,722 square feet (0.0.15 acre) of wetland and wetland buffer for the crossing of a stream for the construction of Daffodil Court, a previously dedicated right-of-way, necessary to access and develop the northern portion of the site. This will require the filling of 0.26 acre of 100-year floodplain, which will require the provision of compensatory storage. A bottomless arch is proposed to cross this stream. The Planning Board **approves** this impact as necessary and consistent with prior approvals for development of the site. The impact proposed has been minimized to the fullest extent possible.
- **Impact 9** which was proposed with CSP-09003 has been eliminated and is **not necessary**.
- **Impacts 10A and 10B** are temporary and permanent impacts totaling 11,341 square feet (0.272 acre) of wetland and wetland buffer and 46,005 square feet (1.06 acres) of permanent floodplain impacts for the crossing of a stream and the construction of Cattail Way, a previously dedicated right-of-way. The proposed filling of 1.06 acres of 100-year floodplain will require the provision of compensatory storage. A bottomless arch is proposed to cross this stream. The Planning Board approves this impact as necessary for the orderly development of the site and consistent with prior approvals. Impacts have been minimized to the fullest extent possible.
- **Impact 11B** is a proposed temporary impact to 3,743 square feet (0.09 acre) of floodplain for the installation of a public sewer extension to serve the proposed development. This impact is temporary in nature and has been minimized to the extent possible based on the location and configuration of the existing sewer line. The Planning Board **approves** this impact as necessary for development of the site.

- **Impact 11C** is a proposed permanent impact to 38 linear feet of stream and 2,590 square feet (0.06 acre) of wetland and wetland buffers for a stormwater management facility, road widening, and sidewalk construction associated with Missouri Avenue. This location of these impacts cannot be altered due to the existing development character of the neighborhood, have been minimized to the extent possible, and are required for the orderly development of the site. The Planning Board **approves** this impact.
- **Impact 12** is a proposed temporary impact to 6,333 square feet (0.15 acre) of floodplain and permanent impacts to 18 linear feet of stream and 1,232 square feet (0.03 acre) of wetland and wetland buffers for the construction of a trail along Brandywine Road. The location of these impacts cannot be altered due to the existing development character of the neighborhood, have been minimized to the extent possible, and are required for the orderly development of the site. The Planning Board **approves** this impact.

The Planning Board approves all of the impacts proposed at this time for the reasons stated above. It should also be noted that the tables quantifying the types of environmental impact (wetland, wetland buffer, and stream or 100-year floodplain) and characteristics (temporary or permanent) do not currently reflect the revised exhibits presented at the Planning Board hearing, and should be corrected and submitted prior to PPS signature approval.

Proposed mitigation has not been specified at this time for the proposed impacts, including the location of compensatory storage or on-site replacement wetlands, but will be identified prior to issuance of grading permits.

The regulated environmental features within the development envelope on the subject property have been preserved and/or restored to the fullest extent possible at the conceptual level under review.

At the time of final plat, a PMA conservation easement shall be described by bearings and distances. The conservation easement shall contain the delineated Patuxent River PMA, except for approved impacts, and shall be reviewed by the Environmental Planning Section prior to approval of the final plat. The following note shall be placed on the plat:

“PMA 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.”

Prior to issuance of any permits which impact wetlands, wetland buffers, streams, or waters of the U.S., the applicant shall provide the Environmental Planning Section with copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.

Woodland Conservation

This site is subject to the provisions of the Woodland and Wildlife Habitat Conservation Ordinance (WCO). Type I Tree Conservation Plan TCPI-084-90 was approved for the overall site when the pre-1993 woodland conservation threshold standards of a straight ten percent requirement of the net tract area for industrial zones were in effect and no replacement was required.

The woodland conservation threshold for this property is 19.33 acres. The revised TCP1 dated August 19, 2014 covers a 169.34-acre property. The site contains 89.88 acres of upland woodlands and 33.05 acres of wooded floodplain. The TCP1 proposes clearing 78.22 acres of upland woodlands, 0.64 acre of wooded floodplain, and 1.90 acres of off-site clearing. Although rights-of-way have been dedicated on this property by final plats, the areas of the rights-of-way have been included in the net tract area because they were included in the previous TCPI approval. Based upon the clearing proposed, the total woodland conservation requirement for the development as currently proposed is 47.17 acres.

The TCP1 proposes to meet the requirement with 11.66 acres of on-site preservation, 14.65 acres of on-site afforestation/reforestation, and 20.86 acres of off-site woodland conservation with first priority in the Mattawoman subwatershed, for a total of 47.17 acres of woodland conservation provided.

The priorities for woodland conservation are contained in Section 25-121(b) and include, in the order listed: land within the designated network of the Green Infrastructure Plan, critical habitat areas, and contiguous wooded areas as the top three priorities. Because much of the site is located within a designated evaluation area of the Green Infrastructure Plan and within the watershed of Mattawoman Creek, a designated special conservation area and woodland conservation should be provided on-site to the greatest extent possible. Preservation of existing woodlands is the highest priority, but additional afforestation on-site in priority areas to widen stream buffers and protect sensitive environmental features is also a high priority. Because the subject property contains areas within the green infrastructure network which are the highest priority for preservation, additional opportunities to meet the woodland conservation requirement on-site must be evaluated.

At the time of CSP, the Environmental Planning Section proposed increasing the on-site woodland conservation requirement to be the sum of the woodland conservation threshold requirement and the replacement requirement for on-site clearing below the threshold, and TCP1-007-12 was certified with the following note:

“Note: The minimum on-site woodland conservation requirement is the woodland conservation threshold plus replacement for clearing below the threshold.”

This minimum is also reflected in a line on the woodland conservation worksheet which calculated the more stringent minimum on-site requirement for this project.

However, Condition 20 of the CSP resolution of approval (PGCPB No.14-09) required the on-site woodland to be the “woodland conservation threshold plus the portion of the one-quarter-to-one replacement required for clearing above the threshold.” This condition was written in error and was intended to be consistent with the approved TCP and the acreages indicated in the CSP (Finding 9 on page 20 of PGCPB Resolution No. 14-09, which is the woodland conservation threshold plus the portion of woodland conservation below the threshold, or 27 acres).

The revised TCP has been reviewed for consistency with this requirement. The minimum on-site woodland conservation requirement has been calculated as 27 acres, but the plan as submitted only provides 26.31 acres of on-site woodland conservation. An additional 0.69 acre of on-site woodland is necessary to meet the on-site requirement. Staff recommends that a portion of this be provided as a landscape buffer along the north side of historic Brandywine Road, consistent with the requirements of woodland conservation credits for on-site landscaping which will be evaluated at the time of review of the DSP.

No woodland conservation areas are allowed to be credited within right-of-way dedication or a public utility easement.

The TCP1 also requires technical revisions to be in conformance with the WCO. The revised TCP1 is in conformance with the requirements of the Environmental Technical Manual and TCP1-007-12, with the exception of technical revisions specified in the conditions.

Development of this subdivision shall be in conformance with approved Type 1 Tree Conservation Plan TCP1-007-12-01. The following note shall be placed on the final plat of subdivision:

“This development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan (TCP1-007-12-01), or as modified by the Type 2 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 and Wildlife Habitat Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005. Copies of all approved Tree Conservation Plans for the subject property are available in the offices of the Maryland-National Capital Park and Planning Commission, Prince George’s County Planning Department.”

Variance to Section 25-122(b)(1)(G)

Effective October 1, 2009, the State Forest Conservation Act was amended to include a requirement for a variance if a specimen, champion, or historic tree is proposed to be removed. This state requirement was incorporated in the adopted WCO effective on September 1, 2010. Type 1 tree conservation plan (TCP1) applications are required to meet all of the requirements of Subtitle 25, Division 2, which includes the preservation of specimen trees, as well as Section 25-122(b)(1)(G), and every reasonable effort should be made to preserve the trees in place, considering different species’ ability to withstand construction disturbance.

After careful consideration has been given to the preservation of the specimen trees and there remains a need to remove any of the specimen trees, a variance from Section 25-122(b)(1)(G) is required. Applicants can request a variance from the provisions of Subtitle 25 provided all of the required findings in Section 25-119(d) can be met and the request is not less stringent than the requirements of the applicable provisions of Code of Maryland Regulations (COMAR). An application for a variance must be accompanied by a letter of justification stating the reasons for the request and how the request meets each of the required findings.

A Subtitle 25 Variance application and a statement of justification in support of a variance for the removal of specimen trees were received by the Development Review Division on April 4, 2014.

The specimen tree table on the TCP1 shows **56 specimen trees** associated with the project area. The specimen tree table on the TCP1 and the statement of justification indicate the proposed removal of 19 specimen trees on-site. However, one of those 19 specimen trees (ST-46) proposed for removal is located on Outlot W. A variance for specimen tree ST-46 will be considered with the future PPS for Outlot W.

The statement of justification submitted with the current application describes the need for a developable area to meet the anticipated development pattern of the M-X-T Zone, construction of stormwater management, and poor construction tolerance. Section 25-119(d) of the WCO contains six required findings [**text in bold**] to be made before a variance can be granted. The justification has been evaluated for the **removal of 18 on-site specimen trees**.

The specimen trees to be removed have been grouped into three basic categories:

- a. Four specimen trees to be removed for the construction of stormwater management (ST-7, 8, 39, and 40);
- b. Three specimen trees to be removed for poor condition and construction intolerance (ST-3, 10, and 45); and
- c. Eleven specimen trees to be removed for mass grading based on the desired development pattern (ST- 9, 11,17, 18, 27, 28, 34, 37, 38, 41, and 42).

(A) Special conditions peculiar to the property have caused the unwarranted hardship;

The subject property is bisected by three streams and the 100-year floodplain associated with these streams and is highly constrained for development purposes. The corridors associated with each stream exceed 200 feet in width, with a majority of the floodplain corridor forested.

The 2013 Subregion 5 Master Plan and SMA identify the property as being located north of the Brandywine Community Center edge and core, which is located at the MD 301/A-55 interchange. The property was envisioned as being a mix of commercial, employment, and light industrial uses tied to the community center by roads and complementary land uses.

The Stephen's Crossing CSP provided a transit-oriented, pedestrian-friendly, mixed-use development that is consistent with the Subregion 5 Master Plan, focusing development into high density community centers such as the Brandywine Community Center and preserving the surrounding green infrastructure network.

In conjunction with this project, the developer has agreed to construct needed infrastructure for the Brandywine area, including the construction of two master-planned roads (Mattawoman Drive and Cattail Way). In order to partially fund the construction of these roads, the developer needs to create enough density to generate revenue from the sale of finished lots.

The environmental constraints placed on the property by the three streams and the associated floodplain require extensive grading of the site in order to develop at the required density levels to make the project financially feasible and to achieve the desired development pattern.

Eleven specimen trees are proposed to be removed for mass grading based on the desired development pattern (ST-9, 11, 17, 18, 27, 28, 34, 37, 38, 41, and 42), and four specimen trees are proposed to be removed for the construction of stormwater management (ST-7, 8, 39, and 40) necessary to support the desired density. The segmentation of the site by natural feature corridors, which make up approximately 25 percent of the site, presents a special hardship if all of the specimen trees within the developable envelope are to be saved. The scattered locations of the specimen trees on the site also make retention difficult.

Three specimen trees are proposed to be removed for poor condition and construction intolerance (ST-3, 10, and 45). Redesign of the site layout to save specimen trees in poor condition and which have poor construction tolerance would be a special hardship to the applicant in the development of the site because they are centrally located within the limited development envelopes that are a result of the significant PMA on site.

(B) Enforcement of these rules will deprive the applicant of rights commonly enjoyed by others in similar areas;

The statement of justification indicates that the clearing of forested areas for the purposes of development is a right commonly enjoyed by other developers as long as the clearing was done in accordance with the WCO and the Environmental Technical Manual, the developer has made every effort to limit the clearing for this project, and the developer is providing 2.5 times the canopy coverage required for the property.

The retention of additional specimen trees on-site would limit the applicant's right to develop to the density allowed in the M-X-T Zone.

(C) Granting the variance will not confer on the applicant a special privilege that would be denied to other applicants;

The statement of justification states that no special privilege would be conferred by granting the variance and that all other applicants have the right to request a variance to remove specimen trees should they prove special circumstances exist that merit their removal.

The Planning Board finds that a variance for the removal of specimen trees does not confer any special privilege beyond that granted by the zoning of the property, and the development proposed is in accordance with all other development requirements.

(D) The request is not based on conditions or circumstances which are the result of actions by the applicant;

The statement of justification indicates that neither the presence of specimen trees, streams, nor floodplain is the result of actions by the applicant, and that the existing conditions and circumstances on the site are not the result of actions by the applicant. The Planning Board finds that the need for the variance is largely based on the existing conditions of the site, and is not the result of actions by the applicant.

(E) The request does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; and

The statement of justification indicates that the request to remove 18 specimen trees is not related to a land or building use on a neighboring property. The Planning Board finds that the request to remove the trees does not arise from any condition on a neighboring property.

(F) Granting of the variance will not adversely affect water quality.

The statement of justification states that stormwater management will be provided and water quality will be addressed in accordance with county guidelines. The Planning Board found that water quality will not be adversely impacted if the site is developed in accordance with county water quality regulations.

The Planning Board **approves** the variance request to Section 25-122(b)(1)(G) to remove **18 specimen trees** (ST-3, 7, 8, 9, 10, 11, 17, 18, 27, 28, 34, 37, 38, 39, 40, 41, 42, and 45) based on the required findings of Section 25-119(d).

Woodland Conservation Easement

Section 25-122(d)(1)(B) requires that woodlands preserved, planted, or regenerated in fulfillment of woodland conservation requirements on-site be placed in a woodland conservation easement recorded in the land records. This is in conformance with the requirements of the state Forest Conservation Act which requires that woodland conservation areas have long-term protection measures in effect at all times. This requirement applies to TCP1 applications approved after September 1, 2010 that are not grandfathered.

Recordation of a woodland conservation easement is required prior to signature approval of a TCP2 for a development application that includes on-site woodland conservation areas.

Prior to signature of the TCP2 for this site, the liber and folio of the recorded woodland and wildlife habitat conservation easement shall be added to the standard TCP2 notes and a note placed on the final plat.

Soils

According to the *Prince George's County Soils Survey*, the principal soils on the site are in the Beltsville, Bibb, Chillum, Croom, Elkton, Iuka, Keyport, Leonardtown, Matawan, Rumsford, and Sassafras series. Beltsville soils are highly erodible, have perched watertables, and impeded drainage. Bibb soils are highly erodible and hydric. Chillum soils are highly erodible. Croom and Sassafras soils pose few difficulties for development. Elkton and Iuka soils are highly erodible and hydric. Leonardtown soils are highly erodible, have a perched watertable, poor drainage, and typically have wetlands. High groundwater is problematic for both foundations and basements.

This information is provided for the applicant's benefit and may affect the architectural design of structures, grading requirements, and stormwater management elements of the site. DPIE may require a soils report in conformance with Prince George's County Council Bill CB-94-2004 during the permit review process.

Historic Road

Brandywine Road (MD 381) was designated in the 1993 Approved Master Plan and Sectional Map Amendment for Subregion V as a historic road. Because Brandywine Road is a state road, it is not subject to the Prince George's County *Design Guidelines and Standards for Scenic and Historic Roads* for right-of-way improvements and is subject to road improvements as determined by the Maryland State Highway Administration (SHA).

SHA has adopted a policy of implementing context sensitive solutions on transportation development, which applies to all SHA projects. Context sensitive solutions result from a collaborative interdisciplinary approach to developing and implementing transportation projects, involving all stakeholders to ensure that transportation projects are in harmony with communities, and preserving and enhancing environmental, scenic, aesthetic, and historic resources while enhancing safety and mobility. Prince George's County has a special interest in encouraging context sensitive solutions when state roads are also county-designated scenic and historic roads.

The 1993 Subregion V Master Plan classified Brandywine Road as an industrial road west of Mattawoman Drive; Brandywine Road was proposed to remain a collector (C-613) east of Mattawoman Drive, passing over Timothy Branch and towards adjacent residential zoning. The recently approved 2013 Subregion 5 Master Plan and SMA retains the collector classification for the portion of the roadway east of Mattawoman Drive, and upgrades the previous industrial roadway west of Mattawoman Drive to collector status.

Brandywine Road runs along the southern boundary of DSP-09011 for Stephen's Crossing, Lot 22, and forms the southern boundary of the Stephen's Crossing M-X-T. Although Lot 22 is not part of the comprehensive design zone or this PPS, having been retained in the I-1 Zone during the SMA process, it was stated with approval of the DSP that frontage treatments on Lot 22 be coordinated with the design vocabulary and treatments for entrance features proposed for three locations within the Stephen's Crossing development, including the intersection of Brandywine Road and Mattawoman Drive.

When a roadway is designated as historic, it is because it is located in its historic alignment and there is an expectation that historic features will be found along its length, although not necessarily on every property. Roadways are a linear element, and the intention of the scenic buffer is to preserve or enhance the extent of the roadway and enhance the travel experience if scenic qualities or historic features have not been preserved. In order to determine if there are historic or scenic characteristics that should be identified and preserved, an inventory of significant visual features for the viewshed adjacent to the right-of-way of Brandywine Road was required and submitted with the CSP for Stephen's Crossing and the comprehensive design plan for the Villages of Timothy Branch, which is located on the south side of Brandywine Road.

From the western property line of Lot 22, the Brandywine Road frontage of this site contains a significant buffer of existing woodlands for approximately 1,000 feet running east. For the remaining 800 feet before the Brandywine Road/Mattawoman Drive intersection, the approved landscape plan shows a ten-foot-wide landscaped strip placed behind the public utility easement (PUE).

Adjacent to a historic road, the Landscape Manual, which became effective on December 13, 2010, requires a Section 4.6 landscape buffer (Buffering Development from Special Roadways) based on the development tier. In the Developing Tier, the required buffer along a historic road was a minimum of 20 feet wide to be planted with a minimum of 80 plant units per 100 linear feet of frontage, excluding driveway openings. Landscaping is a cost effective treatment which provides a significant visual enhancement to the appearance of the historic road. In this circumstance, Brandywine Road transitions from the Developing Tier to the Rural Tier just to the east of this property, so that the frontage adjacent to this site provides the opportunity to introduce enhanced landscape treatments to create an attractive and gradual transition.

An inventory of the scenic and historic features of Brandywine Road adjacent to the Stephen's Crossing development was submitted with the current application for evaluation of appropriate treatment.

Moving along the road frontage from west to east, there are several defined segments along Brandywine Road where differing treatments of the viewshed is indicated.

- **Segment 1** is an approximately 480-foot-long section running east from US 301 where there is a narrow hedgerow of trees which will largely be removed by development and roadway improvements on the site. In this segment of frontage, the rear face of commercial buildings is facing toward the historic roadway, but the proposed structures are placed a minimum of 80 feet behind the PUE. For this segment, the delineation of a 20-foot-wide scenic buffer adjacent to the road frontage and placed behind the PUE is recommended to soften the appearance of the rear elevations from the roadway, and enhance the roadway. Landscaping within the buffer can be credited as woodland conservation in accordance with Section 25-122(c)(1)(K) if the following criteria are met:

(K) On-site landscaping using native species of field grown nursery stock that establish landscaped areas a minimum of 35 feet wide and 5,000 square in area. At least 50 percent of the plants in the landscaped area must be trees.

At the most eastern portion of this segment, an access road into the commercial area is proposed as well as a proposed entrance feature. The entrance feature will be reviewed as part of an overall signage plan, and consideration should be given to the location on a historic road.

- **Segment 2**, directly to the east of Segment 1 on Lot 22, is not part of the current application.
- **Segment 3**, the next 800 linear feet of frontage on Lot 22, is not part of the current application.
- **Segment 4**, extending 350 linear feet east of Mattawoman Drive on Lot 21 of the current application, is recommended to have a coordinated frontage treatment with that applied to Lot 22, to provide a consistent landscape treatment along the north side of Brandywine Road.
- **Segment 5**, extending approximately 200 linear feet to the east of Lot 21, is a fenced portion of a Washington Gas utility installation.
- **Segment 6** is 500 linear feet of the Washington Gas parcel frontage which is not part of this application.
- **Segment 7** is a 450-linear-foot segment of frontage for the current application which is currently an open agricultural field, but will be a large stormwater management pond and an adjacent afforestation/reforestation area. Adjacent residential structures will be set back a minimum of 320 to 520 feet from the right-of-way, providing an appropriate treatment for the viewshed.

- **Segment 8** consists of 250 linear feet of floodplain and wooded stream buffer, providing an appropriate natural treatment along the frontage.

It should be noted that on the south frontage of Brandywine Road, opposite Segments 4 through 8, is an impressive line of mature eastern red cedars, which are often found lining the historic roadways of Prince George's County rural areas. The use of eastern red cedar in the planting palette along the Brandywine Road frontage of the Stephen's Crossing development is recommended wherever feasible, as consistent with a historic planting practice seen elsewhere in the county, and demonstrated adjacent to the proposed treatment area.

The design of the landscape treatment proposed on both sides of Brandywine Road can be coordinated during the review of associated development applications to ensure that the design is in keeping with the desired visual characteristics of the historic road; integrated into an overall streetscape treatment along Brandywine Road with regard to signage, materials, and plant species choices; and coordinated with the entrance feature and landscape treatment proposed on the south side of Brandywine Road.

The MPOT includes a section on special roadways, which includes designated scenic and historic roads, and provides specific policies and strategies which are applicable to this roadway:

Policy 2: Conserve and enhance the viewsheds along designated roadways.

STRATEGIES:

2. **Require the conservation and enhancement of the existing viewsheds of designated roads to the fullest extent possible during the review of land development or permit applications, whichever comes first. Elements to be considered shall include views of structures from the roadway; design character and materials of constructed features; preservation of existing vegetation, slopes and tree tunnels; use of scenic easements; and limited access points.**

The design and implementation of any road improvements to Brandywine Road required by this project shall be coordinated by SHA and include all interested stakeholders, including the Environmental Planning Section, M-NCPPC. The road improvements shall seek to implement context sensitive solutions as required by SHA policy. This coordination shall occur during the review of the DSP.

Prior to signature approval of the PPS, the TCP1 should be revised to delineate a 20-foot-wide scenic buffer adjacent to historic Brandywine Road. At the time of DSP review for development with frontage on Brandywine Road, the final treatments for the frontage of Brandywine Road shall be approved. The landscape treatment should address the following:

- a. Include eastern red cedar in the planting palette to match the existing vegetation on the south side of the roadway.
- b. Be consistent with the special roadway treatment proposed for Stephen's Crossing, Lot 22, and the Villages of Timothy Branch.

Light

In the Natural Environment section of Plan Prince George's 2035, Policy 6 calls for the reduction of overall sky glow, minimizing the spill-over of light from one property to the next, and a reduction of glare from light fixtures. This is of particular concern on a mixed-use site such as the subject application because the residential uses could be directly impacted by lighting from the other uses. Lighting is also of particular concern in this location because it is adjacent to environmentally-sensitive areas.

The proposed lighting should use full cut-off optics to ensure that off-site light intrusion into residential and environmentally-sensitive areas is minimized, and so that sky glow does not increase as a result of this development. At the time of DSP review, details of all lighting fixtures will be submitted along with certification that the proposed fixtures are full cut-off optics and a photometric plan showing the proposed light levels shall be submitted.

Conformance with the 2010 Water Resources Functional Master Plan

The 2010 *Approved Water Resources Functional Master Plan* contains policies and strategies related to the sustainability, protection and preservation of drinking water, stormwater, and wastewater systems within the county, on a countywide level. These policies are not intended to be implemented on individual properties or projects, and instead will be reviewed periodically on a countywide level. As such, each property reviewed and found to be consistent with the various countywide and area master plans, county ordinances for stormwater management, 100-year floodplain and woodland conservation, and programs implemented by DPIE, the Prince George's County Health Department, the Prince George's County Department of Environmental Resources (DER), the Prince George's Soil Conservation District, M-NCPPC, and the Washington Suburban and Sanitary Commission (WSSC) are also deemed to be consistent with this master plan.

8. **Stormwater Management**—DPIE, Site/Road Plan Review Division, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan, 15615-2014, 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 and any subsequent revisions consistent with the PPS.

A revised approved Stormwater Management Concept Plan and Letter (15615-2014-00) issued August 15, 2014 were submitted with the subject application. The concept shows stormwater management requirements to be met through the use of three major retention ponds, as well as a variety of environmental site design methodologies.

Technical stormwater management plans for the subject property, under Case 37306-2005-01, were approved on April 29, 2013 for the three retention ponds proposed on the site and are still valid for the residential portion of the site. It should be noted that the pond design reflects the use of best management practices including forebays and wet extended detention best management practices consistent with environmental site design.

Review for conceptual and technical stormwater management is the responsibility of DPIE. All future DSPs and TCPs shall include the location of stormwater management facilities required for the site and the approved PPS.

Prior to grading of the site, the county requires approval of a grading, erosion, and sediment control plan. The TCP must reflect the ultimate limits of disturbance not only for installation of permanent site infrastructure, but also for the installation of all temporary infrastructure including erosion and sediment control measures associated with grading. A copy of the environmental site design grading, erosion, and sediment control plan shall be submitted at the time of grading permits so that the ultimate limits of disturbance for the project can be verified and found to be in conformance with the DSP and TCP2.

A copy of the environmental site design grading, erosion, and sediment control plan shall be submitted to the Environmental Planning Section at the time of grading permits so that the ultimate limits of disturbance for the project can be verified and found to be in conformance with the DSP and TCP2.

9. **Parks and Recreation**—The Department of Parks and Recreation (DPR) has reviewed the PPS application for conformance with the requirements and recommendations of Plan Prince George's 2035, the Subregion 5 Master Plan and SMA, Subtitle 24, and existing conditions in the vicinity of the proposed development as they pertain to public parks and recreation facilities.

The property is adjacent to the Brandywine Area Community Park, which is abutting to the northeast. The park is currently undeveloped; however, planning for the construction of a multigenerational recreational complex is in the planning and development stage. This recreational facility is currently referred to as the Southern Area Aquatic and Recreational Complex (SAARC) and will be a 75,000-square-foot multigenerational recreational facility, as envisioned in the 2013 *Formula 2040: Functional Master Plan for Parks, Recreation and Open Space* (Formula 2040). A multigenerational recreational facility provides an array of programs to serve the recreation and leisure needs and interests of the entire family, not just one age group. The SAARC will include a range of indoor and outdoor recreational facilities such as a swimming pool, a gymnasium, a walking track, a fitness center, and a variety of indoor flexible programmable space. The main vehicular and pedestrian access to the park is planned from Missouri Avenue. This park development project is funded through the Prince George's County Capital Improvement Program (CIP). It is anticipated that the SAARC will be completed in early 2017. Residents in the Stephen's Crossing development will be able to walk to this park by way of a proposed trail along Cattail Way, which is required to be constructed by the applicant.

The applicant's proposal is for 1,295 (1,352 with 57 lots in Outlot W) residential dwelling units as part of the planned development, consisting of single-family attached and multifamily dwelling units. Using current occupancy statistics for single-family attached and multifamily dwelling units, the proposed development would result in an increase of 3,993 additional residents in the Brandywine area. This addition of 3,993 new residents to the existing Brandywine community would significantly impact existing public recreational facilities. It is anticipated that the demand for public parkland and public recreational facilities, such as football, soccer, and baseball fields, basketball and tennis courts, playgrounds and picnic areas, will increase.

Section 24-134 of the Subdivision Regulations allows for the mandatory dedication of 10.5 acres of parkland suitable for active and passive recreation to serve the proposed development. DPR evaluated the project area along the eastern property line next to the park and found that this area includes floodplain, a creek, and wetlands, and that there is not much developable land at this location. In addition, the limited amount of developable area at that location is separated from the adjoining parkland by a creek, floodplain, and wetlands. Therefore, it is not desirable to require the dedication of parkland.

Section 24-135 of the Subdivision Regulations states, in part, that:

- (a) Fee in Lieu. The Planning Board may require the payment of a fee in lieu of dedication equal to five percent (5%) of the total new market value of the land as stated on the final assessment notice issued by the State Department of Assessments and Taxation when it finds that dedication of parkland is unsuitable or impractical due to size, topography, drainage, physical characteristics, or similar reasons, or if adequate open space has been acquired and is available to serve the subdivision. The fee shall be paid prior to recording the subdivision and shall be used by the Commission to purchase or improve parkland for the benefit of the future residents...**
- (b) Recreational Facilities. Recreational facilities may be provided instead of land or fees in any residential zone, provided that a plan for such recreational facilities is approved by the Planning Board after determining that:**

 - (1) Such facilities will be superior, or equivalent, to those that would have been provided under the provisions of mandatory dedication;**

Several options were discussed with the applicant for their participation in the development of the adjoining park, which will serve the residents of this development. The applicant offered to design and construct improvements associated with the SAARC project. DPR determined that the most beneficial alternative to meeting the requirements for mandatory dedication of land would be the design and construction of a half-section of Cattail Way along the frontage of the park and construction of an access road and trail connector to the park from Cattail Way. These improvements are not planned as part of the SAARC construction; however, they would provide safer and convenient access to the public recreational facilities in the park from the Stephen's

Crossing development. In addition to off-site improvements to meet the mandatory dedication requirements of Subtitle 24, the applicant also proposes the construction of private recreational facilities which would include clubhouses, playgrounds, and trails which shall be evaluated with the DSP and not required through mandatory dedication.

†Summary of 2022 Reconsideration

†By letter dated October 29, 2021 (submitted November 22, 2021), Edward C. Gibbs, Jr., representing Route 301 Industrial CPI Limited Partnership, requested a waiver of the Planning Board Rules of Procedure (Section 10(a)) and a reconsideration of Preliminary Plan of Subdivision (PPS) 4-11004, which was approved by the Prince George's County Planning Board on October 2, 2014. The resolution (PGCPB No. 14 110(C)) was adopted on October 23, 2014. On December 16, 2021, the Planning Board granted a waiver of the Planning Board Rules of Procedure to admit a reconsideration request submitted more than 14 days after the adoption of the resolution. The Planning Board also granted the applicant's request for a reconsideration, in accordance with Section 10(e) of the Rules of Procedure. Section 10(e) states that reconsideration may only be granted if, in furtherance of substantial public interest, the Board finds that an error in reaching the original decision was caused by fraud, surprise, mistake, inadvertence, or other good cause. The Planning Board granted the request for reconsideration based on other good cause, in furtherance of substantial public interest. The applicant's specific request was for reconsideration of Conditions 10, 11, 15, 16, and 33, and any related findings. The conditions reconsidered pertain to the construction of off-site improvements required for mandatory dedication under this finding.

†Between approval of the PPS in 2014 and the reconsideration in 2022, the applicant was unable to move forward with construction of the Stephen's Crossing project, in part due to the cost of installing the development's road infrastructure. In particular, the applicant found that the wetland impacts of Cattail Way are greater than originally anticipated near where it intersects with Missouri Avenue. When PPS 4-11004 and associated PPS 4-15011 were approved, the applicant anticipated that construction would commence with the dwellings proposed at the east end of the development near this intersection, and construction of Cattail Way would accordingly proceed westerly from the intersection, in order to serve the dwellings. However, due to the increased costs of starting development at the previously intended starting point, the applicant wishes to instead begin construction near where Mattawoman Drive will intersect MD 381. Construction would then proceed northeasterly toward Missouri Avenue.

†As a result of this change, all of the infrastructure improvements required by this finding would be among the last infrastructure improvements to be installed, rather than among the first. The conditions reconsidered, however, were originally written to require these improvements be

†Denotes Amendment

*Denotes Correction

Underlining indicates new language

[Brackets] and ~~strike through~~ indicate deleted language

provided following the earliest phases of the development. The applicant requested that construction of the improvements be delayed, so that additional phases of the development can be constructed before the improvements are required. Delaying the requirements will allow the applicant additional time to acquire the necessary capital to construct the improvements, which they will need to finance through sale of dwelling units.

†The new schedule for construction of the improvements, as well as the prerequisite steps which must be taken prior to their construction, is as follows:

Prior to the ~~†[100th residential building permit or prior to April 1, 2017, whichever comes first]~~ 455th residential dwelling unit within PPS 4-15011 and 4-11004 (cumulatively), the applicant shall ~~†[design and]~~ construct a half-section of Cattail Way and an eight-foot-wide trail/sidewalk within the public right-of-way along the entire frontage of the park. This work, as well as all other improvements associated with the Cattail Way construction, must meet the requirements of DPIE. In addition, the applicant shall construct a 30-foot-wide asphalt driveway and an eight-foot-wide concrete trail connector from Cattail Way to the SAARC parking lot within the park. The construction of these improvements will be deemed complete upon the opening to traffic of at least one lane of Cattail Way in each direction and provision of access to the SAARC from Cattail Way. In the event that DPR determines that the timing of the completion of these improvements can be delayed based upon ~~†[the construction schedule associated with the SAARC project]~~ coordination with DPIE, DPR may, at its sole discretion, delay the completion date. Any such revision to the completion date shall be communicated in writing to the applicant.

Prior to issuance of the ~~†[50th residential building permit]~~ 300th residential dwelling unit within PPS 4-15011 and 4-11004 (cumulatively), the applicant shall develop ~~†~~ 100 percent design construction drawings and specifications for the construction of a half-section of Cattail Way, an eight-foot-wide trail/sidewalk, and any required improvements within the public right-of-way (along park's road frontage) and submit them to DPIE. ~~†Prior to approval of a building permit for the 370th cumulative residential dwelling unit, the applicant shall obtain permits for construction of these improvements from DPIE.~~ The applicant will be responsible for obtaining all of the necessary permits and bonding that may be required by federal, state, or local authorities needed to accomplish the design and construction of improvements within the Cattail Way right-of-way. Prior to construction of the 30-foot-wide asphalt entrance driveway and the eight-foot-wide concrete trail connector from Cattail Way to the SAARC parking lot, DPR will provide the applicant with construction drawings for the improvements on park property. The design and construction of any required stormwater management facilities needed for construction of a half-section of Cattail Way will be the responsibility of the applicant. Any such facilities may not be located on park property.

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Prior to approval of the first final plat in the subdivision, the applicant will enter into an agreement with DPR for the construction of the eight-foot-wide trail/sidewalk and any required improvements to connect the development to the park, as well as the 30-foot-wide asphalt entrance and driveway and the eight-foot-wide concrete trail connector from Cattail Way to the SAARC parking lot area. Prior to submission of a final plat of subdivision, the applicant should submit to DPR for review and approval three original executed agreements. Upon approval by DPR, the agreement will be recorded among the Land Records of Prince George's County, and the liber and folio reflected on the final plat prior to recordation.

Prior to application for the 50th residential ~~†[building permit]~~ dwelling unit within PPS 4-15011 and 4-11004 (cumulatively), the applicant shall submit to DPR a performance bond, letter of credit, or other suitable financial guarantee in an amount to be determined by DPR for the construction of an eight-foot-wide trail/sidewalk and any other improvements on park property for construction of a 30-foot-wide asphalt entrance and driveway and an eight-foot-wide concrete trail connector from Cattail Way to the SAARC parking lot area. ~~†The current estimated bonding amount, as of January 2022, is \$200,000.~~ Bonding for construction within the dedicated public right-of-way is under the authority of DPIE.

10. **Trails**—The Transportation Planning Section has reviewed the PPS for conformance with the MPOT and the 2013 Subregion 5 Master Plan and SMA in order to implement planned trails, bikeways, and pedestrian improvements.

Review Comments (Master Plan Compliance and Prior Approvals)

Four master plan trails issues impact the subject site. Master plan trail or bikeway facilities are recommended along Brandywine Road (MD 381), along Mattawoman Drive, along Missouri Avenue, and along Timothy Branch. The MPOT includes the following text regarding the trails along MD 381 and Timothy Branch:

MD 381 (Aquasco Road and Brandywine Road) Bikeway: MD 381 is a heavily used corridor for long distance cyclists. Road improvements should include bicycle accommodations. Sidewalk construction is needed within the Brandywine and Aquasco communities (MPOT, page 33).

Timothy Branch Stream Valley Trail: Provide a stream valley trail along Timothy Branch between Dyson Road and Mattawoman Creek. This trail will provide access to the developing employment center in Brandywine. Public use trail easements have been acquired as commercial development has occurred (MPOT, page 32).

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At the time of the prior approvals for the Villages of Timothy Branch and Stephen's Crossing, it was determined that the stream valley trail along Timothy Branch will be provided south of MD 381, where it will then connect to the trail along Mattawoman Drive, where a safe and controlled crossing of the state highway will be provided. North of MD 381 on the subject site, the master plan trail will be provided along the eastern side of Mattawoman Drive and the north side of Cattail Way with a connection to the adjacent park property. The trails along Mattawoman Drive and Cattail Way will serve as the master plan trail connection north of MD 381 to the existing parkland.

The Complete Streets Section of the MPOT includes the following policies regarding sidewalk construction and the accommodation of pedestrians.

POLICY 1: Provide standard sidewalks along both sides of all new road construction within the Developed and Developing Tiers.

POLICY 2: All road frontage improvements and road capital improvement projects within the developed and Developing Tiers shall be designed to accommodate all modes of transportation. Continuous sidewalks and on-road bicycle facilities should be included to the extent feasible and practical.

Previously approved CSP-09003 (PGCPB Resolution No. 14-09) included the following conditions of approval related to sidewalk, bikeway, and trail facilities. Only conditions directly related to trail or bicycle facilities are included below.

1. **Prior to certificate of approval of the conceptual site plan (CSP), the following revisions shall be made, or information shall be provided:**
 - d. **Revise the Mattawoman Drive cross section to provide an eight-foot-wide sidepath on the eastern side, unless modified by the Department of Public Works & Transportation (DPW&T).**
3. **At the time of preliminary plan of subdivision, the following issues shall be addressed, or information shall be provided:**
 - c. **Provide sufficient dedication on the preliminary plan along Brandywine Road (MD 381) for on-road bike lanes in accordance with Maryland State Highway Administration (SHA) standards and American Association of State Highway and Transportation Officials (AASHTO) guidance, subject to approval by SHA.**

4. **At the time of detailed site plan (DSP), the following design issues shall be addressed:**
- f. Provide bicycle parking at major transit locations and adjacent to all new commercial development and recreational uses on-site. Provide bicycle parking details for all bicycle parking.**
 - g. Streetscape details, crosswalks, lane control markings, lighting, curb ramps, splitter island locations, driveway crossings, pedestrian safety symbols, and pedestrian safety signage shall be delineated on the DSP, as applicable.**
 - n. Provide continuous sidewalks adjacent to all of the commercial buildings and along both sides of all roads, unless a sidepath is provided.**
 - r. Trails shall be shown no less than 20 feet from all private residential lot lines and/or 25 feet from all residential buildings, excluding where trails connect with the internal road or sidewalk network, unless environmental constraints/impacts exist that make this impractical.**
 - t. Provide a trail connection that connects the proposed multifamily units located at the end of Daffodil Court directly to Mattawoman Drive to the west, provided that the necessary approvals and permits for disturbance of environmental features are approved by all applicable authorities, including, but not limited to, the Maryland Department of the Environment and/or the Army Corps of Engineers.**

There appears to be a label for the trail required by Subcondition 4.t. above on Sheet 11 of the PPS ("Proposed 6' wide private path"), but no trail location or alignment is indicated. It appears that the trail required in Subcondition 4.t. can be implemented as a hard surface path along the south side of the multifamily buildings and then extended to Mattawoman Drive via the proposed sanitary sewer easement. This hard surface trail should be marked and labeled on the approved PPS. The limits and alignment of this proposed private path should be indicated on the subject plans so that it can be determined if this path complies with Subcondition 4.t.

11. **The applicant shall provide an eight-foot-wide concrete sidepath in the right-of-way along the subject site's entire frontage of Brandywine Road (MD 381), subject to Maryland State Highway Administration (SHA) approval and in accordance with SHA standards, and subject to American Association of State Highway and Transportation Officials (AASHTO) guidance.**

12. **Provide a minimum eight-foot-wide sidepath on the east side of Mattawoman Drive (A-63) between Brandywine Road (MD 381) and Robert Crain Highway (US 301), unless modified by the Department of Public Works and Transportation (DPW&T).**
13. **Provide a minimum eight-foot-wide continuous sidepath that connects the commercial-retail area to the sidepath on Mattawoman Drive (A-63).**
14. **Provide a minimum eight-foot-wide continuous sidepath on one side of Cattail Way between Mattawoman Drive and Missouri Avenue, unless modified by the Department of Public Works and Transportation (DPW&T).**

The sidepath, required in Condition 14 above, shall be provided on the north side of Cattail Way, as that is the side of the road of the planned regional park facility.

15. **At the time of detailed site plan (DSP) review, provide pedestrian refuge islands, crosswalks, curb extensions, and other traffic calming and safety devices on all roads per the Department of Public Works and Transportation (DPW&T) standards and with American Association of State Highway and Transportation Officials (AASHTO) guidance. Details of the pedestrian refuge islands, crosswalks, curb extensions, and other traffic calming devices shall be shown on the DSP and are subject to modification by DPW&T.**
16. **All trail connectors to the proposed park to the east shall be provided on the detailed site plan and shall be constructed to meet *Parks and Recreation Facilities Guidelines*, unless modified by the Prince George's County Department of Parks and Recreation.**

Conditions of approval from CSP-09003 are carried forward and with this PPS and modified as appropriate based on the additional level of detail provided in the PPS. Further review and refinement will occur with the DSP to implement the CSP conditions.

11. **Transportation**—The Transportation Planning Section has reviewed the PPS where the applicant proposes to develop the overall property as a mixed-use development with approximately 1,352 residences (1,295 plus 57 (Outlot W)) and 300,000 square feet of commercial/office/retail space. The table below summarizes trip generation in each peak hour that was used for the analysis and for formulating the trip cap for the site:

Trip Generation Summary, 4-11004, Stephens Crossing								
Land Use	Use Quantity	Metric	AM Peak Hour			PM Peak Hour		
			In	Out	Tot	In	Out	Tot
General Office	100,000	square feet	180	20	200	35	150	185
Less Internal Trip Capture			-14	-2	-16	-11	-12	-23
Net Office Trips			166	18	184	24	138	162
Retail	200,000	square feet	148	90	238	457	496	953
Less Internal Trip Capture			-17	-13	-30	-50	-71	-121
Less Pass-By (40 percent)			-52	-31	-83	-163	-170	-333
Net Retail Trips			79	46	125	244	255	499
Residential	1,352	residences						
Townhouses	436	residences	61	244	305	222	127	349
Two-over-Two Units	116	residences	16	65	81	60	33	93
Multifamily Units	800	residences	83	333	416	312	168	480
Less Internal Trip Capture			-8	-24	-16	-63	-41	-104
Net Residential Trips			152	618	770	531	287	818
Total Trips (Sum of the Above Values in Bold)			397	682	1,079	799	680	1,479

The trip generation is estimated using trip rates in the “Transportation Review Guidelines, Part 1” (Guidelines, Part 1). It is noted that these rates differ from the submitted traffic study because the retail trip rates have been adjusted to compute pass-by trips after subtracting internal trips in accordance with the above-cited Guidelines.

The traffic generated by the proposed PPS would impact the following intersections, interchanges, and links in the transportation system:

- US 301 and Mattawoman Drive (future/signalized)
- MD 5 and Brandywine Road (signalized)
- US 301 and MD 381 (signalized)
- MD 381 and Mattawoman Drive (signalized)
- MD 5 and A-63 (signalized)
- Dyson Road and A-63 (signalized)
- US 301/MD 5 and Chadds Ford Drive (signalized)
- US 301/MD 5 and Matapeake Business Drive (signalized)
- US 301/MD 5 and Cedarville Road/McKendree Road (signalized)

The application is supported by a traffic study dated April 2014 provided by the applicant and referred to SHA, the Prince George’s County Department of Public Works and Transportation (DPW&T), and DPIE. Comments from the county have been received and are discussed herein. Comments from SHA have not been received at the time of the Planning Board hearing and the

closing of the record. The findings outlined below are based upon a review of these materials and analyses conducted by the Transportation Planning Section, consistent with the Guidelines.

The subject property is located within Transportation Service Area (TSA) 2, as defined in Plan Prince George's 2035. 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.

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 following nine critical intersections, interchanges, and links identified above, when analyzed with existing traffic using counts taken in February, March, and April 2014 and existing lane configurations, operate as follows:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
US 301 and Mattawoman Drive	Future	Future	--	--
MD 5 and Brandywine Road	1,625	1,371	F	D
US 301 and MD 381	1,310	1,219	D	C
MD 381 and Mattawoman Drive	435	477	A	A
MD 5 and A-63	Future	Future	--	--
Dyson Road and A-63	Future	Future	--	--
US 301/MD 5 and Chadds Ford Drive	1,053	1,479	B	E
US 301/MD 5 and Matapeake Business Drive	992	1,553	A	E
US 301/MD 5 and Cedarville/McKendree Road	1,221	1,616	C	F
*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, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.				

None of the critical intersections identified above are programmed for improvement with 100 percent construction funding within the next six years in the current Maryland Department of Transportation Consolidated Transportation Program (CTP) or the Prince George's County Capital Improvement Program (CIP). It is noted that the US 301/Mattawoman Drive intersection is assumed to be in place as a future condition because it is a condition of the previous PPS for this site (4-90045) to construct that intersection and is carried forward with this application. Background traffic has been developed for the study area using an extensive listing of approved developments in the area and 1.0 percent annual growth rate in through traffic along US 301 and MD 5. The critical intersections, when analyzed with background traffic and existing (or future) lane configurations, operate as follows:

BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
US 301 and Mattawoman Drive	1,683	1,581	F	E
MD 5 and Brandywine Road	2,890	2,794	F	F
US 301 and MD 381	2,391	2,309	F	F
MD 381 and Mattawoman Drive	1,191	1,409	C	D
MD 5 and A-63	Future	Future	--	--
Dyson Road and A-63	Future	Future	--	--
US 301/MD 5 and Chadds Ford Drive	1,474	2,229	E	F
US 301/MD 5 and Matapeake Business Drive	1,381	2,311	D	F
US 301/MD 5 and Cedarville/McKendree Road	1,832	2,470	F	F
*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, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.				

The following critical intersections, interchanges, and links identified above, when analyzed with the programmed improvements and total future traffic as developed using the Guidelines, including the site trip generation as described above and the distribution as described in the traffic study, operate as follows:

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
US 301 and Mattawoman Drive	1,369	1,629	D	F
MD 5 and Brandywine Road	3,067	3,042	F	F
US 301 and MD 381	2,324	2,540	F	F
MD 381 and Mattawoman Drive	1,450	1,565	D	E
MD 5 and A-63	Future	Future	--	--
Dyson Road and A-63	Future	Future	--	--
US 301/MD 5 and Chadds Ford Drive	1,399	2,185	D	F
US 301/MD 5 and Matapeake Business Drive	1,319	2,266	D	F
US 301/MD 5 and Cedarville/McKendree Road	1,740	2,451	F	F
*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, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.				

It is found that all of the critical intersections operate unacceptably under total traffic in either one or both peak hours. In response to the inadequacies, the applicant proposes several roadway improvements in the area as a part of the expenditure of the required road club fees (as described further):

- a. Signalization and dual southbound left-turn lanes are proposed along US 301 at Mattawoman Drive. A northbound right-turn lane is proposed along US 301 at Mattawoman Drive. The east leg of the intersection (the Mattawoman Drive approach from the south/east) is proposed to be five lanes, configured with two left-turn lanes, two through lanes, and one right-turn lane.
- b. The MD 381/Mattawoman Drive intersection is proposed to be signalized (this has been taken into account through the entire analysis), and an eastbound left-turn lane and westbound right-turn lane along MD 381 at Mattawoman Drive is proposed.
- c. As a means of mitigating the impact of excessive through traffic along US 301/MD 5 south of the split, another property will be extending Mattawoman Drive south (Village of Timothy Branch, PPS 4-09003) of the subject property to connect to Matapeake Business Drive. This will provide some relief by rerouting traffic from the subject site and other properties off of portions of US 301/MD 5.

- d. The subject site is required to contribute to the Brandywine Road Club. The level of this contribution is determined during the review of the PPS. It is noted that the Brandywine Road Club has posed several issues for the Planning Board in the past, and these issues are briefly summarized below:
- (1) The use of the Brandywine Road Club in approving a development poses an issue of concurrency. Section 24-124 of the Subdivision Regulations (the section that governs findings of adequate transportation facilities) is intended to ensure that needed transportation facilities occur concurrently with development or within a reasonable time thereafter. However, transportation inadequacies in the area have been documented since 1989. Beginning in 1990, many properties have been approved with a condition to pay funds toward a Brandywine Road Club. However, since those initial approvals, no improvements have been constructed. Furthermore, there is nothing in either the current county CIP or the state's CTP that suggests that needed improvements are funded for construction.
 - (2) Prince George's County Council Resolution CR-61-2011 clarified and allowed the use of the Brandywine Road Club as a means of determining transportation adequacy for properties located entirely within mixed-use zones. Given that the subject property is zoned M-X-T, one of the mixed-use zones cited in CR-61-2011, it has been determined that the use of the Brandywine Road Club is consistent with the intent of the council resolution.
 - (3) County Council Resolution CR-61-2011, while clarifying the use of the Brandywine Road Club as a means of determining transportation adequacy for properties located entirely within mixed-use zones, also stated that funds paid into the Brandywine Road Club or funds contributed in the future, may be used to assist in the construction of A-63 between MD 381 and the MD 5 interchange. The subject traffic study directs that this connection should be made a priority as a means of providing a local roadway reliever route for portions of US 301 and MD 5 that experience failing conditions due to heavy through traffic.

For the reasons described above, the use of the Brandywine Road Club as a means, in part, of finding adequacy for this is consistent with CR-61-2011. It is determined that adequate transportation facilities are found with the improvements at the intersections within the study area as proffered and described above are bonded, permitted with a time table for construction, and there is participation in the Brandywine Road Club.

The following critical intersections, interchanges, and links identified above, when analyzed with the programmed improvements and total future traffic as developed using the Guidelines, including the site trip generation as described above and the distribution as described in the traffic study, *and with the proffered improvements as described in the April 2014 traffic study and the key connections of A-63 and Mattawoman Drive as described above*, operate as follows:

TOTAL TRAFFIC CONDITIONS WITH ALL IMPROVEMENTS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
US 301 and Mattawoman Drive	1,411	1,524	D	E
MD 5 and Brandywine Road	1,523	1,795	E	F
US 301 and MD 381	1,123	1,470	B	E
MD 381 and Mattawoman Drive	1,242	1,286	C	C
MD 5 and A-63	1,140	1,252	B	C
Dyson Road and A-63	1,388	1,326	D	D
US 301/MD 5 and Chadds Ford Drive	1,371	2,112	D	F
US 301/MD 5 and Matapeake Business Drive	1,333	2,270	D	F
US 301/MD 5 and Cedarville/McKendree Road	1,740	2,451	F	F
*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, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.				

The traffic study was referred to and reviewed by the county (responses from SHA had not been received as of the Planning Board hearing and the closing of the record.). The county response states that each intersection is under the jurisdiction of SHA, and that agency will make the final decision regarding mitigation measures along any state highways. Otherwise, the county's response indicates that the construction of A-63 and its approaches to the existing state highways would be the sole responsibility of the applicant, and that Brandywine Road Club funds should not be used toward the construction of A-63, within the subject property.

It shall be noted that SHA has authority through the Code of Maryland Regulations (COMAR) to require developments to take responsibility for mitigating improvements not only at site access points onto state highways, but also at intersections beyond the site access where the state identifies an impact that should be mitigated. The applicant should be aware that modifications to the submitted study, additional studies, and additional improvements may be needed outside of the current Prince George's County requirements prior to obtaining any necessary permits from SHA.

Plan Comments

The site is affected by several facilities shown on the MPOT:

- Mattawoman Drive, A-63, is a master plan arterial facility, and Cattail Way, C-610, is a master plan collector facility. The rights-of-way have been previously dedicated, and further dedication along these facilities is not required.

- MD 381 along the entire frontage of this site is a master plan collector facility, C-613. The current plan reflects adequate dedication of 40 feet from centerline along MD 381.
- The Subregion 5 Master Plan and SMA reflects a future transit facility between Charles County and the Branch Avenue Metrorail station. While at least one alternative under current study considers routing this facility along A-63, the current preferred alignment, in accordance with the 2010 Southern Maryland Transit Corridor Preservation Study, is closer to MD 5 and does not abut this property.
- The master plan includes US 301 as a freeway facility, F-10, with a planned interchange at the intersection of US 301 and A-63. This is discussed further below.

Right-of-Way

With regard to the master plan for the site, the site is adjacent to Crain Highway (US 301). At this location, US 301 is a planned freeway facility and additional right-of-way has been identified to support a future interchange at the location where A-63 crosses F-10. Some right-of-way was previously acquired by the state, but the applicant is not proffering the dedication of all of the needed right-of-way. Given the need posed by the master plan, it was determined that the plan should be referred for reservation in accordance with Section 24-139(b) of the Subdivision Regulations. The referrals to SHA and DPW&T were sent on August 8, 2014.

The PPS is required to conform to the master plan. Making an appropriate determination of dedication or reservation is a significant part of demonstrating that conformance. In the case of Woodyard Road (MD 223), Section 24-139(b) states, "If a reservation appears desirable, the Planning Board shall refer the preliminary plan to the public agency concerned with acquisition for its consideration and report; and to the County Executive, County Council, and any municipality within which such property is located, for their comments. That section goes on to state that, The Planning Board may propose alternate areas for such reservation and shall allow thirty (30) days for reply."

The 30-day deadline for the request for reservation of additional right-of-way to support the implementation of the planned interchange along F-10 (US 301) was September 7, 2014. In a written statement dated September 15, 2014 (Slater to Masog) SHA stated that they are in support of the F-10 recommendations, but that they prefer dedication at this location. In a follow-up conversation, it was ascertained that the reason for this recommendation is that the need for additional right-of-way will be determined by further studies of the design of the interchange, and such studies will not begin in the near future. Therefore, the Planning Board did not place in reservation additional right-of-way along F-10.

Given that Maryland Land Use Article, Division II, Title 23, indicates that the maximum dedication from a property is the width of a primary roadway (or 60 feet), and given that the subject property has never dedicated or deeded right-of-way along US 301, it is determined that, within the areas where additional right-of-way is needed, the applicant shall dedicate 60 feet from the existing right-of-way.

Dedication along Brandywine Road shall be 40 feet from centerline and additional dedication along Missouri Avenue is not required. No additional dedication is recommended for public rights-of-way.

Variation—Access to A-63

Variation requests for driveway access from proposed Parcels V-1, A-1, A-2, B-2, and B-3 onto the A-63 (Mattawoman Drive) arterial facility have been supplied and reviewed.

Section 24-121(a)(3) of the Subdivision Regulations requires that lots proposed on land adjacent to an existing or proposed planned roadway of arterial or higher classification be designed to front on either an interior street or service roadway. The five parcels do not meet this requirement. The applicant requests a variation pursuant to Section 24-113 of the Subdivision Regulations for direct access to the arterial facility. There are four criteria that must be met for this variation to be approved (a fifth criterion does not apply to this site). The criteria, with discussion, are noted below:

Section 24-113(a) sets forth the required findings for approval of variation requests as follows:

- (a) **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:**

Approval of the applicant's request does not have the effect of nullifying the intent and purpose of the Subdivision Regulations. In fact, strict compliance with the requirements of Section 24-121 could result in practical difficulties to the applicant that could result in the applicant not being able to develop this property consistent with the CSP and M-X-T Zone without substantial modifications.

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

All five access points to the arterial are proposed at a location that allows the access to be shared with other parcels. All are proposed to be configured as right-in/right-out movements. Each access point will be reviewed by the county and designed and constructed to maintain a safe flow of traffic.

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

The commercial portion of this site is bisected by an arterial facility that is platted and will be constructed by the applicant. The site is additionally encumbered by several environmental features that restrict the ability of the applicant to direct traffic away from the arterial facility. These features do create a uniqueness that supports the finding.

(3) The variation does not constitute a violation of any law, ordinance, or regulation;

The access would not violate any law, ordinance, or regulation. Access to A-63 is regulated by the county (DPW&T and DPIE).

(4) Because of the particular 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 regulations is carried out;

The A-63 arterial facility bisects the site; therefore, centering the commercial development on another facility or on a service road would unduly limit the potential development of the site. Furthermore, it is noted that an alternative development form would create circuitousness and confusion for the motoring public that would choose to access this site.

(5) In the R-30, R-30C, R-18, R-18C, R-10A, R-10, and R-H Zones, where multifamily dwellings are proposed, the Planning Board may approve a variation if the applicant proposes and demonstrates that, in addition to the criteria in Section 24-113(a), above, the percentage of dwelling units accessible to the physically handicapped and aged will be increased above the minimum number of units required by Subtitle 4 of the Prince George's County Code.

The subject property is located within the M-X-T Zone; therefore, this required finding is not applicable to the development of this property.

By virtue of the positive findings for each of the criteria for variation approval, the Planning Board **approves** the variation from Section 24-124(a)(3) of the Subdivision Regulations subject to conditions.

Parcel V-1, which is located in the northeast quadrant of the intersection of Mattawoman Drive and Brandywine Road (MD 381), shall have one direct access to Mattawoman Drive and no access to Brandywine Road, a historic road; Parcels A-1 and A-2, located on the southwest side of Mattawoman Drive, shall have three shared vehicular access drives: two to Mattawoman Drive and one to Brandywine Road; Parcels B-2, B-3, and B-4 shall have two shared access drives: one to Mattawoman Drive and one to Cattail Way. All as reflected on the approved PPS.

This authorization of access is conditioned on the recordation of vehicular access easements pursuant to Section 24-128(b)(9) of the Subdivision Regulations to avoid potentially hazardous traffic situations. The access easements shall set forth the rights, responsibilities, and liabilities of the property owners. All other frontages for these parcels shall be reflected as a denial of access along Mattawoman Drive, Brandywine Road, and Crain Highway (US 301) prior to signature approval of the PPS, and shall be reflected on the DSP and the final plat prior to approval. At the time of review of the DSP, delineation of the vehicular access easements shall be shown.

Access to Multifamily

The Guidelines, Part 1, recommend the use of multiple access points in lieu of culs-de-sac that exceed 1,000 feet in length. This is not a regulation, but is desirable when additional points of access can be provided. The plan shows a single point of access serving 800 multifamily units having average daily traffic of approximately 5,200 vehicles and a cul-de-sac exceeding one-half mile in length. The applicant provided a statement of justification dated August 20, 2014 for this circulation pattern, and indicated that the land bay on which the multifamily units are planned is surrounded by a regulated environmental feature, park land, and US 301, which is a roadway with access controls. Minimizing crossings of the environmental feature is recommended. Furthermore, US 301 adjacent to the site does have a denial of access and, given the future plans for US 301, staff would not support requiring the applicant to seek a break in the access controls.

The applicant has proffered to relocate up to 100 multifamily units into the main commercial area of the site, and this is reflected on the current plan. These residences will enjoy better access to commercial services and the transportation system, and it will reduce the number of dwelling units in the northwest pod of development to 700, which is not required, but recommended.

Construction of Cattail Way

Cattail Way will be dedicated and built over Timothy Branch. It is important that the residential development on the east side of Timothy Branch not be physically separated from the major development on the west side, and that those residences have access to A-63. Conversely, it is also desirable that residents on the west side of Timothy Branch have a secondary access to Missouri Avenue and to a proposed DPR facility on the east side of Timothy Branch (Brandywine Area Community Park). Mandatory dedication of parkland is being fulfilled by providing frontage improvements and pedestrian access to the abutting park property, therefore, the crossing is necessary.

Neither Cattail Way nor the intersection of Cattail Way and Missouri Avenue were included in the traffic impact study; therefore, the connection is not essential to a finding of transportation adequacy. However, a staging recommendation for Cattail Way is required given that this construction is being recommended in lieu of mandatory dedication of parkland to provide access from the subject property to the public park. †Therefore, prior to approval of a building permit for

†Denotes Amendment

*Denotes Correction

Underlining indicates new language

[Brackets] and ~~strike through~~ indicate deleted language

the 370th cumulative residential dwelling unit within PPS 4-15011 and 4-11004, the applicant shall obtain permits from DPIE to construct Cattail Way over Timothy Branch. This roadway connection shall include construction within the public right-of-way of an eight-foot-wide trail/sidewalk, which shall connect Daffodil Court to the SAARC. Prior to approval of the 455th residential dwelling unit, the applicant shall complete construction of these improvements. The status of the construction of Cattail Way shall be provided with each DSP proposing residential development.

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

12. **Noise**—In 2011, Phoenix Noise and Vibration LLC evaluated highway traffic for the project and found that noise from Crain Highway (US 301) and the future Mattawoman Drive (bisecting the tract) exceeds the state's standard of 65 dBA day-night average sound level (Ldn) for residential areas. Phoenix also noted that about half of the site lies within the 65 dBA Ldn noise contour of the Joint Base Andrews Naval Air Facility (JBA), per the U.S. Air Force 2007 Air Installation Compatible Use Zone (AICUZ) Report. These original findings indicated the need for mitigation of highway noise outdoors via noise barriers and highway/ aircraft noise indoors via building soundproofing.

On January 14, 2014, the Planning Board approved Conceptual Site Plan CSP-09003 (PGCPB Resolution No. 14-09) with the following two conditions relating to noise:

- 3.k. A Phase II noise study shall be submitted that addresses noise impacts on residential, or potential residential use areas, and the necessary mitigation methods which reflect the 'worst case' noise impact scenario for Robert Crain Highway (US 301).**
- 23. Prior to issuance of building permits, interiors of new residential construction shall be certified to 45 dBA Ldn or less by an acoustical engineer, or qualified professional of competent expertise. The certification shall be based on an inventory of architectural materials for said structures submitted at the time of permit review.**

In support of the subject PPS, the applicant filed a revised noise analysis dated May 12, 2014 prepared by Stainano Engineering Inc., with expertise in sound, research, measurement, and control of noise. The review reevaluated road traffic noise exposures from US 301 on the site and reassessment of highway noise barrier requirements.

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The US 301 highway traffic noise was analyzed for the proposed development and predictions were made for projected 2020 traffic using the U.S. Federal Highway Administration Traffic Noise Model computer program with a detailed geometric representation of the site topography. The analysis found that at worst-case receptor locations (i.e., those closest to the highway), the day-night average sound levels are expected to be 50–58 dBA Ldn for multifamily receptors and 45–52 dBA Ldn for townhouse receptors. These levels are all less than the state 65 dBA Ldn limit for residential areas. Consequently, as proposed, the development meets the state noise criterion without mitigation.

Many of the residential units are proposed to be located within the Interim Land Use Control (ILUC) 65 dBA noise area. Interior noise must be attenuated according to Section 27-1807(b)(1) of the Zoning Ordinance. New development in this area is subject to the following restriction:

- (1) At the time of construction permit, interiors of new residential construction must be certified to 45 dBA Ldn or less by an Acoustical Engineer or qualified professional of competent expertise.**

Prior to signature approval, the PPS should be revised to delineate the ILUC noise contour and remove the dBA Ldn noise contours that are no longer applicable based on the revised noise analysis dated May 12, 2014 prepared by Stainano Engineering Inc.

13. **Fire and Rescue**—The impact on fire and rescue facilities was analyzed separately for the residential and nonresidential portions of the development.

Residential

The Special Projects Section has reviewed this PPS for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(C) and (E) of the Subdivision Regulations.

Section 24-122.01(e)(1)(E) states that, “A statement by the Fire Chief that the response time for the first due station in the vicinity of the property proposed for subdivision is a maximum of seven (7) minutes travel time. The Fire Chief shall submit monthly reports chronicling actual response times for call for service during the preceding month.”

The proposed project is served by Brandywine Fire/EMS, Company 40, a first due response station (a maximum of seven minutes travel time), located at 1420 Brandywine Road.

Nonresidential

The Special Projects Section has reviewed this PPS for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(C) and (E) of the Subdivision Regulations.

Section 24-122.01(e)(1)(E) states that, “A statement by the Fire Chief that the response time for the first due station in the vicinity of the property proposed for subdivision is a maximum of seven (7) minutes travel time. The Fire Chief shall submit monthly reports chronicling actual response times for call for service during the preceding month.”

The proposed project is served by Brandywine Fire/EMS, Company 40, a first due response station (a maximum of seven minutes travel time), located at 1420 Brandywine Road.

The CIP for Fiscal Years 2014–2019 provides funding for replacing existing Brandywine Fire/EMS, Company 40, at 1420 Brandywine Road.

The above findings are in conformance with the 2008 *Approved Public Safety Facilities Master Plan* and the “Guidelines for the Mitigation of Adequate Public Facilities: Public Safety Infrastructure.”

14. **Police Facilities**—The impact on police facilities was analyzed separately for the residential and nonresidential portions of the development.

Residential

The subject property is located in Police District V, Clinton. The response time standard is ten minutes for emergency calls and 25 minutes for nonemergency calls. The times are based on a rolling average for the preceding 12 months. The PPS was accepted for processing by the Planning Department on April 23, 2014.

Reporting Cycle	Previous 12 Month Cycle	Emergency Calls	Nonemergency Calls
Acceptance Date 4/23/2014	4/2013–3/2014	10 minutes	17 minutes
Cycle 1			
Cycle 2			
Cycle 3			

The response time standards of ten minutes for emergency calls and the 25 minutes for nonemergency calls were met on May 5, 2014.

The Police Chief has reported that the Police Department has adequate equipment to meet the standards stated in Council Bill CB-56-2005. Pursuant to Council Resolution CR-69-2006, the County Council and the County Executive temporarily suspended the provisions of Section 24-122.01(e)(1)(A) and (B) regarding sworn police personnel staffing levels.

Nonresidential

The proposed development is within the service area of Police District V, Clinton. There is 267,660 square feet of space in all of the facilities used by the Prince George’s County Police Department, and the July 1, 2013 (U.S. Census Bureau) county population estimate is 890,081.

Using 141 square feet per 1,000 residents, it calculates to 125,501 square feet of space for police. The current amount of space, 267,660 square feet, is within the guideline.

15. **Water and Sewer Categories**—Section 24-122.01(b)(1) states that “the location of the property within the appropriate service area of the Ten-Year Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for preliminary or final plat approval.” The 2008 *Water and Sewer Plan* placed this property in water and sewer Category 3, Community System, and will therefore be served by public systems.
16. **Health Department**—The PPS was referred to the Prince George’s County Health Department, which had no comments.
17. **Schools**—The PPS has been reviewed for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and County Council Resolution CR-23-2003, and the following was concluded:

**Impact on Affected Public School Clusters
 Multifamily Units**

Affected School Clusters #	Elementary School Cluster 5	Middle School Cluster 3	High School Cluster 3
Dwelling Units	800	800	800
Pupil Yield Factor	0.042	0.039	0.033
Subdivision Enrollment	34	31	26
Actual Enrollment	3,518	3,126	6,260
Total Enrollment	3,552	3,157	6,286
State Rated Capacity	3,753	4,198	7,862
Percent Capacity	95%	75%	80%

Source: Prince George’s County Planning Department, M-NCPPC, January 2007

Attached Single-Family Units

Affected School Clusters #	Elementary School Cluster 5	Middle School Cluster 3	High School Cluster 3
Dwelling Units	552	552	552
Pupil Yield Factor	0.140	0.113	0.108
Subdivision Enrollment	77	62	60
Actual Enrollment	3,518	3,126	6,260
Total Enrollment	3,595	3,188	6,320
State Rated Capacity	3,753	4,198	7,862
Percent Capacity	96%	76%	80%

County Council Bill CB-31-2003 established a school facilities surcharge in the amounts of: \$7,000 per dwelling if a building is located between the Capital Beltway (I-95/495) 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 (WMATA); or \$12,000 per dwelling for all other buildings. Council Bill CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts are \$8,862 and \$ 15,185 to be paid at the time of issuance of each building permit.

The school facilities surcharge may be used for the construction of additional or expanded school facilities and renovations to existing school buildings or other systemic changes.

18. **Public Utility Easement Variation**—Section 24-122 of the Subdivision Regulations requires a public utility easement (PUE) abutting all public rights-of-way when requested by utility companies. The applicant has proposed providing these PUEs as required. Section 24-128(b)(12) of the Subdivision Regulations requires a ten-foot-wide PUE along at least one side of all private streets. The applicant has filed a variation request to Section 24-128(b)(12).

The subject property's urban design character, including environmental site constraints, challenge the traditional design approaches for utility easement arrangement and design. The proposed layout utilizes a combination of public and private streets and alleys, in accordance with the M-X-T Zone of the property. The Washington Suburban and Sanitary Commission (WSSC) requires a 30-foot-wide easement over these areas and does not allow their easements to run parallel within PUEs.

Due to the private street layout, and that some of the units are rear-loaded, some lots have frontage on two rights-of-way, or three in the case of some end units. Some of the PUEs in these locations are less than ten feet in width, primarily in locations where the side of an end unit faces a private right-of-way, in these areas the PUEs range in width from two to ten feet. Staff has concerns that the applicant will be able to obtain consent from all of the affected utility companies. If the

applicant is not able to demonstrate the consent of the dry utility companies, a standard ten-foot-wide PUE will be required along at least one side of all private streets. This determination shall be made at the time of review and prior to approval of the DSP. With an alternative utility easement, the purpose of providing the necessary utilities can be met in a nontraditional location, but does require the approval of the utility companies.

Section 24-113 of the Subdivision Regulations provides that the Planning Board may approve a variation to the strict application of the regulations:

- (a) **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 Section 9-206 of the Environment Article; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon the evidence presented to it in each specific case that:**

Approval of the applicant's request does not have the effect of nullifying the intent and purpose of the Subdivision Regulations. In fact, strict compliance with the requirements of Sections 24-128(b)(12) could result in practical difficulties to the applicant that could result in the applicant not being able to develop this property in accordance with the M-X-T Zone.

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

Granting the variations for the standard PUE locations will not be detrimental in any way to the public safety, health, or welfare, or be injurious to other property, subject to all of the affected utilities companies consenting to the alternative utility layout at the time of DSP, which is recommended. If the utility companies do not consent, the DSP shall reflect the standard ten-foot-wide PUE.

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

The site contains physical constraints including primary management areas (PMAs) and floodplain that are driving the compact nature of most of the pods of development. These physical constraints have resulted in a design that inhibits providing a traditional PUE. The configuration of the property and the five distinctive land bays available for development are

the result of the location of the PMAs and the existing dedicated public rights-of-way, conditions unique to this site and not shared by any abutting properties of the same size.

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

Granting the variation subject to a condition that all of the affected utilities approve the alternative prior to DSP approval will ensure that no other applicable law, ordinance, or regulation is violated.

- (4) Because of the particular 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 regulations is carried out;**

The configuration of the property and the five distinctive land bays available for development are the result of the location of the PMAs and the existing dedicated public rights-of-way, conditions unique to this site and not shared by any abutting properties of the same size. Providing the ten-foot-wide PUEs as required could result in a hardship on the owner by requiring dry utilities to take precedence over the wet utilities. This could result in the owner not being able to satisfy the utility companies and; therefore, not be able to provide the necessary services to the residents.

- (5) In the R-30, R-30C, R-18, R-18C, R-10A, R-10, and R-H Zones, where multifamily dwellings are proposed, the Planning Board may approve a variation if the applicant proposes and demonstrates that, in addition to the criteria in Section 24-113(a) above, the percentage of dwelling units accessible to the physically handicapped and aged will be increased above the minimum number of units required by Subtitle 4 of the Prince George's County Code.**

This section does not apply to the instant variation because the property is zoned M-X-T.

- (b) A petition for any such variation shall be submitted in writing by the subdivide prior to the meeting of the Subdivision Review Committee and at least thirty (30) calendar days prior to hearing by the Planning Board. The petition shall state fully the grounds for the application and all the facts relied upon by the petitioner.**

The variation was filed on and heard before the SDRC on June 20, 2014.

Based on the analysis, the Planning Board **approves** a variation to Section 24-128(b)(12), subject to approval by all of the affected utility companies prior to approval of the DSP.

In accordance with the Subdivision Regulations, when utility easements are required by a public utility company, the subdivider should include the following statement in the owner's dedication on the final plat:

"Utility easements are granted pursuant to the terms and provisions recorded among the Land Records of Prince George's County in Liber 3703 at Folio 748."

The PPS correctly delineates a ten-foot-wide PUE along both sides of all public rights-of-way. The public utilities along private streets will be further reviewed at the time of DSP. The PUEs shall be reflected on the final plat prior to approval in accordance with the approved DSP and shall not substantially differ from the approved PPS, as requested by the utility companies. If the applicant is unable to obtain consent from all of the affected utilities, a ten-foot-wide PUE shall be provided along one side of all private streets.

19. **Variation to Section 24-128(b)(7)(A)**—The PPS proposes townhouse lots and two-family dwellings (two-over-two) that have frontage on private streets or open space to utilize vehicular access via private alleys. The applicant filed a variation request from Section 24-128(b)(7)(A) of the Subdivision Regulations to allow all rights-of-way and alleys to be private for the residential development portion of the site. Section 24-128(b)(7)(A) states:

(b) The Planning Board may approve preliminary plans of development containing private roads, rights-of-way, alleys, and/or easements under the following conditions:

(7) In Comprehensive Design and Mixed Use Zones:

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

mean a road providing vehicular access to the rear or side of abutting lots, and which is not intended for general traffic circulation.

The applicant is asking for relief from this requirement to allow townhouse lots and two-family dwellings which are served by alleys to have frontage on private rights-of-way and open space instead of public rights-of-way.

Section 24-113 of the Subdivision Regulations sets forth the required findings for approval of a variation request. The applicant has filed a variation from Section 24-128(b)(7)(A), which was submitted and heard on June 6, 2014 at the SDRC meeting, as required by Section 24-113(b).

Section 24-113(a) sets forth the required findings for approval of variation requests as follows:

- (a) 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:**

Approval of the applicant's request does not have the effect of nullifying the intent and purpose of the Subdivision Regulations. Strict compliance with the requirements of Section 24-121 could result in a practical difficulty. The applicant's proposal cannot provide the density envisioned without alternative on-site circulation. The ability to develop rear-loaded garage townhouse units on private streets and open space is appropriate in this case, due to the density and configuration of the developable areas.

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

The use of alleys to serve garage units is encouraged in dense environments. The current plan has the entire residential development served by private streets. The private streets in this case are being constructed to a standard that is adequate to support the development as analyzed by the Transportation Planning and Urban Design sections. The only change to this standard is the ownership of the street, the homeowners association in this case, which is not injurious to the health, safety, or welfare of the users.

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

Development of the site is controlled by the presence of the substantial floodplain and PMAs, which creates several separate pods of development where continuous public streets would be problematic to implement. Public streets require significant radii and larger street widths which are not generally appropriate for dense developments envisioned in the M-X-T Zone. The applicant contends that the loss of units which would result from the need to provide public rights-of-way within the site constitutes a particular hardship because the applicant could not develop to the density envisioned when the property was rezoned to the M-X-T. The expectation of the amount of development that could occur on this property based on the zoning, coupled with the environmental impacts and resulting separate land bays available for development, is a situation which is unique to this property and not generally shared by other properties.

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

The variation to Section 24-121(a)(3) is unique to the Subdivision Regulations and is not regulated by any other law, ordinance, or regulations. Therefore, granting the variation will not violate any other legal requirement.

- (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 uniqueness of the property is imposed by the presence of the substantial PMA, which creates distinctive unusually shaped developable areas. The presence of the PMA on this site is the result of topographical conditions. The land area is not sufficient in width to accommodate public roadways with 50- to 60-foot-wide rights-of-way, particularly if the streetscape is not to be dominated by garages. This particular configuration of the developable area of the site resulting from the impact of the PMA is unique to the surrounding properties and not shared by properties of similar size to the north or south.

- (5) **In the R-30, R-30c, R-18, R-18c, R-10, R-10, and R-H zones, where multi-family dwellings are proposed, the Planning Board may approve a variation if the applicant proposes and demonstrates that, in addition to the criteria in Section 24-113 (a) above, the percentage of dwelling units accessible to the physically handicapped and aged will be increased above the minimum number of units required by Subtitle 4 of the Prince George's County Code.**

The site is not located in any of the listed zones; therefore, this condition does not apply.

Based on the preceding findings for each of the criteria, the Planning Board **approves** the requested variation from Section 24-128(b)(7)(A) of the Subdivision Regulations.

20. **Historic**—The property was reviewed for possible archeological sites and impacts on historic resources and sites.

Archeology

A Phase I archeological survey was conducted on the subject property by the applicant in January and March of 2011 in support of Conceptual Site Plan CSP-09003, and four archeological sites were identified:

- **Site 18PR1016** consisted of a twentieth century farm complex of three standing structures, two collapsed structures, two masonry features, and associated artifact scatter located in the east central part of the Stephen's Crossing property. No further work was recommended on Site 18PR1016 based on its twentieth century date, lack of stratigraphic integrity, and the limited number of artifacts recovered in the Phase I survey. Staff concurs with the report's findings.
- **Site 18PR1017** is a small historic resource identified in a wooded area in the eastern portion of the study area. The site was thought to be confined to the plow zone and contained few artifacts. Therefore, no further work was recommended. Staff did not concur with the findings of the report and recommended a Phase II investigation.
- **Site 18PR1018** is another small historic artifact scatter located in the eastern portion of the study area. The site was thought to be confined to the plow zone and contained few artifacts. Therefore, no further work was recommended. Staff did not concur with the findings of the report and recommended a Phase II investigation.
- **Site 18PR1019** is a medium-sized historic resource located in the southern portion of the study area along Brandywine Road (MD 381). The site was thought to be confined to the plow zone and lack stratigraphic integrity. Therefore, no further work was recommended. Staff concurs with the report's findings.

The Historic Preservation Section concurred with the report's recommendation and conclusion that Sites 18PR1016 and 18PR1019 lacked research potential and no further archeological investigations were requested. However, staff did not concur with the report's recommendation and conclusion that Sites 18PR1017 and 18PR1018 lacked research potential, as indicated above. Although Sites 18PR1017 and 18PR1018 are located in actively plowed agricultural fields, there was the possibility that there were intact subsurface features below the plow zone that had not yet been identified. Therefore, Phase II investigations were conducted on Sites 18PR1017 and 18PR1018.

The Phase I archeological report was reviewed by the Maryland Historical Trust (MHT) in anticipation of the application for federal and state wetlands permits for this project. In a letter dated September 7, 2011 from Beth Cole (Administrator, Project Review and Compliance, MHT) to Kathy Anderson (Chief, Maryland Section Southern Regulatory Branch, Baltimore District, U.S. Army Corps of Engineers), MHT concurred with the report's recommendations and conclusions that no further work was necessary on Sites 18PR1016, 18PR1017, 18PR1018, and 18PR1019 identified on the subject property. MHT requested that the final report specify the final disposition of the material remains and field records generated by the Phase I study. In addition, MHT requested a Determination of Eligibility form for the standing structures on the subject property. In a letter dated January 11, 2012 from Jonathan Sager (Preservation Officer, MHT) to Kathy Anderson, MHT concurred with the conclusion of the Determination of Eligibility form that the structures on the subject property were not eligible for listing in the National Register of Historic Places.

Phase II archeological evaluation of Sites 18PR1017 and 18PR1018 were conducted in December 2011 at the request of Historic Preservation staff. Fieldwork on Sites 18PR1017 and 18PR1018 consisted first of the excavation of 167 close-interval shovel test pits (STPs). Forty-five of the STPs contained cultural material and 82 prehistoric, historic, and modern artifacts were recovered. The STP survey data was used to position eight three by three-foot units across the site area. All of the STPs and test units exhibited a plow zone stratum directly above the natural subsoil.

In total, 16 prehistoric, 344 historic, and 87 modern artifacts were recovered from the STPs and test units excavated as part of the Phase II survey. Prehistoric artifacts included fire-cracked rock, primary and secondary waste, and shatter. Most of the historic artifacts were architectural or domestic and are typical of a rural domestic site. Sites 18PR1017 and 18PR1018 represent two separate historic rural domestic occupations, one dating to the mid-eighteenth to early nineteenth century and the latter to the late nineteenth to mid-twentieth century.

Historical research shows that the land on which Sites 18PR1017 and 18PR1018 are located were once part of a tract of land patented as "Widow's Trouble." Thomas Blandford acquired the 1,650-acre tract in 1737. At his death, the land was divided among his children and the portion on which Sites 18PR1017 and 18PR1018 are located are believed to have been devised to Thomas Blandford's daughter, Margaret Hagen. Thomas Blacklock acquired a portion of the Widow's Trouble survey from the Hagens in 1756. William Taylor owned the portion of Widow's Trouble where the sites are located in the 1770s and 1780s. By the 1820s, John Townshend had acquired a

large number of parcels within and in the vicinity of the subject property. Sites 18PR1017 and 18PR1018 probably represent the homestead of the Hagens, Blacklocks, and Taylors from the mid-eighteenth to the early nineteenth century.

No intact cultural features were identified in the Phase II investigations. Sites 18PR1017 and 18PR1018 are interpreted as an eighteenth through twentieth century domestic resource. A mid-eighteenth to early nineteenth century domestic residential component was identified in the west central portion of the site. A late nineteenth to mid-twentieth century domestic occupation was identified in the northwestern portion of the site. A prehistoric component was also defined in the southeastern part of the site.

Based on the distribution of brick, it was concluded that the earlier dwelling was of frame or wood construction and likely contained a single brick chimney. However, no intact features were identified and the number and types of artifacts recovered were limited. There were also no intact features found in association with the prehistoric component of Sites 18PR1017 and 18PR1018. The artifacts were poorly preserved, mixed, and limited in terms of quantity and type and the materials were confined to soils with poor stratigraphic integrity. Therefore, the site contains limited research value and no further archeological work was recommended. Staff concurs that, due to the lack of stratigraphic integrity and the limited research potential of Sites 18PR1017 and 18PR1018, no additional archeological work is necessary on the sites.

However, the Phase I and II investigations produced significant historical information on the subject property. The applicant should work with Historic Preservation staff to develop interpretive signage that will convey the historical significance of the archeological sites identified on the subject property to the public.

The Planning Board conditions that the applicant provide a plan for interpretive signage to be erected on-site, including public outreach measures (based on the findings of the Phase I and Phase II archeological investigations). The location and wording of the signage and the public outreach measures should be subject to approval by the Historic Preservation Section. The DSP should include the timing for the installation of the signage and the implementation of public outreach measures.

Prior to any ground disturbance or grading permits, the applicant will deliver all of the artifacts and appropriate associated documentation to the Maryland State Archeological Conservation Laboratory for curation, and provide documentation of the state's acceptance of the materials to the M-NCPPC Planning Department's archeologist.

Historic Preservation

The Village of Brandywine (85A-032-00) is located to the southeast of the developing property. There are five county designated historic sites in the village, the William W. Early House (NR/85A-032-09); the William B. Early House (85A-032-10); the William H. Early Store (85A-032-11); the Chapel of the Incarnation (NR/85A-032-27); and the Old Bank of Brandywine (85A-032-30); and one historic resource, Marian Early Bean House (85A-032-28). These

properties are also included in the Early Family National Register Historic District (85A-085), listed in 2012.

The Gwynn Park Historic Site (85A-013) is located to the northwest of the developing property in the Hampton Subdivision. As part of the review for a previous PPS (4-90045, Brandywine Business Park), the Historic Preservation Section recommended design considerations, including landscaping and buffering, for the lots adjacent to Crain Highway (US 301). Gwynn Park is now surrounded by the Hampton Subdivision and there is a row of single-family houses between it and US 301. The applicant is proposing six six-story buildings along US 301. These buildings may be partially visible from the Gwynn Park historic site. Therefore, and a viewshed analysis will be submitted with the DSP to ensure that appropriate attention is given to architecture that would be visible from the historic site.

Pursuant to Condition 6 of CSP-09003 (PGCPB Resolution No. 14-09) and the historical background research on the subject property, the applicant worked with the M-NCPPC Property Address work group and the Historic Preservation Section to develop traditional names for the streets included in this development, rather than names that do not appear to have a historic relationship to the property. In a memorandum from the Property Address work group dated July 25, 2014 (Grigsby to Nguyen), a list of 23 street names were generated and reserved for the applicant's use at the time of final plat. These street names should be reflected on the DSP.

The Army Corps of Engineers archeologists and MHT have reviewed the Phase I archeological report and the Determination of Eligibility form for the buildings located on the subject property. MHT concurred with the report's recommendations and conclusions that no further work was necessary on Archeological Sites 18PR1016, 18PR1017, 18PR1018, and 18PR1019 and that the buildings were not eligible for listing in the National Register of Historic Places. MHT concluded that no additional consultation is necessary for the purpose of Section 106 or the Maryland Historical Trust Act.

Based on the proximity of the developing property to the historic sites and National Register historic district in the nearby village of Brandywine, the applicant must consider the views to and from the developing property and the potential impact of those views on the character of the historic village. Specifically, the applicant should explore the introduction of landscape screening on the perimeter of the developing property to mitigate the views, which should be reviewed at the time of DSP. Subsequent to this recommendation being made, the applicant converted Lots 1-57, Block U, into Outlot W due to the discovery of wetlands within this block of lots late in the development review process. Therefore, the recommendation of a condition for landscaping in this area will be made with the new PPS for Outlot W.

21. **Use Conversion**—The subject application is proposing 800 multifamily units, 379 townhouse lots, 116 single-family attached (two-over-two) dwelling units, two two-family attached dwelling units, 100,000 square feet of office space, and 200,000 square feet of retail space in the M-X-T Zone. If a substantial revision to the mix of uses on the subject property is proposed that substantially affects the Subtitle 24 adequacy findings as set forth in a resolution of approval, that

revision of the mix of uses may require approval of a new PPS prior to approval of any building permits.

22. **Vacation**—The PPS includes the incorporation, for development purposes, of two dedicated public rights-of-way and a part of another that will be required to be vacated in accordance with Section 24-112 of the Subdivision Regulations prior to final plat approval. Those areas are part of Daffodil Court, as reflected on the approved PPS, which was dedicated to public use by Record Plat REP 209-16; all of Cattail Way southwest of Mattawoman Drive which was dedicated to public use by Record Plat MMB 239-79; and all of Sparrow Court which was dedicated to public use by Record Plat MMB 239-78.
23. **Joint Base Andrews (ILUC)**—The western half of the site, adjacent to Crain Highway (US 301) is mapped within the 65–69 dBA zones. The remainder of the site is not located within the noise impact area. The current application proposes 1,390 residential dwelling units (single-family attached townhouses and multifamily) and 300,000 square feet of commercial/office/retail space. A rough delineation of the noise contour affecting this site indicates that approximately 575 multifamily residential units and 114 attached residential units are proposed within the areas mapped as 65–69 dBA. The Air Installation Compatible Use Zone (AICUZ) guidelines discourage residential uses in the 65–69 dBA zones. The AICUZ guidelines indicate that, where a local community determines that residential uses should be allowed in the 65–69 dBA zones, measures to achieve outdoor to indoor noise level reduction should be incorporated into building codes and considered in individual development approvals. Noise within the proposed residential area will exceed the state standard of 65 dBA Ldn due to military aircraft over-flights.

County Council Bills CB-3-2012 and CB-4-2012 were adopted on November 20, 2012, which established the Interim Land Use Controls (ILUC) for the Joint Base Andrews Naval Air Facility. Council Bill CB-47-2013 was adopted on July 24, 2013, which extended the ILUC until June 6, 2014. Because the ILUC is currently in effect, the current PPS application must be evaluated for conformance. The ILUC affects properties that are located within the mapped impact area; these include properties located within the mapped accident potential zone (APZ), the noise contours, and the imaginary runway surface. The subject site is not mapped within an APZ, but is located within a mapped noise contour and is within the imaginary runway surface.

Section 27-1807(b)(1) of the Zoning Ordinance, established in CB-3-2012, requires:

- (1) **At the time of construction permit, interiors of new residential construction must be certified to 45 dBA Ldn or less by an Acoustical Engineer or qualified professional of competent expertise.**

Prior to certification of the PPS, the PPS and TCP1 shall be revised as follows:

- a. The 65 dBA Ldn noise contour affecting the subject property associated with the Joint Base Andrews Naval Air Facility shall be shown and labeled.

- b. At the time of final plat, the following notes shall be added to the plat:

“The entire property is mapped as an Imaginary Runway Surface and as Approach/Departure Horizontal(C).”

“The 65 dBA Ldn noise contour associated with Joint Base Andrews affects a portion of the subject property. At time of detailed site plan or building permit application (whichever occurs first) an acoustical certification indicating that interior noise levels have been mitigated to 45 dBA Ldn or lower shall be submitted.”

Section 27-1806(b) of the Zoning Ordinance, established in CB-3-2012, requires:

- (b) The issuance of permits authorizing any construction within the boundaries established in Figure [height] shall be subject to the following additional restrictions:**

- (1) No permit shall be issued for construction in the boundaries shown in Figure [height] that exceeds the height of the Imaginary Surfaces**
- (2) At the time of permit, a registered Engineer or qualified professional of competent expertise shall certify that structures do not exceed the Imaginary Surfaces shown in Figure [height].**

General Note 36 on the PPS and Note 30 on the TCP1 indicate that the entire property is mapped as an imaginary runway surface and as approach/departure Horizontal(C).

- a. At time of final plat, the following note shall be added to all of the plats for the subject property:

“No permit shall be issued for construction that exceeds the height of the Imaginary Surfaces. At the time of detailed site plan or building permit application (whichever occurs first), a registered Engineer or qualified professional of competent expertise shall certify that structures do not exceed the Imaginary Surfaces shown in Figure [height].”

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 date of notice of 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 Washington, seconded by Commissioner Geraldo, with Commissioners Washington, Geraldo, Bailey, Shoaff and Hewlett voting in favor of the motion at its regular meeting held on Thursday, October 2, 2014, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 23rd day of October 2014 *and was corrected administratively on November 17, 2014.

†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 Doerner, with Commissioners Geraldo, Doerner, Bailey, and Hewlett voting in favor of the motion, and with Commissioner Washington temporarily absent at its regular meeting held on Thursday, February 17, 2022, 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 10th day of March 2022.

Elizabeth M. Hewlett
Chairman

By 
Jessica Jones
Planning Board Administrator

EMH:JJ:EDC:rpg

APPROVED AS TO LEGAL SUFFICIENCY



David S. Warner
M-NCPPC Legal Department
Date: March 7, 2022

†Denotes Amendment

*Denotes Correction

Underlining indicates new language

[Brackets] and ~~strike through~~ indicate deleted language