



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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

PGCPB No. 2020-182

File No. 4-19024

R E S O L U T I O N

WHEREAS, Calm Retreat, LLC is the owner of a 72.10-acre parcel of land known as Parcel 23, 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 July 2, 2020, Calm Retreat, LLC filed an application for approval of a Preliminary Plan of Subdivision for 488 lots and 58 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-19024 for Calm Retreat was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on December 10, 2020, 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 December 10, 2020, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED Type 1 Tree Conservation Plan TCPI-007-2019, and APPROVED Preliminary Plan of Subdivision 4-19024, including a Variation from Section 24-121(a)(4), for 488 lots and 58 parcels with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the plan shall be revised to:
 - a. Change commercial Parcel 'A' to a numbered parcel.
 - b. Delete the note on sheet 8, which states sidewalks are not required on both sides of private roads.
 - c. Revise Lots 24-34, Block A, and lots 1-7, Block B to extend the lot lines to the public right-of-way.
 - d. Revise Lots 20-33, Block B, to be front load units with frontage on Road C.
 - e. Revise lots 51-54, Block A, to be rotated to have frontage on and access to A-55.

2. Prior to signature approval of the preliminary plan, the Type 1 tree conservation plan (TCP1) shall be revised as follows:
 - a. Label the sheets correctly in the TCP1 plan set.
 - b. Label the master-planned roadway noise contour on sheets 2, 3, 4, and 5.
 - c. Show and label the noise contour off of US 301 (Robert Crain Highway).
 - d. Have the revised plan signed and dated by the qualified professional preparing the plan.
3. Prior to preliminary plan approval, the following note shall be placed on the Type 1 tree conservation plan which reflects this approval, directly under the woodland conservation worksheet:

“NOTE: This plan is in accordance with the following variance from the strict requirements of Subtitle 25-122(b)(1)(G), approved by the Planning Director on May 27, 2020 for the removal of the following 12 specimen trees: ST-2, a 32-inch White Oak, ST-3, a 37-inch White Oak, ST-4, a 30-inch White Oak, ST-5, a 30-inch American Beech, ST-9, a 31-inch Sweet Gum, ST-10, a 31-inch Red Cedar, ST-11, a 35-inch Willow Oak, ST-12, a 30-inch Sweetgum, ST-13, a 30-inch Willow Oak, ST-14, a 37-inch Willow Oak, ST-15, a 33-inch Red Maple, and ST-20, a 31-inch American Beech.”
4. Prior to the approval of a detailed site plan including architecture, the applicant shall provide a plan for any interpretive signage to be erected and public outreach measures based on the findings of the Phase I and II archeological investigations. The location and wording of the signage and the public outreach measures shall be subject to approval by the Maryland-National Capital Park and Planning Commission staff archeologist. The plan shall include the timing for the installation of the signage and the implementation of public outreach measures.
5. Prior to approval of any grading permit, the applicant shall curate the artifacts recovered from the Phase I and II investigations of the subject property at the Maryland Archaeological Conservation Laboratory in Calvert County, Maryland. Proof of the disposition of the curated artifacts shall be provided to Historic Preservation staff.
6. Total development within the subject property shall be limited to uses which generate no more than 423 AM peak-hour trips and 472 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.
7. A substantial revision to the mix of uses on the subject property that affects Subtitle 24 adequacy findings shall require approval of a new preliminary plan of subdivision prior to issuance of any permits.

8. Development of this site shall be in conformance with the approved Stormwater Management Concept Plan (45683-2018-01) and any subsequent revisions.
9. Prior to the approval of any building permits within the subject property, the applicant and the applicant's heirs, successors, and/or assignees shall conduct and submit an acceptable traffic signal warrant analysis for the intersection of US 301 and A-55 in accordance with Maryland Department of Transportation State Highway Administration (SHA) requirements.
If signalization or other traffic control improvements are deemed warranted by SHA at that time, the improvements shall be bonded, permitted for construction through the SHA access permits process, and have agreed upon timetable for construction with SHA. If a signal or other traffic control device is not deemed warranted by SHA, a pedestrian operated signal or other facility deemed appropriate by SHA shall be provided.
10. Prior to the issuance of any building permit within the subject property, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency, in accordance with Section 24-124.01 of the Prince George's County Subdivision Regulations:
 - a. A-55 and US 301 intersection improvements on the east side of US 301 including ADA ramps and crosswalks.
 - b. Approximately 182 linear feet of 5-foot-wide sidewalk or a wider sidewalk at certain points, depending on survey information, to accommodate existing constraints, consistent with Maryland State Highway Administration standards, along the east side of US 301 from A-55 south to an unnamed site entrance to the Brandywine Crossing Shopping Center south of Metro Golf Cart Rentals.
 - c. Approximately 940 linear feet of 5-foot-wide sidewalk or a wider sidewalk at certain points, depending on survey information, to accommodate existing constraints, consistent with Maryland State Highway Administration standards, along the east side of US 301 between Matapeake Business Drive to the right-in access at McDonald's restaurant.
 - d. Construct A-55 within the property's boundary, as per the requirements of the Prince George's County Department of Permitting, Inspections and Enforcement.
11. Prior to approval of a building permit for each townhouse dwelling unit, a fee calculated as \$1,338 multiplied by (Engineering News Record Highway Construction Cost index at time of payment) / (Engineering News Record Highway Construction Cost Index for first quarter, 1993), as shown in accordance with Prince George's County Council Resolution CR-9-2017, shall be determined. All fees shall be paid to Prince George's County (or its designee), to be indexed by the appropriate cost indices to be determined by the Prince George's County Department of Permitting, Inspections and Enforcement.

12. Prior to approval of a building permit for any structure used for office, retail or commercial, a fee calculated as \$2.07 per square foot of gross floor area multiplied by (Engineering News Record Highway Construction Cost index at time of payment) / (Engineering News Record Highway Construction Cost Index for first quarter, 1993), as shown in accordance with Prince George's County Council Resolution CR-9-2017, shall be determined. All fees shall be paid to Prince George's County (or its designee), to be indexed by the appropriate cost indices to be determined by the Prince George's County Department of Permitting, Inspections, and Enforcement.
13. In conformance with the 2009 *Approved Countywide Master Plan of Transportation* and the 2013 *Approved Subregion 5 Master Plan and Sectional Map Amendment*, the applicant and the applicant's heirs, successors, and assigns shall provide the following, and provide an exhibit prior to the acceptance of a detailed site plan for the subject site that depicts:
 - a. Five-foot-wide minimum sidewalk along all streets within the subject site, excluding alleys, unless modified by the Prince George's County Department of Permitting, Inspections and Enforcement with written correspondence.
 - b. Twelve-foot-wide sidepaths along the south side of A-55 and east side of General Lafayette Boulevard to allow sufficient room for passing by sidepath users according to Shared Use Path Standard Drawing 100.35 of the *Urban Street Design Standards* of the Prince George's County Department of Public Works and Transportation, Appendix A, dated August 2017, unless modified by the Prince George's County Department of Permitting, Inspections and Enforcement with written correspondence.
 - c. Shared Lane Markings (sharrows) both sides of General Lafayette Boulevard, unless modified by the Prince George's County Department of Permitting, Inspections and Enforcement with written correspondence.
 - d. Bicycle lanes along A-55, unless modified by the Prince George's County Department of Permitting, Inspections and Enforcement with written correspondence.
 - e. Consistency with guidance of Figure 5-13 Mid-Block and Sidepath Crossings Relative to Intersection Function Area and the discussions titled, Determining Priority Assignment and Use of Stop Signs of the 2012 AASHTO *Guide for the Development of Bicycle Facilities* and Section 9B.03 Stop and Yield Signs (R1-1 and R1-2) of the 2009 *Manual of Uniform Traffic Control Devices* for A-55 and General Lafayette Boulevard sidepaths, unless modified by the Prince George's County Department of Permitting, Inspections and Enforcement with written correspondence.
 - f. Perpendicular ramps at all intersection corners consistent with Perpendicular Curb Ramp Configuration Standard Drawing 100.36 of the *Urban Street Design Standards* of the Prince George's County Department of Public Works and Transportation, Appendix A, dated August 2017, unless modified by the Prince George's County Department of Permitting, Inspections and Enforcement with written correspondence.

- g. Marked crosswalks at intersections along A-55, General Lafayette Boulevard, and Lord Howe Way, unless modified by the Prince George's County Department of Permitting, Inspections and Enforcement with written correspondence.
 - h. Extend pedestrian and bicycle facilities A-55 from its current proposed terminus at Lord Howe Way westerly to the Calm Retreat property boundary, or in accordance with the Prince George's County Department of Permitting, Inspections and Enforcement.
 - i. A-55 cross section showing a bicycle "pocket lane" on the eastbound approach to US 301 and engineering plans reflecting the same, unless modified by the Maryland State Highway Administration or the Prince George's County Department of Permitting, Inspections and Enforcement, with written correspondence.
 - j. Short term bicycle parking facilities at the commercial/employment sites and recreational areas within this development consistent with the 2012 AASHTO *Guide for the Development of Bicycle Facilities*.
14. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the delineated primary management area, 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:
- "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."
15. Development of this subdivision shall be in compliance with an approved Type 1 Tree Conservation Plan (TCP1-007-2019-01). The following notes shall be placed on the final plat of subdivision:
- "This development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan (TCP1-007-2019-01), or as modified by a future 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 Conservation/Tree Preservation Policy."
16. Prior to the issuance of permits for this subdivision, a Type 2 tree conservation plan shall be approved. The following note shall be placed on the final plat of subdivision:
- "This plat is subject to the recordation of a Woodland Conservation Easement pursuant to Section 25-122(d)(1)(B) with the Liber and folio reflected on the Type 2 Tree Conservation Plan, when approved."

17. Prior to the issuance of any permits, which impact wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
18. At the time of final plat, the applicant shall dedicate 120 feet of right-of-way for the portion of A-55 within the property's boundary.
19. At the time of final plat, 3.26 +/- acres of parkland as shown on the preliminary plan of subdivision shall be conveyed to the Maryland-National Capital Park and Planning Commission (M-NCPPC). The land to be conveyed shall be subject to the following conditions:
 - a. An original, special warranty deed for the property to be conveyed, (signed by the Washington Suburban Sanitary Commission Assessment Supervisor) shall be submitted to the Subdivision Section of the Development Review Division, Upper Marlboro, along with the application of first final plat.
 - b. M-NCPPC shall be held harmless for the cost of public improvements associated with land to be conveyed, including but not limited to, sewer extensions, adjacent road improvements, drains, sidewalks, curbs and gutters, and front-foot benefit charges prior to and subsequent to application of the building permit.
 - c. The boundaries and acreage of land to be conveyed to M-NCPPC shall be indicated on all development plans and permits, which include such property.
 - d. The land to be conveyed shall not be disturbed or filled in any way without the prior written consent of the Prince George's County Department of Parks and Recreation (DPR). If the land is to be disturbed, DPR shall require that a performance bond be posted to warrant restoration, repair or improvements made necessary or required by M-NCPPC development approval process. The bond or other suitable financial guarantee (suitability to be judged by the General Counsel's Office, M-NCPPC) shall be submitted to DPR within two weeks prior to applying for grading permits.
 - e. All waste matter of any kind shall be removed from the property to be conveyed. All wells shall be filled, and underground structures shall be removed. The Prince George's County Department of Parks and Recreation shall inspect the site and verify that land is in an acceptable condition for conveyance, prior to dedication.
 - f. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to or owned by M-NCPPC. If the outfalls require drainage improvements on adjacent land to be conveyed to or owned by M-NCPPC, the Prince George's County Department of Parks and Recreation (DPR) shall review and approve the location and design of these facilities. DPR may require a performance bond and easement agreement prior to issuance of grading permits.

- g. No stormwater management facilities, tree conservation, or utility easements shall be proposed on land owned by, or to be conveyed to, M-NCPPC without the prior written consent of the Prince George's County Department of Parks and Recreation (DPR). DPR shall review and approve the location and/or design of these features. If such proposals are approved by DPR, a performance bond, maintenance and easement agreements shall be required prior to the issuance of grading permits.
- 20. The applicant and the applicant's heirs, successors, and/or assignees shall provide adequate and developable areas for private on-site recreational facilities, in accordance with the standards outlined in the Prince George's County Parks and Recreation Facilities Guidelines. The private recreational facilities shall be reviewed by the Urban Design Section of the Development Review Division of the Prince George's County Planning Department for adequacy, proper siting, and establishment of triggers for construction with the submittal of the detailed site plan.
- 21. The applicant and the applicant's heirs, successors, and/or assignees shall submit three original recreational facilities agreements (RFA) to the Development Review Division (DRD) of the Prince George's County Planning Department, for construction of recreational facilities on-site for approval, prior to submission of final plats. Upon approval by DRD, the RFAs shall be recorded among the Prince George's County Land Records and the Liber/folio indicated on the final plat, prior to recordation.
- 22. The applicant and the applicant's heirs, successors, and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for construction of private on-site recreational facilities, prior to issuance of building permits.
- 23. The applicant, his successors, and/or assigns shall construct public facilities on dedicated parkland to include 1,000 +/- linear feet of the Rose Creek Connector Trail, with a minimum of three benches/sitting areas along with a 200-foot by 225-foot open play field. The public recreational facilities shall be reviewed and approved by the Prince George's County Department of Parks and Recreation staff for adequacy and proper siting prior to certificate approval of the detailed site plan.
- 24. The applicant and the applicant's heirs, successors, and/or assignees shall submit three original, executed public Recreational Facilities Agreements (RFA) to the Prince George's County Department of Parks and Recreation (DPR) for their approval, prior to a submission of a final plat. Upon approval by DPR, the RFAs shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland, and the recording reference shall be noted on the final plat prior to plat recordation.
- 25. At the time of detailed site plan, the Prince George's County Department of Parks and Recreation (DPR) and the applicant shall establish the location of stormwater management easements on Parcel W for the developer and his successors and assigns to properly maintain the proposed storm drain facilities on dedicated parkland. An easement agreement shall be reviewed and approved by DPR prior to approval of the final plat of subdivision, and the easements shown on the final plat with the recording reference prior to recordation of the final plat.

26. Prior to the acceptance of a detailed site plan, provide an exhibit that illustrates the location, limits, specifications, and details of the off-site pedestrian and bicyclist adequacy facilities approved with Preliminary Plan of Subdivision 4-19024, Calm Retreat, consistent with Section 24-124.01(f) of the Prince George's County Subdivision Regulations.
27. Prior to approval of building permits, the applicant and the applicant's heirs, successors, and/or assignees shall convey to the homeowners association land, as identified on the approved preliminary plan of subdivision and detailed site plan. Land to be conveyed shall be subject to the following:
 - a. A copy of the recorded deed for the property to be conveyed shall be submitted to the Subdivision and Zoning Section of the Development Review Division.
 - b. All waste matter of any kind shall be removed from the property, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section, or the entire project.
 - c. The conveyed land shall not suffer the disposition of construction materials or soil filling, other than the placement of fill material associated with permitted grading operation that are consistent with the permit and minimum soil class requirements, discarded plant materials, refuse, or similar waste matter.
 - d. Any disturbance of land to be conveyed to the association shall be in accordance with an approved site plan and tree conservation 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.
 - e. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to the association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by the Development Review Division.
 - f. The Prince George's County Planning Board, or its designee, shall be satisfied that there are adequate provisions to ensure retention and future maintenance of the property to be conveyed.
28. Prior to issuance of a use and occupancy permit for non-residential development, the applicant and the applicant's heirs, successors, and/or assignees shall:
 - a. Contact the Prince George's County Fire/EMS Department to request a pre-incident Emergency Plan for the facility.

- b. Install and maintain automated external defibrillators (AEDs), in accordance with the Code of Maryland Regulations (COMAR) requirements (COMAR 30.06.01-05), so that any employee is no more than 500 feet from an AED.
- c. Install and maintain a sufficient number of bleeding control kits next to fire extinguisher installation and no more than 75 feet from any employee.

These requirements shall be noted on the detailed site plan.

29. Prior to approval of a final plat:

- a. The final plat shall grant 10-foot-wide public utility easements along the public and private rights-of-way, as delineated on the preliminary plan of subdivision.
- b. The applicant and the applicant's heir, successors, and/or assignees shall demonstrate that a homeowners association has been established for the subdivision. The draft covenants shall be submitted to the Subdivision and Zoning Section to ensure that the rights of The Maryland-National Capital Park and Planning Commission are included. The Liber/folio of the declaration of covenants shall be noted on the final plat, prior to recordation.
- c. Dedicate Parcel W as shown on the preliminary plan of subdivision (3.26 acres) to The Maryland-National Capital Park and Planning Commission.

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 site is located approximately 2,100 feet north of the intersection of US 301 (Robert Crain Highway) and Chadds Ford Drive, on the southbound side of US 301. This preliminary plan of subdivision (PPS) includes Parcel 23 recorded in the Prince George's County Land Records in Liber 23501 at folio 423, Liber 23501 at folio 427, and Liber 24405 at folio 565. The site is located in the Mixed Use-Transportation Oriented (M-X-T) Zone and is subject to the 2013 *Approved Subregion 5 Master Plan and Sectional Map Amendment* (Subregion 5 Master Plan and SMA). Parcel 23 is developed with a single-family home and several outbuildings.

The applicant proposed a new subdivision of 488 lots and 58 parcels for the development of 488 single-family attached (townhouse) dwellings, and 20,000 square feet of commercial gross floor area.

The site abuts US 301 to the east, an existing freeway, and also includes the proposed arterial master planned roadway designated as A-55. Section 24-121(a)(4) of the Prince George's County

Subdivision Regulations requires that residential lots adjacent to existing, or planned roadways of arterial classification shall be platted with a minimum depth of 150-feet. The applicant requested approval of a variation, to allow 60 lots along master plan roadway A-55 to deviate from the requirement, which is discussed further in this resolution.

3. **Setting**—The property is located on Tax Map 154 in Grid F-2, located in Planning Area 85A, and is zoned M-X-T. The property is bound to the east by an existing automobile sales use in the Commercial Miscellaneous Zone and the right-of-way of US 301; to the south by existing residential development in the Residential Medium Development Zone and Local Activity Center (L-A-C) Zone, as well as vacant land in the L-A-C Zone where future commercial development is planned; to the west by vacant land in the Rural Residential (R-R) Zone that is subject to a special exception allowing for surface mining; and to the north by an auto sales (trailers, cars, and trucks) use in the M-X-T Zone.
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)	Single-Family Detached	Commercial Single-Family Attached
Acreage	72.10	72.10
Gross Floor Area	0	20,000 square feet
Parcels	1	58
Lots	0	488
Outlots	0	0
Variance	No	Yes 25-122(b)(1)(G)
Variation	No	Yes 24-121(a)(4)

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard at the Subdivision and Development Review Committee (SDRC) meeting on July 27, 2020. The requested variation from Section 24-121(a)(4) was accepted on June 2, 2020, and also heard at the SDRC meeting on July 27, 2020, as required by Section 24-113(b) of the Subdivision Regulations.

5. **Previous Approvals**—The subject site was rezoned from the R-R to M-X-T Zone through a minor amendment to the Subregion 5 Master Plan and SMA. The site also has a previously approved Conceptual Site Plan CSP-18003 (PGCPB Resolution No. 19-125), which was approved for up to 650 single-family attached (townhouse) dwellings, up to 200 two-family attached dwellings (850 total dwelling units) and up to 20,000 square feet of retail gross floor area. Condition 1(c) of CSP-18003 is applicable to this review and pertains to master plan trail

alignment along proposed master plan roadway A-55, which is discussed further in this resolution.

6. **Community Planning**—Conformance with 2014 *Plan Prince George's 2035 Approved General Plan* (Plan 2035) and the Subregion 5 Master Plan and SMA were evaluated as follows:

General Plan

This application is in an Established Communities Growth Policy area.

“Established Communities are most appropriate for context-sensitive infill and low-to-medium density development,” (page 20).

A portion of this application is also in a General Plan Local Community Center (Brandywine). The vision for the centers “is concentrations of activities, services and land uses that serve the immediate community near these Centers. These typically include a variety of public facilities and services—integrated commercial, office and some residential development—and can include mixed-use and higher intensity redevelopment in some communities,” (page 38).

Master Plan

The Subregion 5 Master Plan and SMA recommends mixed-use development on the subject property. Prince George's County Council Resolution CR-13-2018, Minor Amendment Six, reclassified the subject properties from the R-R Zone to the M-X-T Zone.

In addition, the Subregion 5 Master Plan and SMA also makes the following recommendations that affect the subject property: The subject property is within the Master Plan designated Community Center Edge, the Master Plan states that the “Community center edges to the west of MD 5/US 301 should contain a mix of residential and commercial land uses, although these areas are not expected to develop the high-density mix envisioned for the community center core. Commercial uses may be clustered in pods, rather than mixed among residential uses, and residential densities would range from 4 to 20 dwelling units per acre,” (page 47).

Pursuant to Section 24-121(a)(5) of the Subdivision Regulations, this application conforms to the Subregion 5 Master Plan and SMA.

7. **Stormwater Management**—A stormwater management (SWM) concept plan and approval letter was submitted with the subject application (45683-2018-01). Proposed SWM features include roof top disconnects, seven submerged gravel wetlands, and 26 micro-bioretention facilities. The concept approval expires June 1, 2023. The site will be required to pay a SWM fee-in-lieu of providing on-site attenuation/quality control measures. No further action regarding SWM is required with this PPS review.

Development of the site shall conform with the SWM concept approval and any subsequent revisions, to ensure no on-site or downstream flooding occurs.

8. **Parks and Recreation**—Per Section 24-134(a) of the Subdivision Regulations, at the time of PPS, the residential portion of this subject property is subject to the mandatory dedication of 5.85 acres of parkland. The current plans indicate that Parcel W is to be dedicated to The Maryland-National Capital Park and Planning Commission (M-NCPPC) and is 3.26 acres in size. The location of this dedication is well designed as it is contiguous to existing M-NCPPC parkland to the south (Chadds Ford, Parcel G). The addition of this land will extend public parkland northward through this community and allow for the future extension of the existing Rose Creek Connector Trail. The dedication of Parcel W is in a central location within the development and provides a public open space corridor to serve this community while providing connectivity to public open space to the south. However, the applicant proposes series of SWM/bio-retention areas on dedicated parkland. The Prince George's County Department of Parks and Recreation (DPR) staff has concerns about the maintenance of these storm drain facilities which are designed to serve private development. DPR staff believes that these bio retention areas must be properly maintained by the developer and his future successors and/or assignees which intended to be the Homeowners Association (HOA). A SWM maintenance easement shall be established over these SWM areas on land that is to be conveyed to the M-NCPPC.

To compensate for the shortfall in mandatory dedication, the applicant proposed to provide a combination of both public and private active and passive on-site recreational facilities to serve the residents. On a conceptual basis, the plans indicate that these facilities could include a clubhouse, playgrounds, sitting areas, and pocket parks. In addition, the applicant has agreed to construct a connector trail (approximately 1,000 feet in length) northward through Parcel W and connecting to the existing Rose Creek Trail located on the adjacent M-NCPPC property to the south. The applicant, in addition to the trail, shall provide a minimum of three benches and/or sitting areas along the proposed trail on the parkland to be dedicated to M-NCPPC. In addition, the northern portion of Parcel W shall be graded and seeded to provide an open grass play area of approximately 200 feet by 250 feet.

All the on-site recreational facilities will be detailed further with the detailed site plan (DSP) application for this project and shall be designed in accordance with the standards outlined in the Parks and Recreation Facilities Guidelines.

In summary, the dedication of Parcel W is in a central location within the development and provides a public open space corridor to serve this community while providing connectivity to public open space to the north and south. In addition, the applicant has agreed to construct the Rose Creek Connector Trail extension on dedicated parkland.

A combination of partial mandatory dedication of parkland and provision of public and private recreational facilities will meet the recreational needs of the future residents for this community, pursuant to the conditions contained in this resolution.

6. **Trails**—This PPS was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the Subregion 5 Master Plan and SMA, to provide the appropriate pedestrian and bicycle transportation recommendations. The property is located

within a designated Center or Corridor; therefore, it is subject to Section 24-124.01 of the Subdivision Regulations and the “Transportation Review Guidelines, Part 2.”

Previous Conditions of Approval

The Prince George’s County Planning Board approved CSP-18003 on November 14, 2019, with the following conditions:

- 1. Prior to the certificate of approval of the conceptual site plan, the following revisions shall be made, or information shall be provided:**
 - c. Show the alignment of the master plan trails along the subject site’s portions of A-55 and General Lafayette Boulevard.**

An eight-foot-wide sidepath is depicted along the south side of A-55 and the east side of General Lafayette Boulevard. The sidepath along A-55 does not extend to the subject boundary. The sidepath will be required to be constructed as part of the roadway when it is extended, in accordance with the Prince George’s County Department of Permitting, Inspections and Enforcement (DPIE).

Review of Internal Sidewalks and Bike Infrastructure

The submitted plans include a 12-foot-wide sidepath along the south side of A-55 and an 8-foot-wide sidepath on the east side of General Lafayette Boulevard; 5-foot-wide sidewalks on the west side of General Lafayette Boulevard, both sides of Lord Howe Way, and all other private streets. However, the submitted cross sections are inconsistent because not all streets have sidewalks on both sides. An apparent shared use path is shown extending from the adjacent Chadds Ford development terminating at the A-55 sidepath just east of the intersection with Lord Howe Way. The submitted plans also depict an eight-foot-wide shared use path extending from the property to the south and traversing through the subject site. This shared use path will eventually connect into the Rose Creek Connector Trail.

Pursuant to Section 24-121(a)(9) of the Subdivision Regulations, the PPS does provide walkways with rights-of-way at least 10 feet wide through all blocks over 750 feet long.

Pursuant to Section 24-123(a)(6) of the Subdivision Regulations, the PPS indicates the location of all land for bike trails and pedestrian circulation systems that are indicated on a master plan, County Trails Plan, or abutting existing, or dedicated trails.

Review of Connectivity to Adjacent/Nearby Properties

The subject site is adjacent to the Brandywine Village/Chadds Ford Development to the south. There are proposed sidewalk connections along Lord Howe Way and General Lafayette Boulevard. In addition, there is a proposed shared use path connection from the subject site to an existing shared-use path that connects to Eve Way, in the Chadds Ford development, east of Lord Howe Way. This shared use path will eventually connect to the Rose Creek Connector Trail and the Timothy Branch Trail further to the south. There is a proposed third road connection (private), “Road T,” to the property to the south that has not yet developed.

The proffered pedestrian and bicycle improvements associated with the proposed development will provide pedestrians with 5-foot-wide sidewalks on both sides of many streets, with the exception of A-55 where an 8-foot-wide sidepath is proposed to parallel this roadway on the south side, and General Lafayette Boulevard where an 8-foot-wide sidepath is proposed to parallel it on the east side. DPIE has indicated, in an email correspondence (Giles to Howe, 9/3/2020), an intention to revise the master plan recommended pedestrian and bicycle facilities, to reduce the size of the 12-foot-wide sidepath to an 8-foot-wide sidepath. At the time of the Planning Board hearing, no revised plans from DPIE or the applicant were submitted. The facility is to be modified by DPIE, with written correspondence, should DPIE opt to reduce the width of the master plan recommended facilities. In addition, as part of the required off-site pedestrian and bikeway adequacy facilities, the applicant has proffered to install intersection improvements at the A-55 and US 301 intersection and 1,122 linear feet of a new 7-foot-wide sidewalk along the east side of US 301 from A-55 to the McDonald's restaurant at the Brandywine Crossing Shopping Center. In correspondence between the Maryland State Highway Administration (SHA) and the Planning Department (Woodroffe and Campanides to Barnett-Woods, October 13, 2020), SHA indicated that a five-foot-wide standard pedestrian sidewalk to accommodate existing constraints would be appropriate and would be reviewed, subject to the permitting requirements of SHA. The plans also extend the sidewalk from the adjacent Chadds Ford development. This unlabeled shared use path is shown beginning on the southern edge of Calm Retreat, adjacent to Parcel D within Chadds Ford, and extending northwesterly to the A-55 sidepath just east of its intersection with Lord Howe Way.

Review Comments of On-site Improvements (Master Plan Compliance)

The Complete Streets element of the MPOT reinforces the need for multimodal facilities and includes the following policies regarding sidewalk and bikeway construction and the accommodation of pedestrians and bicyclists (MPOT, pages 9-10):

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

The applicant's cross section drawings are consistent with Policy 1. However, the applicant's engineering plans show some streets with sidewalks only on one side of the street. Also, curb ramps are not shown at all intersection corners and those shown are not consistent with the Prince George's County Department of Public Works and Transportation's (DPW&T) *Urban Street Design Standards*, August 2017. All streets, public or private, excluding alleys, within the subject site shall have five-foot-wide minimum sidewalks on both sides.

Applicant's sheet number eight, titled Private Road Sections Preliminary Plan, includes a note which states, "Sidewalk is not required on both sides of private roads." This statement conflicts with Policy 1 of the Complete Streets element of the MPOT. The note shall be deleted, and the applicant shall amend the engineering plans to show sidewalks on both sides of all new streets except for alleys.

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.

The applicant's plans provide for continuous sidewalks but not on both sides of all streets. The applicant provides on-road bicycle facilities in the form of five-foot-wide bike lanes on both sides of A-55. The applicant provides sidepaths along A-55 and General Lafayette Boulevard, but the proposed eight-foot width sidepath along General Lafayette Boulevard does not comply with the 12-foot widths required by Shared Use Path Standard Drawing 100.35 of the Urban Street Design Standards of DPW&T, Appendix A, dated August 2017. A 12-foot-wide sidepath shall be provided along A-55 and General Lafayette Boulevard, consistent with the Urban Street Design Standards, unless modified by DPIE with written correspondence. Moreover, the design of the shared use path along A-55 should be consistent with the guidance of Figure 5-13, Mid-Block and Sidepath Crossings Relative to Intersection Function Area, on page 5-31 and the discussions titled, Determining Priority Assignment and Use of Stop Signs on pages 5-33 and 5-34 of the 2012 AASHTO Guide for the Development of Bicycle Facilities, unless modified by DPIE with written correspondence. DPIE has indicated, in email correspondence (Giles to Howe, 9/3/2020), an intention to revise the master plan recommended pedestrian and bicycle facilities, to reduce the size of the 12-foot-wide sidepath to an 8-foot wide sidepath. At the time of the Planning Board hearing, no revised plans from DPIE or the applicant were submitted. The recommended facility is to be modified by DPIE with written correspondence should DPIE opt to reduce the width of the master plan recommended facilities.

The applicant's cross sections and engineering plans for A-55 do not account for traffic conflicts between bicyclists traveling in the eastbound bike lane approaching the US 301 intersection and intending to cross this highway and eastbound motorists planning to make right turns onto southbound US 301. The applicant is to revise the A-55 cross section and engineering plans by providing a five-foot-wide bike lane (commonly referred to as a "pocket lane") to the left of the eastbound A-55 right turn lane consistent with Figure 2.10 of SHA's 2015 Bicycle Policy and Design Guidelines, subject to modification by SHA with written correspondence. DPIE has indicated an intention to revise the master plan recommended pedestrian and bicycle facilities. At the time of this writing, no revised plans from DPIE or the applicant have been submitted. The recommended facility is to be modified by DPIE with written correspondence should DPIE opt to reduce the width of the master plan recommended facilities.

POLICY 4: Develop bicycle-friendly roadways in conformance with the latest standards and guidelines, including the 1999 AASHTO *Guide for the Development of Bicycle Facilities*.

The applicant does provide bicycle-friendly roadways in conformance with the 2012 AASHTO *Guide for the Development of Bicycle Facilities* with the inclusion of

five-foot-wide bike lanes on both sides of A-55. These bicycle lanes are consistent with the Subregion 5 Master Plan and SMA's discussion of On-Road Dual-Route Bicycle Facilities on page 115. In addition, the applicant shall provide shared use pavement markings (also known as sharrows) along General Lafayette Boulevard, this is consistent with the shared lane markings along General Lafayette Boulevard south of the subject site.

POLICY 5: Evaluate new development proposals in the Developed and Developing Tiers for conformance with the complete streets principles.

Because of the substandard width proposed for the General Lafayette Boulevard sidepath and failure to show conformity with current curb ramp standards, the applicant's development proposal does not fully conform with complete streets policies and principles of the MPOT. The applicant shall provide shared lane markings on both sides of General Lafayette Boulevard. This is consistent with the master plan recommendation and with the existing facility along General Lafayette Road, south of the subject site. In addition, all crossings shall include perpendicular style curb ramps, and marked crosswalks be provided at the intersections along A-55, General Lafayette Boulevard, and Lord Howe Way. Parallel or perpendicular Americans with Disabilities Act (ADA) accessible curb ramps shall be used throughout the subject site, and that future DSPs demonstrate these styles of curb ramp for the subject property.

The Subregion 5 Master Plan and SMA includes the following recommendations applicable to the subject site:

Recommendation 1: Install bicycle signage and safety improvements along designated shared-use roadways when development occurs, or roadways are upgraded. Bikeway improvements may include paved shoulders, painted bike lanes, and bike signage.

Recommendation 2: Construct pedestrian and bicycle facilities as part of new development in the Brandywine Community Center.

The sidepaths along A-55 and General Lafayette Boulevard, required sidewalks, and required bicycle facilities discussed above are consistent with these recommendations. In addition, short term bicycle parking facilities in the commercial and employment sites within Calm Retreat shall be provided. These short-term bicycle parking facilities should be consistent with the guidance of Chapter 6, Bicycle Parking Facilities, of the 2012 AASHTO *Guide for the Development of Bicycle Facilities*. While the specific details of bicycle parking are reviewed at the time of a DSP application, it is acknowledged that a PPS shall conform to the master plan, which recommends bicycle facilities as part of new development in the county and facilities that conform with the latest AASHTO Guidelines. Bicycle parking consistent with the 2012 AASHTO *Guide for the Development of Bicycle Facilities* shall be provided and shown on the submitted detailed site plans.

The Subregion 5 Master Plan and SMA lists the following policies on page 118.

- a. **Promote pedestrian and bicycle opportunities as part of a multi-modal transportation network.**
- b. **Promote dual-route facilities along all of the major road transportation corridors.**
- c. **Connect a spine network of trails to the most populated areas.**
- d. **Expand and promote hiker/biker/equestrian recreational activities**
- e. **Promote and encourage cycling and walking for commuting purposes as an alternative to driving a car.**
- f. **Promote safe pedestrian and bicycle facilities in and around public schools and population centers such as Clinton and Brandywine.**

Adding sidewalk to both sides of all internal roads, excluding alleys; bicycle lanes to A-55; shared lane markings to General Lafayette Boulevard; sidepaths along A-55 and General Lafayette Boulevard; and short-term bicycle parking to commercial and recreational areas will be consistent with the above policies. A previous finding notes that the Chadds Ford development includes a M-NCPPC shared use path on Parcel G that ends at the subject site's southern boundary, as shown on Specific Design Plan SDP-0611. The submitted plans include an extension of this shared use path.

Short walking paths located within the neighborhood provide excellent opportunities for recreation and additional off-street segments for pedestrian and bicycle transportation.

Furthermore, the shared-use path along A-55 will cross both Lord Howe Way and General Lafayette Boulevard. It is important when designing these path/roadway intersections that Section 9B.03, Stop and Yield Signs (R1-1 and R1-2), of the *2009 Manual of Uniform Traffic Control Devices* on pages 792 and 794 be adhered to, particularly the guidance statement which reads, "STOP signs should never be used where YIELD signs would be acceptable." Along shared use path/roadway intersections placement of STOP signs facing path traffic where either priority should be given to path users or where YIELD signs facing path users are acceptable, will result in users disobeying the inappropriately placed STOP signs. Inappropriately placed STOP signs can breed disrespect for STOP signs in general, which is an undesirable outcome. The shared-use paths along A-55 shall be designed in accordance with these policies, unless modified by DPIE with written correspondence.

Adequate Public Pedestrian and Bikeway Facilities

The subject site is in the Branch Avenue Corridor and the Brandywine Community Area and is subject to Section 24-124.01 and the “Transportation Review Guidelines, Part 2.”

Review of the Proposed On-Site Improvements

The proposed development includes sidewalk facilities on both sides of most internal streets, standard and narrower than standard width sidepaths along A-55 and General Lafayette Boulevard, respectively.

The proposed pedestrian and bicycle facility improvements do not reflect the minimum facilities necessary for adequacy, pursuant to Section 24-124.01(b). Providing the above required bicycle lanes, sharrows, 12-foot-wide side use paths paralleling both A-55 and General Lafayette Boulevard, bicycle parking, perpendicular curb ramps, shared use pavement markings, a bicycle pocket lane on eastbound A-55 at US 301, and marked crosswalks will reflect the minimum facilities necessary for adequacy, pursuant to Section 24-124.01. DPIE has indicated, in email correspondence (Giles to Howe, 9/3/2020), an intention to revise the master plan recommended pedestrian and bicycle facilities, to reduce the size of the recommended 12-foot-wide sidepaths to an 8-foot-wide sidepath. At the time of this writing, no revised plans from DPIE or the applicant have been submitted. The recommended facility is to be modified by DPIE, with written correspondence, should DPIE opt to reduce the width of the master plan recommended facilities.

Review of the Proposed Off-Site Facilities

The proposed development includes intersection improvements on the east side of US 301 at its intersection with A-55, including ADA ramps, crosswalks, and a pedestrian crossing signal. Off-site facilities also include a total of 1,122 linear feet of 5-foot-wide sidewalk with 182 linear feet along the east side of US 301 from A-55 south to an unnamed site entrance to the Brandywine Crossing Shopping Center south of Metro Golf Cart Rentals and another 940 linear feet of 5-foot-wide sidewalk would be installed on the east side of US 301 between Matapeake Business Drive to the right-in (sic) at McDonald’s restaurant. SHA has reviewed the required off-site facilities and provided preliminary approval for a 5-foot-wide sidewalk. The design plans for the sidewalk and intersection improvements is subject to SHA formal review.

The proposed pedestrian and bicycle facility improvements reflect the minimum facilities necessary for adequacy, pursuant to Section 24-124.01(b). In addition, preliminary written approval of this facility from SHA was provided prior to the Planning Board hearing for this case.

Cost Cap

The cost cap for the site is \$168,433.20*.

Commercial or Retail: 20,000 square footage x \$0.35 /sf = \$7,000
Residential: 488 units x \$300.00 x = \$146,400.

*The cost cap calculation for this proposed development includes the most recent inflation rates available from the Bureau of Labor Statistics.

The estimated costs for the above required off-site pedestrian and bicycle adequacy improvements are within the cost cap, pursuant to Section 24-124.01(c). DPIE, in a memo dated August 19, 2020, have recommended the applicant provide additional off-site improvements for the benefit of pedestrians at the intersection of General Lafayette Boulevard and Chadds Ford Drive. However, the cost of these additional off-site improvements would exceed the cost cap due to the US 301 shared use path.

Demonstrated Nexus Finding

The required off-site pedestrian and bicyclist facilities proffered by the applicant and as required above will provide a continuous network intended to benefit pedestrians traveling to-and-from the subject site and the nearby shopping center. Pursuant to Section 24-124.01, there is a demonstrated nexus between the proffered and recommended improvements for the proposed development and nearby destinations.

Finding of Adequate Bicycle and Pedestrian Facilities

Based on the requirements and criteria contained in Section 24-124.01 and the pedestrian and bicycle improvements proposed by the applicant and required above, the pedestrian and bicycle facilities will be to serve the subject property and the surrounding area, in accordance with the conditions contained herein.

7. **Transportation**—The subject property is located within Transportation Service Area 2, as defined in Plan 2035. As such, the subject property is evaluated according to the following standards:

Unsignalized Intersections: The procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. A three-part process is employed for two-way stop-controlled intersections:

- a. Vehicle delay is computed in all movements using the *Highway Capacity Manual* (Transportation Research Board) procedure; (b) the maximum approach volume on the minor streets is computed if delay exceeds 50 seconds, (c) if delay exceeds 50 seconds and at least one approach volume exceeds 100, the critical lane volume is computed. A two-part process is employed for all-way stop-controlled intersections.
- b. Vehicle delay is computed in all movements using the *Highway Capacity Manual* (Transportation Research Board) procedure; (b) if delay exceeds 50 seconds, the critical lane volume is computed.

Links and Signalized Intersections: Level-of-service (LOS) D, with signalized intersections operating at a critical lane volume of 1,450 or better.

Analysis of Traffic Impacts

The applicant submitted a traffic impact study (TIS) with a revised date of May 2020. The findings and recommendations outlined below are based upon a review of these materials and

analyses conducted, consistent with the “Transportation Review Guidelines, Part 1-2012” (Guidelines). The table below shows the intersections deemed to be critical, as well as the levels of service representing existing conditions:

EXISTING CONDITIONS		
Intersections	AM	PM
	(LOS/CLV)	(LOS/CLV)
MD 5 and Matapeake Business Drive	A/902	C/1291
MD 5 and Chadds Ford Drive	B/1120	C/1208
Chadds Ford Drive and General Lafayette Boulevard *	11.4 seconds	12.1 seconds
MD 5 and A-55	n/a	n/a
General Lafayette Boulevard and A-55	n/a	n/a
* Unsignalized intersections are analyzed using the Highway Capacity Software. The results show the intersection delay measured in seconds/vehicle. A maximum delay of 50 seconds/car is deemed acceptable. if delay exceeds 50 seconds and at least one approach volume exceeds 100, the critical lane volume is computed. A two-part process is employed for all-way stop-controlled intersections: (a) vehicle delay is computed in all movements using the Highway Capacity Manual (Transportation Research Board) procedure; (b) if delay exceeds 50 seconds, the critical lane volume is computed. If the critical lane volume falls below 1,150 for either type of intersection, this is deemed to be an acceptable operating condition.		

The traffic study identified 18 background developments whose impact would affect some, or all of the study intersections. In addition, a growth of 1.34 percent over six years was also applied to the traffic volumes along MD 5. A second analysis was done to evaluate the impact of the background developments. The analysis revealed the following results:

BACKGROUND CONDITIONS		
Intersections	AM	PM
	(LOS/CLV)	(LOS/CLV)
MD 5 and Matapeake Business Drive	D/1331	F/1879
MD 5 and Chadds Ford Drive	D/1393	F/1815
Chadds Ford Drive and General Lafayette Boulevard *	16.6 seconds	21.7 seconds
MD 5 and A-55	n/a	n/a
General Lafayette Boulevard and A-55	n/a	n/a
Unsignalized *		

Using the trip rates from the Guidelines as well as the *Trip Generation Manual, 10th edition* (Institute of Transportation Engineers), the study has indicated that the subject application represents the following trip generation:

Table 1 - Trip Generation							
		AM Peak			PM Peak		
		In	Out	Total	In	Out	Total
Townhouse (Guidelines)	488 (572) Units	68 (80)	274 (320)	342 (400)	254 (298)	136 (160)	390 (458)
Shopping Center (ITE-820)	20,000 Sq. ft.	100	62	162	79	86	165
<i>Less 50% Pass-by</i>		<i>-50</i>	<i>-31</i>	<i>-81</i>	<i>-40</i>	<i>-43</i>	<i>-83</i>
Total new trips		118 (130)	305 (351)	423 (481)	293 (337)	179 (203)	472 (540)

During the course of review for this development application, the number of proposed dwelling units was reduced from 572 townhouse units to 488 townhouse units. The submitted traffic study included 572 dwelling units and 20,000 square feet of retail. While the reduction in the number of dwelling units reduces the trip generation for the subject site, it does not ultimately change the level of service for the critical intersections. Moreover, this reduction in the number of dwelling units does not impact the conditions of approval for this development application to meet transportation adequacy. In the tables above and below, the numbers in parentheses reflect the trip numbers from the initially submitted traffic study and the other numbers reflect the trip numbers for the site accounting for the reduction in the number of dwelling units.

The table above indicates that the proposed development will be adding 423 (118 in; 305 out) AM peak-hour trips and 472 (293 in; 179 out) PM peak-hour trips. A third analysis depicting total traffic conditions was done, yielding the following results:

TOTAL CONDITIONS		
Intersections	AM	PM
	(LOS/CLV)	(LOS/CLV)
MD 5 and Matapeake Business Drive	D/1349 (1351)	F/1891 (1892)
MD 5 and Chadds Ford Drive	D/1364 (1367)	F/1717 (1718)
Chadds Ford Drive and General Lafayette Boulevard *	15.2 seconds	19.8 seconds
MD 5 and A-55	F/1702 (1716)	F/1803 (1818)
General Lafayette Boulevard and A-55 *	10.3 seconds	9.2 seconds
* Unsignalized intersections are analyzed using the Highway Capacity Software. The results show the intersection delay measured in seconds/vehicle. A maximum delay of 50 seconds/car is deemed acceptable. If delay exceeds 50 seconds and at least one approach volume exceeds 100, the critical lane volume is computed. A two-part process is employed for all-way stop-controlled intersections: (a) vehicle delay is computed in all movements using the Highway Capacity Manual (Transportation Research Board) procedure; (b) if delay exceeds 50 seconds, the critical lane volume is computed. If the critical lane volume falls below 1,150 for either type of intersection, this is deemed to be an acceptable operating condition.		

The results under total traffic conditions show that all three intersections along the US 301/MD 5 corridor will operate inadequately. Consequently, the TIS recommends that the application be approved with a condition requiring payment to the Brandywine Road Club. Having reviewed the traffic study, the Planning Board concurs with its findings and conclusions. The subject property is located within Planning Area 85A and is affected by the Brandywine Road Club. Specifically, CR-9-2017 indicates the following:

1. Establishes the use of the Brandywine Road Club for properties within Planning Areas 85A and 85B as a means of addressing significant and persistent transportation deficiencies within these planning areas.
2. Establishes a list of projects for which funding from the Brandywine Road Club can be applied.
3. Establishes standard fees by development type associated with the Brandywine Road Club to be assessed on approved development.

This resolution works in concert with Prince George's County Council Bill CB-22-2015, which permits participation in roadway improvements as a means of demonstrating adequacy for transportation, as required in Section 24-124 of the Subdivision Regulations. Specifically, CB-22-2015 allows the following:

1. Roadway improvements participated in by the applicant can be used to alleviate any inadequacy as defined by the Guidelines. This indicates that sufficient information must be provided to demonstrate that there is an inadequacy.
2. To be subject to CB-22-2015, the subject property must be in an area for which a road club was established prior to November 16, 1993. In fact, the Brandywine Road Club was included in CR-60-1993 adopted on September 14, 1993, and it was developed and in use before that date.

Pursuant to CR-9-2017, the Brandywine Road Club fee for the subject application will be \$1,338 per dwelling unit and \$2.07 per square-foot of gross floor area for commercial, to be indexed by the appropriate cost indices to be determined by DPIE. Pursuant to CB-22-2015, once the appropriate payment is made to the satisfaction of DPIE, no further obligation will be required of the applicant regarding the fulfillment of transportation adequacy requirements of Section 24-124(a) of the Subdivision Regulations.

In addition to staff, the TIS was referred out to county and state agencies for review and comment. An August 19, 2020 memorandum (Lord-Attivor to Barnett-Woods) was received from DPIE, as well as DPW&T. Below are some of the salient issues expressed by the County (*in italics*) along with responses from the traffic consultant and staff:

The annual growth rate was calculated using 20 years of historic State Highway Administration's (SHA) Average Daily Traffic (ADT) volume along MD 5. Typical growth rate determination is within five to 10 years of the ADT data. DPIE would require the operational analysis to reflect a 10-year growth rate as this may increase the vehicular volumes.

TIS Response: The Guidelines state that historical data from at least the past ten years is considered acceptable. In reviewing the historical growth for this area, it should be noted that much of the Brandywine area was undeveloped in 2008. Therefore, if the ADT growth is limited to a 10-year review it would include the ADT growth associated with a substantial amount of local traffic, which would overstate the amount of regional traffic growth. Therefore, the analysis of historical ADT's was extended over a longer period, as considered in the Guidelines, to establish a more reasonable growth in regional traffic.

Staff response: Staff concurs with this explanation.

The residential unit diverted volumes along General Lafayette Boulevard (Exhibit 7di) was not included in the total peak hour volume (Exhibit 8). DPIE would require these volumes to be included in the operational analysis.

TIS response: The volumes from Exhibit 7di have been included in the Total Peak Hour volumes (Exhibit 8). The total conditions analyses have been updated accordingly. The findings of the traffic impact analysis (TIA) have not changed due to this update and there were slight improvements to the critical lane volume as a result.

Staff response: Staff concurs with this explanation.

Some of the key issues contained in an August 20, 2020 letter from SHA, are as follows:

The level of service (LOS) analysis results shown in Exhibit 9 on page 24 of the report indicate that during the evening peak hours, the US 301/MD 5 intersections at Matapeake Business Drive, Chadds Ford Road, and at A-55, the proposed entrance of the development, are expected to operate at a LOS F. On page 25 in the Conclusions/Recommendations section, it is recommended that the Calm Retreat development is approved with a condition that requires a pro-rata payment to the Brandywine Road Club prior to the issuance of the building permits. While payment to the Brandywine Road Club would fulfill the adequacy requirements of Prince George's County, it isn't clear in the report how the failing operations at the study intersections along US 301/MD5 would be mitigated when the subject development is complete. The report should include some discussion regarding how and when the Brandywine Road Club improvements for the US 301/MD 5 intersections at Matapeake Business Drive, Chadds Ford Road, and at A-55 will be implemented to mitigate traffic impacts.

TIS response: This project is located within the geographic boundaries of the Brandywine Road Club (BRC) and therefore, the sole responsibility of the developer to achieve adequate public facilities (APF) is through a payment of the Brandywine Road Club fee.

It is anticipated that coordination with MD SHA will occur upon approval of the TIA to discuss the proposed use of the BRC fees for improvements along the US 301 corridor.

Staff response: Staff concurs with this explanation.

Travel Forecasting and Analysis Division concurs with the background growth rate. However, in reference and in addition to the Transportation Planning Section comment on page 27, all approved developments in the area (such as Dobson Ridge, Elion Logistics Park) should be accounted for in the background developments and the Calm Retreat TIS should be revised and resubmitted for review.

TIS response: Exhibit 7 below, the intersections along US 301 included in this TIA are projected to operate below adequacy standards for Prince George's County. The inclusion of these additional background developments would further increase the calculated critical lane volumes for these intersections and therefore would yield the same findings for the TIA. It can be safely assumed that the other study intersections along General Lafayette Boulevard would not be impacted by the trips generated by these background developments and would still meet Prince George's County adequacy requirements.

Staff response: Staff concurs with this explanation.

The LOS analysis indicates that the three study intersections along MD 5 / US 301 are operating at a LOS F. Although the Road Club pro-rata payment is cited as the primary way to provide mitigation at the intersections, no details on these improvements are provided. The intersection improvements should be provided along with corresponding LOS analyses that show the improved LOS to acceptable levels as per the adequate public facilities ordinance (APFO) requirements.

TIS response: This project is located within the geographic boundaries of the Brandywine Road Club and therefore, the sole responsibility of the developer to achieve APF is through a payment of the Brandywine Road Club fee. It is anticipated that coordination with MD SHA will occur upon approval of the TIA to discuss the proposed use of the BRC fees for improvements along the US 301 corridor.

Staff response: Staff concurs with this explanation.

Master Plan and Site Access

The property is in an area where the development policies are governed by the Subregion 5 Master Plan and SMA, as well as the MPOT. The subject property currently fronts on US 301/MD 5, which is recommended in both master plans to be upgraded to a freeway (F-9).

No additional right-of-way will be needed along this road. The plans also recommend the construction of A-55, an unbuilt arterial road which is proposed along the northern periphery of the site. The applicant is proposing 120 feet of right-of-way along the entire length of A-55 within the boundaries of the site. Most of the site is located within the Brandywine Center, as recommended in Plan 2035.

As a General Plan Center, an Urban Street Design Standard from the Prince George's County DPW&T 2017 *Urban Street Design Standards*, should be used for A-55, consistent with CB-86-2015, CR-085-2016, and Section 23-146(b). After some discussion with DPIE, it was determined that A-55 is constructed using Urban Road Standard 100.22. This standard provides adequate space for motor vehicle, pedestrian, and bicycle modes for transportation, suitable for a Plan 2035 Center. As the permitting authority for County rights-of-way, DPIE may choose this or a different standard, or may modify this standard to take into account the surrounding context. The right-of-way dedication will provide adequate space for all potential cross sections.

The applicant's revised plan shows that A-55 will be constructed as a four-lane dualized road between MD 5 and the proposed Road C. Beyond Road C, the road will be constructed as a southern half-section of the ultimate four-lane road. The plan further reveals that the proposed two-lane section will end approximately 150 feet east of the western property line. The two lanes should be constructed up to the property line. If there are circumstances where that construction limit is not feasible, then the applicant must provide financial assurance for the future construction of the unbuilt portion of the road, unless this financial provision is waived by DPIE. From the standpoint of circulation within the site and as well as the adjacent community to the south, it was further determined that the dualized section of A-55 should be extended to the intersection of General Lafayette Boulevard (MC-502) and A-55. This construction would facilitate a more direct flow of traffic between the communities being served by MC-502, a four-lane dualized road and the US 301/MD 5 corridor. It is worth noting however, that the final decision regarding what gets constructed within a public right-of-way, rests solely with the operating/permitting agencies.

The plan shows private 'Road T' as a proposed connection to the southern development of Brandywine Village, which is approved, but has not yet developed. The Brandywine Village PPS 4-12007 shows a future inter-parcel connection to the subject property located further toward the frontage of the future commercial pad sites. The appropriate location of the inter-parcel connection from the proposed commercial parcel on the subject site to the adjacent commercial site of Brandywine Village will be coordinated further at site plan review.

All other aspects of the site regarding access and layout are deemed to be acceptable.

Variation Request

The applicant requested a variation from Section 24-121(a)(4) with this application, which requires a 150-foot lot depth for lots adjacent to an arterial roadway or higher classification. Proposed master plan roadway, A-55, is an arterial roadway. Sixty lots do not meet the 150-foot lot depth requirement, prompting this variation request. In executing this variation request, the applicant must meet several legal requirements, pursuant to

Section 24-113(a) of the Subdivision Regulations. Those requirements are shown in **BOLD** text, with responses derived from the applicant's statement of justification (SOJ) dated August 24, 2020, and incorporated by reference herein below:

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

The 150-foot lot depth requirement is aimed at providing a deep enough lot so the dwelling can be located to avoid undue noise and vibration, in this case from A-55, a master plan arterial roadway, which is planned to cross the subject property. There is no evidence that such variations are injurious to other properties. The sole issue is one of noise and vibration on the subject property. In the instant case, the applicant has received authorization from DPIE to construct a half section (29 feet of paving) of A-55, the Master Planned Road that is generating the 150-foot lot setback. The resulting road is the equivalent of an Urban Primary Residential Road (DPW&T Standard 100.06) and will not generate the amount of traffic associated with an Arterial Road and therefore not generate the noise and vibration levels associated with an arterial road. It is noted, however, that the half section is an interim improvement until the full width is required. Long-term, A-55 is planned to connect to realigned Accokeek Road at realigned McKendree Road, however, the Aggregate Industries Land Co., LLC property is currently operating under a surface mining permit with no immediate plans for redevelopment. Therefore, for the foreseeable future this subdivision, would not experience impacts inherently associated with an arterial roadway subject to the 150-foot lot depth requirement.

Using the Noise Computation Formula Worksheet provided by M-NCPPC and the future projected ADT for A-55, the future 65 dBA noise contour was determined to be 91-feet from the centerline of A-55 which places the contour within HOA space for a majority of the project's frontage on A-55. There are only two lots in block C, west of the General Lafayette Boulevard intersection where the contour falls within the first 15-feet of the side yard of the lot. Those lots are parallel to A-55 and the exposure to the noise impacts from A-55 are minimal and easily mitigated. In the event A-55 is constructed at some point in the future, the community is designed such that outdoor activity areas provided for the residents are located out of the areas which would be impacted by noise generated from the roadway. In addition, the dwelling units will be designed to ensure that noise interior to the dwelling is reduced below 45 dBA, based upon projected noise levels which would be generated from an arterial roadway. With these design and construction protections in place, the granting of the variation will have no future negative impacts should the roadway be constructed to arterial standards in the future.

Light trespass from vehicles driving on A-55 will not be an issue since traffic will be travelling parallel to the fronts of most units adjacent to the roadway.

For the few that are located perpendicular to A-55, the street trees that will be installed along A-55, as well as the landscape planting that is done on the HOA parcels will mitigate for any potential lighting conflicts. A landscape plan will be provided with the DSP application for the project, which will reflect this mitigation.

Special attention will be paid to the use of salt tolerant plant species for both the street trees as well as the bio-retention plantings for the facilities that will be providing SWM for the proposed roadways. The project's street tree and lighting plans as well as the SWM Landscape Plans will not propose White Pines, Sugar Maples, Dogwoods, or Lindens to name a few due to their particular sensitivity to salt spray and instead will feature White Oak, Arrow-wood, Summersweet, Winterberry, and Northern Bayberry which all thrive in a higher saline environment. The granting of the variation will have no negative impacts on public health, safety, or welfare.

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

The A-55 impact on the subject property is enormous, as A-55 cuts through the center of the subject property creating design and engineering difficulties. The proposed right-of-way location, moved slightly north of the master plan alignment, decreases some of the difficulties, but leaves in place the 150-foot lot depth as problematic. The A-55 right-of-way through the property is more than 3,900 feet long, covering the entire length of the property. Simply, other properties do not have similar conditions; they are unique to this property and not generally applicable to other properties.

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

No other applicable law, ordinance or regulation is violated by approval of this variation. Conformance with state and county noise regulations will be required and provided.

(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 regulations is carried out.

The property is oddly shaped, with narrow frontage on US-301. Proposed master plan roadway, A-55, bifurcates the length of site and approximately in the property's center is an unnamed tributary to Piscataway Creek. The combination of these conditions limits the development potential of the property.

Furthermore, A-55 is not being constructed to arterial specifications; rather, it is to be constructed now as an Urban Primary Residential Road with 29 feet of pavement containing two travel lanes and a five-foot-wide bike lane. The design, which includes two access points from the proposed development, is not arterial in nature. Holding the applicant to the strict letter of the 150-foot lot depth requirement is neither necessary nor appropriate given these circumstances. Given the lack of need or propriety of the requirement for this property, requiring the removal of 13 percent of the proposed 488 lots would result in an undue and unnecessary hardship on the applicant. Lastly, as noted above, the community and dwellings are being designed to account for the possibility that the roadway will be widened in the future to arterial standards.

- (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 requirement is not applicable because the site is zoned M-X-T.

It was found that the required findings of Section 24-113 of the Subdivision Regulations have been adequately addressed by the applicant for approval of the variation to Section 24-121(a)(4), for lot depths less than 150-feet adjacent to an arterial roadway. It is noted that lots 51 through 54, Block A, to be reoriented to front on A-55 as described below and approved by the Planning Board, are subject to this variation as necessary to support the approved lotting pattern.

Private roads and alleys are proposed with this development; internal access and circulation are acceptable. The use of private streets and alleys to serve the proposed subdivision is permissible according to Section 24-128 of the Subdivision Regulations and is further discussed in the finding below.

Based on the preceding findings, adequate transportation facilities will exist to serve the proposed subdivision, as required, in accordance with Section 24-124.

8. **Private Roads and Alleys**—The residential portion of the subject site proposes private roads and alleys in the M-X-T Zone. Section 24-128(b)(7)(A) of the Subdivision Regulations requires that all lots served by an alley have frontage on and direct pedestrian access to a public right-of-way. Given the current configuration, 36 lots do not meet this requirement.

The applicant provided an exhibit to M-NCPPC staff on September 17, 2020, which highlights the lots in blue not meeting the requirements of Section 24-128(b)(7)(A). In red, the exhibit proposes: (1) where the lot lines can be extended to meet the public

right-of-way for 11 lots along General Lafayette Boulevard and 7 lots along A-55, (2) reorients 14 lots for front-loaded units along Road C, and (3) reorients 4 of the lots to have frontage on A-55. The lot configuration will be revised prior to signature approval of the PPS, consistent with the exhibit.

9. **Schools**—Per Section 24-122.02 of the Subdivision Regulations, CR-23-2001, and CR-38-2002, *Adequate Public Schools Facility Regulations for Schools*, this subdivision was reviewed for impacts to school facilities in accordance with the ordinance/resolutions, it is concluded that the commercial property is exempt from a review for schools because it is a non-residential use.

This PPS was reviewed for residential development impact on school facilities in accordance with Section 24-122.02 and CR-23-2001. The subject property is located within Cluster 5, which is located outside the I-495 Capital Beltway. An analysis was conducted, and the results are as follows:

**Impact on Affected Public School Clusters
Single Family Attached/ Detached Dwelling Units**

Affected School Clusters	Elementary School Cluster 5	Middle School Cluster 5	High School Cluster 5
Total Dwelling Units	488	488	488
Townhouse (TH)	488	488	488
Townhouse (PYF):	0.114	0.073	0.091
TH * PYF	55.632	35.624	44.4
Total Future Subdivision Enrollment	56	36	44
Adjusted Enrollment in 2019	6,428	2797	3668
Total Future Enrollment	6484	2797	3712
State Rated Capacity	7913	3304	5050
Percent Capacity	82%	86%	74%

Section 10-192.01 establishes school surcharges and an annual adjustment for inflation, unrelated to the provision of Subtitle 24. The current amount is \$9,741 per dwelling if a building is located between Interstate 495 and the District of Columbia; \$9,741 per dwelling if the building is included within a Basic Plan or CSP that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$16,698 per dwelling for all other buildings. This project is outside of the I-495 Capital Beltway; thus, the surcharge fee is \$16,698 per dwelling unit. This fee is to be paid to DPIE at the time of issuance of each building permit.

- 10. Public Facilities**—In accordance with Section 24-122.01 of the Subdivision Regulations, water and sewerage facilities are found to be adequate to serve the subject site, as outlined in a memorandum from the Special Projects Section dated August 17, 2020 (Thompson to Sievers), incorporated by reference herein.

Non-Residential Emergency Response Times

Police Facilities

The subject property is served by Police District VII, Fort Washington located at 11108 Fort Washington Road in Fort Washington. There is 267,660 square feet of space in all the facilities used by the Prince George's County Police Department, and the July 1, 2017 (U.S. Census Bureau) county population estimate is 912,756. Using the national standard of 141 square feet per 1,000 residents, it calculates to 128,698 square feet of space for police. The current amount of space 267,660 square feet is within the guidelines. The Police Chief has reported that the department has adequate equipment to meet the standards stated in CB-56-2005.

Fire and Rescue Facilities

The subject property is served by Brandywine Volunteer Fire/EMS Co. 840 located at 13809 Brandywine Road, in Brandywine. A five-minute *total response time* is recognized as the national standard for Fire/EMS response times. The five-minute *total response time* arises from the 2016 Edition of the National Fire Protection Association (NFPA) 1710 Standards for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Career Fire Departments. This standard is being applied to the review of nonresidential subdivision applications.

According to NFPA 1710, Chapter 3 Definitions, the total response time and travel time are defined as follows:

3.3.53.6 Total Response Time. The time interval from the receipt of the alarm at the primary PSAP (Public Safety Answering Point) to when the first emergency response unit is initiating action or intervening to control the incident.

3.3.53.7 Travel Time. The time interval that begins when a unit is in route to the emergency incident and ends when the unit arrives at the scene.

According to NFPA 1710, Chapter 4 Organization:

4.1.2.1 The fire department shall establish the following objectives:

- (1) Alarm handling time to be completed in accordance with 4.1.2.3.*
 - (4.1.2.3.1 The fire department shall establish a performance objective of having an alarm answering time of not more than 15 seconds for at least 95 percent of the alarms received and not more than 40 seconds for at least 99 percent of the alarms received, as specified by NFPA 1221).*

- (2) *80 seconds turnout time for fire and special operations response and 60 seconds turnout time for EMS response.*
- (3) *240 seconds or less travel time for the arrival of the first arriving engine company at a fire suppression incident.*

Prince George's County Fire and EMS Department representative, James V. Reilly, stated in writing (via email) that as of July 26, 2020, it appears that the proposed project fails the four-minute travel test from the closest Prince George's County Fire/EMS Station when applying the national standard, an associated total response time under five-minutes from the closest Fire/EMS Station, Brandywine Volunteer Fire/EMS, 840. The applicant shall contact the Prince George's County Fire/EMS Department to request a pre-incident Emergency Plan for the facility; install and maintain automated external defibrillators in accordance with the Code of Maryland Regulations, and install and maintain hemorrhage kits next to fire extinguishers. In accordance with Section 24-122.01(e)(1)(C) of the Subdivision Regulations, the Department provided a statement that adequate equipment exists.

Residential Emergency Response Times

Police Facilities

This PPS was reviewed for adequacy of police services, in accordance with Section 24-122.01(c) of the Subdivision Regulations. The subject property is in Police District VII in Fort Washington. The response standard is 10 minutes for emergency calls and 25 minutes for nonemergency calls. The test is applied on the date the application is accepted or within the following three (3) monthly cycles, pursuant to Section 24-122.01(e)(2) of the Subdivision Regulations. The times are based on a rolling average for the preceding 12 months. The application was accepted by the Planning Department on July 2, 2020.

Reporting Cycle	Date	Priority	Non-Priority
Acceptance Date	July 2, 2020	11	5
Cycle 1	August 2020	11	5
Cycle 2	September 2020	11	5
Cycle 3			

The response time standards of 10 minutes for priority calls was not met in the first monthly cycle following acceptance. However, per CB-20-2020 enacted July 21, 2020, the Public Safety Facilities mitigation requirement may be waived by council resolution. On November 17, 2020, the County Council of Prince George's County, Maryland adopted CR-126-2020, for the purpose of approving a waiver of the police response time mitigation fee in its entirety for all residential units of the Calm Retreat project.

Pursuant to CR-69-2006, the Prince George's County Council and the County Executive suspended the provisions of Section 24-122.01(e)(1)(A, B) of the Subdivision Regulations regarding sworn police and fire and rescue personnel staffing levels. The Police Chief has reported that the department has adequate equipment to meet the standards stated in CB-56-2005.

Fire and Rescue Facilities

This PPS was reviewed for adequacy of fire and rescue services, in accordance with Section 24-122.01(d) of the Subdivision Regulations. The response time standard established by Section 24-122.01(e) of the Subdivision Regulations is a maximum of seven-minutes travel time from the first due station. Prince George's County Fire and EMS Department representative, James V. Reilly, stated in writing (via email) that as of July 26, 2020 the proposed project is within a seven-minute travel time from the first due station, Marlboro Volunteer Fire/EMS Co. 840. The Department has reported that there is adequate equipment to meet the standards stated in CB-56-2005.

11. **Use Conversion**—The total development included in this PPS is proposed for 488 single-family attached dwelling units, and 20,000 square feet of commercial development in the M-X-T Zone. If a substantial revision to the mix of uses on the subject property is proposed that affects Subtitle 24 adequacy findings, that revision of the mix of uses would require approval of a new PPS prior to approval of any building permits.
12. **Public Utility Easement (PUE)**—Section 24-122(a) of the Subdivision Regulations requires that when utility easements are required by a public company, the subdivider should include the following statement in the dedication documents recorded on the final plat:

“Utility easements are granted pursuant to the declaration recorded among the County Land Records in Liber 3703 at Folio 748.”

The standard requirement for PUEs is 10 feet wide along both sides of all public rights-of-way. The subject site fronts on public rights-of-way to the east along US 301 and internally along proposed master planned roadway A-55. The required PUEs along the public streets are delineated on the PPS. Private streets are also proposed, which require PUEs. Section 24-128(b)(12) of the Subdivision Regulations requires that 10-foot-wide PUEs be provided along one side of all private streets; the PPS meets this requirement.

13. **Historic**—The subject property was part of the plantation of Zadock Robinson in the nineteenth century. His dwelling, known as “Pheasant’s Thickett,” (85A-022, 18PR416), was located to the south of and outside of the subject property. Zadock Robinson devised a portion of his plantation to his son, William T. Robinson. The house on the property was constructed for William T. Robinson in 1854. The house was expanded under the ownership of Aquila Robinson, his son, who formed an estate of 1,000 acres by the 1890s. The land remained in the Robinson family until recently purchased for development. After Aquila’s death in 1924, his property was divided among his heirs into 200-acre parcels.

The subject site contains a documented property, the William T. Robinson House (85A-021), constructed circa 1854. This is a good example of a mid-nineteenth-century plantation house that has remained the home of four generations of the same family since its construction. The main block of the house was built for William T. Robinson shortly before his marriage in 1854, on land north of his father’s plantation, Pheasants Thickett (85A-022). It followed the then-popular

side-hall-and-double-parlor plan, with two massive freestanding chimney stacks to warm the two west parlors. The house is a three-part, frame, gable-roofed building that stands at the end of a farm lane approximately one-half mile west of Route 301. Immediately north of the house is an old meat house, constructed of hand-hewn logs with dovetail joints, that was likely built at the same time as the house. West of the house, standing in a line, are three front-gabled outbuildings: a garage, a corn crib, and a converted granary. Further to the west stand the ruins of a small hog pen and a tobacco barn, in which was stored a tobacco prize. Two small slave houses reportedly stood until the 1940s circa 500 feet to the east of the dwelling.

A twentieth-century ruined tenant house located to the east of the main house and was possibly the location of an earlier slave cabin, as noted in an interview with family members when the initial Maryland Inventory of Historic Properties (MIHP) form was submitted in the 1980s.

A Phase I archaeological survey was conducted on the subject property from April to July 2019 and the Phase II investigations in February 2020. A total of 896 shovel test pits were excavated across the entire property during the Phase I survey. A total of 415 shovel test pits were excavated at 15-meter intervals in areas of moderate potential for historic and prehistoric resources. A total of 70 shovel test pits were excavated at 50 meters in areas of low potential. A total of 411 shovel test pits were excavated at 5-meter intervals around the historic core of the farmstead where there was a high potential for significant deposits associated with the occupation of the William T. Robinson House (85A-021). The MIHP documentation for the Robinson House was also updated at the request of the Planning Department.

Two archeological sites were identified in the Phase I survey. Site 18PR1175 was defined through positive shovel test pits located around the main house and outbuildings. A total of eight 1-x-1-meter test units were excavated during the Phase II investigations of site 18PR1175 in areas where concentrations of cut nails were identified, possibly indicating no longer extant nineteenth century structures on the property. A second concentration of cut nails was identified to the east of the main house within a fallow agricultural field. Four test units were placed in each area, for a total of eight test units for site 18PR1175.

Phase II excavations in the farmyard to the west of the William T. Robinson House within site 18PR1175 indicated that area had been plowed north-south and perpendicular to the house prior to the construction of the extant twentieth-century outbuildings. The plow zone in these test units contained a mixture of nineteenth and twentieth century artifacts. The distribution of the nails indicated that one or more earlier structures were located to the west of the house and were subsequently dismantled and removed.

Four test units within site 18PR1175 were placed to the east of the William T. Robinson House in another area where a concentration of cut nails was identified. All four units exhibited similar stratigraphy, with a 30-to 40-centimeter-thick plow zone over a thin transitional layer above sterile subsoil. Test units 5-8 did not contain any features but did contain a mix of nineteenth and twentieth century artifacts. A total of 703 historic artifacts and one Archaic-period projectile point was recovered in this area. Most of the artifacts were structural or building materials.

The artifacts recovered in the area east of the main house indicate that there was a structure at this location in the past that was subsequently demolished.

Site 18PR1176 was defined around the ruined tenant house. Materials used in the construction of the building dated to the twentieth century, although some, such as cut nails could date to the mid- to late nineteenth century. A brick-lined well is located near the tenant dwelling and appears to date to the nineteenth century. In all, 60 of the shovel test pits excavated around the tenant structure in the Phase I survey contained historic artifacts associated with the collapsed tenant house.

Four test units were placed within site 18PR1176, the Calm Retreat Tenant Dwelling Site, to characterize and evaluate deposits surrounding the collapsed twentieth century tenant house visible on the surface. Test units were placed to the east, north, and west of the tenant house ruin and one test unit was placed near the brick-lined well. All units contained a variety of nineteenth and twentieth century diagnostic artifacts, including numerous fragments of "Ball" and "Kerr" canning jars and milk glass lid liners. Cut and wire nails were recovered, along with several possible hand-forged nails. Ceramics were predominantly undecorated whiteware and ironstone and some edged pearlware mixed in with twentieth century materials.

No clearly identifiable structural features were identified at site 18PR1176 that would represent an earlier dwelling associated with the brick lined well. However, some artifacts, such as cut nails and brick, could indicate the presence of a nineteenth century structure.

Conclusions

Due to the lack of intact features and the mixing of soil layers through plowing on the site, the applicant's archeological consultant recommended no further archeological investigations of sites 18PR1175 and 18PR1176. The Planning Board concurs with the report's findings and conclusions that no further archeological investigations are necessary on the Calm Retreat development property.

Significant information on the history of the William T. Robinson farm was gained from historical records and the archaeological investigations. The applicant shall provide the location for an interpretive sign within the development that details the history of the property and significant archaeological finds. The signage shall address the possible occupation of the tenant house by formerly enslaved persons on the William T. Robinson Farm and labor patterns after the Civil War.

- 14. Environmental**—The Environmental Planning Section previously reviewed the following applications and associated plans for the subject site:

Review Case Number	Associated Tree Conservation Plan Number	Authority	Status	Action Date	Resolution Number
NRI-111-2018	N/A	Staff	Approved	10/19/2018	N/A
CSP-18003	TCP1-007-2019	District Council	Approved	7/27/2020	19-125
N/A	TCP2-009-2020	Staff	Approved	5/27/2020	N/A
4-19024	TCP1-007-2019-01	Planning Board	Pending	Pending	Pending

Grandfathering

This project is subject to the current regulations of Subtitles 24, 25 and 27 that came into effect on September 1, 2010 and February 1, 2012 because the application is for a new PPS.

2014 Plan Prince George's 2035 Approved General Plan

The site is located within the Environmental Strategy Area 2 (formerly the Developing Tier) of the Regulated Environmental Protection Areas Map, as designated by Plan 2035: the Established Communities of the General Plan Growth Policy Map; and Mixed-Use of the General Plan Generalized Future Land Use.

Master Plan Conformance

Subregion Master Plan Conformance

The site is located within the Subregion 5 Master Plan and SMA. In the approved master plan and sectional map amendment, the Environmental Infrastructure section contains goals, policies, recommendations, and strategies. The following guidelines have been determined to be applicable to the current project. The text in **bold** is the text from the master plan and the plain text provides comments on plan conformance.

Policy 1: Implement the master plan's desired development pattern while protecting sensitive environmental features and meeting the full intent of environmental policies and regulations.

Ensure the new development incorporates open space, environmental sensitive design, and mitigation activities.

Protect, preserve, and enhance the identified green infrastructure network within Subregion 5.

The project site does contain regulated environmental features, woodland areas, and elements of the *Countywide Green Infrastructure Plan* of the 2017 *Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan*. The site is required to provide bio-retention and infiltration per the approved SWM concept letter. Open Space requirement will be addressed by the Urban Design Section. Impacts to the sensitive areas have been limited to those required, or only necessary for development, such as two outfalls, sanitary sewer connection, and road crossing.

Conformance with the *Countywide Green Infrastructure Plan* will be discussed in a later section.

Policy 2: Encourage the restoration and enhancement of water quality in degraded areas and the preservation of water quality in areas not degraded.

Protect and restore groundwater recharge areas such as wetlands and headwater areas of streams.

This proposal is for the construction of a partially wooded parcel into a residential and commercial subdivision. The SWM design is required to be reviewed and approved by DPIE to address surface water runoff issues, in accordance with Subtitle 32 Water Quality Resources and Grading Code. This requires that the environmental site design be implemented to the maximum extent practicable. The site has an approved SWM Concept Plan.

The SWM Concept Plan (45683-2018-01) submitted with the subject application proposed roof top disconnects, seven submerged gravel wetlands, and 26 micro-bioretenment facilities. The application proposes two outfalls, one sewer line connection, and one road crossing that will impact the 100-year floodplain, stream, and stream buffer. The wetlands on this property are being preserved with this application. An on-site intermittent stream is proposed for impact to access the site. The remaining on-site stream area and adjacent woodlands are being preserved.

Policy 3: Ensure that, to the extent that is possible, land use policies support the protection of the Mattawoman Creek and Piscataway Creek watersheds.

Conserve as much land as possible in the rural tier portion of the water shed as natural resource land (forest, mineral, and agriculture).

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.

Most of the site is located within the Mattawoman Creek watershed, but northern portions of the property are located in the Piscataway Creek watershed. The subject property is located within the Environmental Strategy Area 2, which was formerly the developing tier. All of the proposed development will be outside the environmentally sensitive areas except for impacts for a new road crossing, sanitary sewer connection, and two SWM outfall structures. The remaining sensitive areas will be persevered.

The use of environmentally sensitive design is proposed with the SWM concept plan.

Policy 4: Enhance the county's Critical Area protection management in response to local, regional, and statewide initiatives and legislative changes.

The subject property is not located in the Chesapeake Bay Critical Area.

Policy 5: Reduce air pollution through transportation demand management (TDM) projects and programs.

Promote "climate-friendly" development patterns through the planning processes and land use decisions.

Increase awareness of the sources of air pollution and green-house gas emissions.

Air quality is a regional issue that is currently being addressed by the Council of Governments.

Policy 6: Encourage the use of green building techniques that reduce resource and energy consumption.

The development applications for the subject property, which require architectural approval, should incorporate green building techniques and the use of environmentally sensitive building techniques to reduce overall energy consumption. The use of green building techniques and energy conservation techniques is encouraged to be implemented to the greatest extent possible.

Policy 7: Ensure that excessive noise-producing uses are not located near uses that are particular sensitive to noise intrusion.

The planned 488 residential lots are located off of proposed on-site Master Planned Road A-55. This development is located adjacent to residential (townhomes and single-family detached dwellings), commercial, storage yard, and an active mining operation with woodlands. The noise from the proposed residential use will not affect the adjacent uses or woodlands.

2017 Countywide Green Infrastructure Plan

According to the *Countywide Green Infrastructure Plan*, the site contains both Regulated and Evaluation Areas within the designated network of the plan. The conceptual design as reflected on the PPS and the Type 1 tree conservation plan (TCP1) is in keeping with the goals of the *Green Infrastructure Plan* and focuses development outside of the most sensitive areas of the site.

Environmental Review

As revisions are made to the plans submitted the revision boxes on each plan sheet shall be used to describe the changes, the date made, and by whom.

Natural Resource Inventory

A Natural Resource Inventory, NRI-111-2018, was approved on October 19, 2018, and provided with this application. The site contains 100-year floodplain, wetlands, streams, and their associated buffers which comprise the primary management area (PMA). Ephemeral streams are also located on-site but are not considered regulated environmental features. There are specimen trees scattered throughout the property. The TCP1 and the PPS show all the required information correctly in conformance with the NRI.

No revisions are required for conformance to the NRI.

Woodland Conservation

This M-X-T zoned property is subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the property is greater than 40,000 square feet in size and it contains more than 10,000 square feet of existing woodland and has a previously approved tree conservation plan. A Type 1 Tree Conservation Plan (TCP1-007-2019-01) was submitted with the PPS application.

Based on the TCP1 submitted with this application, the site's gross tract area is 72.10 acres, containing 33.83 acres of woodland in the net tract and 0.17 acre of wooded floodplain for a woodland conservation threshold of 10.70 acres (15 percent). The Woodland Conservation Worksheet proposes the removal of 32.72 acres on the net tract area, 0.07 acre within the floodplain, and 0.83 acre of woodland off-site for a woodland conservation, resulting in a requirement of 26.98 acres. According to the TCP1 worksheet, the requirement is proposed to be met with 1.07 acres of woodland preservation on-site, 4.44 acres of reforestation on-site, 0.57 acre of natural regeneration, and 20.90 acres of off-site woodland conservation credits. The forest stand delineation has identified 20 specimen trees on-site. This application proposes the removal of 12 specimen trees.

Currently, the TCP1 shows proposed infrastructure such as masterplan road layout, water and sewer lines, outfall locations, reforestation areas, specimen trees, and clearing for 488 single-family attached dwellings. No commercial structures are shown.

Technical revisions are required to the TCP1 which is included in the conditions recommended at the end of this report.

Specimen Trees

A Type 2 Tree Conservation Plan (TCP2-009-2020) was approved for grading purposes on May 27, 2020. This TCP2 approval included a Planning Director level review and approval of a variance from Section 25-122(b)(1)(G) of the WCO to remove 12 of the 20 on-site specimen trees. The trees to be removed range in condition from good to fair. The 12 specimen trees are located centrally throughout the project area. The required findings of Section 25-119(d) of the WCO were adequately addressed for the removal of Specimen Trees 2, 3, 4, 5, 9, 10, 11, 12, 13, 14, 15 and 20 with the approval of TCP2-009-2020.

Specimen Tree No.	Latin Name	Common Name	Size (DBH) inches	Condition	Comments
1	<i>Quercus Phellos</i>	Willow Oak	36	Fair	Retain
2	<i>Quercus Alba</i>	White Oak	32	Good	Remove
3	<i>Quercus Alba</i>	White Oak	37	Good	Remove
4	<i>Quercus Alba</i>	White Oak	30	Good	Remove
5	<i>Fagus Grandifolia</i>	American Beech	30	Fair	Remove
6	<i>Acer Rubrum</i>	Red Maple	30	Good	Retain
7	<i>Acer Rubrum</i>	Red Maple	30	Poor	Retain
8	<i>Fagus Grandifolia</i>	American Beech	35	Fair	Retain
9	<i>Liquidambar Styraciflua</i>	Sweetgum	31	Good	Remove
10	<i>Juniperus Virginiana</i>	Red Cedar	31	Fair	Remove
11	<i>Quercus Phellos</i>	Willow Oak	35	Good	Remove
12	<i>Liquidambar Styraciflua</i>	Sweetgum	30	Good	Remove
13	<i>Quercus Phellos</i>	Willow Oak	30	Good	Remove
14	<i>Quercus Phellos</i>	Willow Oak	37	Fair	Remove
15	<i>Acer Rubrum</i>	Red Maple	33	Good	Remove
16	<i>Acer Rubrum</i>	Red Maple	34	Good	Retain
17	<i>Acer Rubrum</i>	Red Maple	30	Good	Retain
18	<i>Quercus Alba</i>	White Oak	35	Good	Retain
19	<i>Nyssa Sylvatica</i>	Black Gum	35	Good	Retain
20	<i>Fagus Grandifolia</i>	American Beech	31	Fair	Remove

Preservation of Regulated Environmental Features/Primary Management Area (PMA)

This site contains regulated environmental features that are required to be preserved and/or restored to the fullest extent possible under Section 24-130(b)(5) of the Subdivision Regulations. The site contains 100-year floodplain, wetlands, streams, and their associated buffers which comprise the PMA. Ephemeral streams are also located on-site but are not considered regulated environmental features.

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, 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 SWM 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.

SWM outfalls may also be considered necessary if the site has been designed to place the outfall at a point of least impact. The types of impacts that should be avoided include those for site grading, building placement, parking, SWM 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 the PMA are proposed for one road crossing, two SWM outfalls, and one sanitary sewer pipe crossing. A SOJ with the application dated April 22, 2020 and a revised SOJ was received on August 27, 2020 for the proposed impacts to the PMA.

Statement of Justification Request

The SOJ includes a request to impact 0.79 acre / 34,391 square feet of on-site PMA for the installation of one road crossing, two SWM outfalls, and one sanitary sewer pipe crossing. All three impact areas are associated with the on-site stream area near the entrance to the site from US 301.

Analysis of Impacts

Based on the revised SOJ, the applicant requested a total of three impacts (A, B, and C) as described below:

Impact A- PMA impacts totaling 0.63 acre (232 linear feet) are requested for the construction of a master planned roadway crossing. The impact area will disturb stream, stream buffer and 100-year floodplain.

Impact B- PMA impacts totaling 0.04 acre for the construction of one SWM outfall structure are requested. The impacts are to stream buffer and 100-year floodplain.

Impact C- PMA impacts totaling 0.12 acre are requested for construction for a sanitary sewer connection and a SWM structure. The impact area will disturb stream, stream buffer and 100-year floodplain.

Analysis of Impacts

The subject application has a master planned roadway entering the site from US 301 and continues through the site to the western property line. There is an existing single lane road that crosses the stream for site access. This existing crossing will be improved with a crossing associated with the proposed master planned road. There are two proposed outfall structures for the east and west side of the on-site subject stream. The outfall located on the west side will discharge stormwater from the proposed residential stormwater facility, and the outfall structure on the east side will discharge stormwater from the proposed commercial development. The outfall on the east side is located parallel with the property line. The proposed sanitary sewer pipe crossing will be collocated with the outfall on the east side of the stream. The sanitary sewer connection is needed to serve the on-site commercial site and has been placed in a location that minimizes impacts to the extent practicable. This sanitary connection will also tie into the residential sanitary sewer service on the west side of the stream.

The proposed PMA impacts for site access and necessary infrastructure are approved. The regulated environmental features on the subject property have been preserved and/or restored to the fullest extent possible based on the limits of disturbance shown on the tree conservation

plan submitted for review. The impacts are for the master-planned road crossing, two SWM outfalls, and a sanitary sewer connection.

15. **Urban Design**—Conformance with CSP-18003 and the Zoning Ordinance are evaluated as follows:

Conformance with the Requirements of the Prince George's County Zoning Ordinance

DSP review is required. The proposed subdivision will be required to demonstrate conformance with the applicable requirements of the Zoning Ordinance, at the time of DSP review, including but not limited to the following;

- i. M-X-T Zone requirements in Sections 27-542 through 548, as applicable.
- ii. Part 11 Off-Street Parking and Loading, and
- iii. Part 12 Signs.

Conformance with Prior Approvals

The subject site was rezoned from the R-R to M-X-T Zone through a minor amendment to the Subregion 5 Master Plan and SMA. The site also has a previously approved CSP-18003 (PGCPB Resolution No. 19-125), which is for up to 650 single-family attached (townhouse) dwellings and up to 200 two-family attached dwellings (850 total dwelling units) and up to 20,000 square feet of retail space.

The subject PPS proposes 488 single-family attached (townhouse) units, up to 20,000 square feet of commercial space, and multiple homeowner's association parcels for open space, recreation amenities, SWM and private streets. A floor area ratio of 0.38 is proposed, which is below the floor area ratio range of 0.49-0.63 envisioned by the CSP. The overall site design has been slightly modified from the CSP, primarily through the removal of two-family attached dwellings and expansion of a centrally located open space area with a pedestrian connection to the existing residential development to the south. Key elements of the CSP such as public and private roads, connections to existing roadways to the south and US 301, sidewalks, paths, and open space areas, as well as the mix of residential and commercial uses are provided in the PPS. The general site layout of the PPS conforms with that of the approved CSP.

Conformance with the Requirements of the Prince George's County Landscape Manual

This development in the M-X-T Zone will be subject to the requirements of the Landscape Manual at the time of DSP. Specifically, the site is subject to Section 4.1, Residential Requirements; Section 4.2, Requirements for Landscape Strips Along Streets; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; Section 4.6, Buffering Development from Streets; Section 4.7, Buffering Incompatible Uses; Section 4.9, Sustainable Landscaping Requirements; and Section 4.10, Street Trees Along Private Streets.

The site layout proposed in the PPS generally provides sufficient space for accommodating landscaping.

Conformance with the Prince George's County Tree Canopy Coverage Ordinance

Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of tree canopy coverage (TCC) on projects that require a grading permit. Properties that are zoned M-X-T are required to provide a minimum of 10 percent of the gross tract area in TCC.

The subject site is 72.1 acres will be required to provide a minimum of 7.2 acres of the tract area in TCC. Conformance with this requirement will be evaluated at the time of DSP.

- 16. Planning Board Hearing**—At the Planning Board meeting on December 10, 2020, the applicant's attorney, Matt Tedesco, entered four exhibits into the record. Applicant's Exhibit 1 contained revisions to the findings and three conditions contained in the staff report. Applicant's Exhibit 2 contained the correspondence cited in Exhibit 1 from Mary Giles to Charlie Howe, dated September 3rd, 2020. Applicant's Exhibit 3 contained correspondence with SHA (Woodroffe to Barnett-Woods) in reference to the 5-foot sidewalks cited on the first page of Exhibit 1. Lastly, applicant's Exhibit 4 provided notice of a virtual public meeting that was held on September 23, 2020 and the associated mailing list.

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 Bailey, with Commissioners Washington, Bailey, Doerner, Geraldo and Hewlett voting in favor of the motion at its regular meeting held on Thursday, December 10, 2020, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 7th day of January 2021.

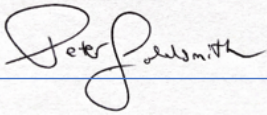
Elizabeth M. Hewlett
Chairman

By  Jessica Jones
Planning Board Administrator

PGCPB No. 2020-182
File No. 4-19024
Page 43

EMH:JJ:TS:nz

APPROVED AS TO LEGAL SUFFICIENCY

A handwritten signature in black ink, appearing to read "Peter Smith", is written over a light blue horizontal line. The signature is fluid and cursive.

M-NCPPC Legal Department
Date: December 21, 2020