



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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

PGCPB No. 2021-71

File No. 4-19051

R E S O L U T I O N

WHEREAS, Timothy Brandywine Investments One, LLC is the owner of a 72.26-acre parcel of land known as Parcels A, B, and H, said property being in the 11th Election District of Prince George's County, Maryland, and being zoned Local Activity Center (L-A-C) and Military Installation Overlay (M-I-O); and

WHEREAS, on March 24, 2021, Timothy Branch, Inc. filed an application for approval of a Preliminary Plan of Subdivision for 212 lots and 7 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-19051 for Timothy Branch was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on May 27, 2021, 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 May 27, 2021, 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 TCP1-151-90-04, and further APPROVED Preliminary Plan of Subdivision 4-19051 for 212 lots and 7 parcels with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision (PPS), the plan shall be revised to:
 - a. Provide a minimum 10-foot-wide open space between the lot lines of Lots 87 and 88 in Block A; and Lots 97 and 98, and Lots 111 and 112 in Block B.
 - b. Correct the development standards table on sheet 1 of the PPS to show the maximum 60 percent lot coverage for one-family detached residential development, and the correct set of footnotes, in accordance with Comprehensive Design Plan CDP-0901-01.
 - c. Correct General Note 1 to include the recording reference for Parcel H.
 - d. Correct General Note 2 to indicate the property is in Tax Map 145, Grids B-3, B-4, C-3, and C-4.

- e. Correct General Note 3 to indicate the property is in Washington Suburban Sanitary Commission grids 218SE07, 218SE08, 219SE07, and 219SE08.
 - f. Correct General Note 14 to indicate the density is 2.93 dwelling units per acre.
 - g. Show the 65 dBA Ldn unmitigated noise contour, in accordance with the applicant's Unmitigated Noise Contour Exhibit, submitted May 12, 2021.
 - h. Show an 8-foot-wide, concrete sidepath and on-road bike lanes along Brandywine Road, in accordance with Conditions 15 and 16 of Comprehensive Design Plan CDP-0901-01.
 - i. Show a public use easement over the portions of the Timothy Branch Trail, which are located within the homeowners association parcels.
- 2. A substantial revision to the mix of uses on the subject property that affects Subtitle 24 adequacy findings, as set forth in this resolution of approval, including any proposed nonresidential development, shall require the approval of a new preliminary plan of subdivision, prior to approval of any building permits.
 - 3. Development of this site shall be in conformance with Stormwater Management Concept Plan 11355-2009-03 and any subsequent revisions.
 - 4. Prior to signature approval of the preliminary plan of subdivision, Comprehensive Design Plan CDP-0901-01 shall be certified.
 - 5. Prior to acceptance of a specific design plan, the applicant shall provide an inventory of the existing quantities of uses in the development, expressed in number of the varying types of residential units, and information as to the exact number of units proposed, so that conformance with the overall approved land uses can be evaluated.
 - 6. Prior to approval of a final plat, in accordance with the approved preliminary plan of subdivision, the final plat shall include:
 - a. The granting of public utility easements.
 - b. Consistency with right-of-way dedication shown on an approved and recorded copy of Maryland State Highway Association Donation Plat No. 61640.
 - c. The dedication of the new public streets.
 - 7. Prior to approval of a specific design plan (SDP), the plan shall reflect berming along Mattawoman Drive and a noise barrier near Lot 67, Block A, consistent with the noise studies completed for the development. The SDP shall contain a detail for the noise barrier. The SDP shall also identify all dwellings within the Military Installation Overlay Zone and all dwellings exposed to noise levels above 65 dBA Ldn.

8. Prior to approval of a building permit for any dwelling identified on the specific design plan as being within the Military Installation Overlay Zone or exposed to noise levels above 65 dBA Ldn, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building permit stating that the building shell or structure has been designed to reduce interior noise levels to 45 dBA Ldn/DNL or less.
9. In accordance with Section 24-135(b) of the Prince George's County Subdivision Regulations, the applicant, and the applicant's heirs, successors, and/or assignees shall provide adequate on-site recreational facilities.
10. The applicant, and the applicant's heirs, successors, and/or assignees shall submit three original executed private recreational facilities agreements (RFAs) to the Development Review Division (DRD) of the Prince George's County Planning Department for construction of on-site recreational facilities, for approval three weeks prior to a submission of a final plat. Upon approval by DRD, the RFA shall be recorded among the Prince George's County Land Records and the Liber and folio of the RFA shall be noted on the final plat.
11. The on-site 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 and proper siting, in accordance with the Park and Recreation Facilities Guidelines, with the review of the specific design plan (SDP). Triggers for construction shall also be determined at the time of SDP.
12. The applicant, and the applicant's heirs, successors, and/or assignees shall submit to the Development Review Division (DRD) of the Prince George's County Planning Department a performance bond, letter of credit, or other suitable financial guarantee for construction of recreational facilities, in an amount to be determined by DRD, at least two weeks prior to applying for any building permits.
13. In conformance with the 2009 *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/or assignees shall provide the following improvements, and show these facilities on any specific design plan, prior to its acceptance:
 - a. An 8-foot-wide shared use path along the property frontage of Brandywine Road, unless modified by the Maryland State Highway Administration, with written correspondence.
 - b. Bicycle lanes along the property frontage of Brandywine Road, unless modified by the Maryland State Highway Administration, with written correspondence.
 - c. A minimum of 5-foot-wide sidewalk along both sides of all internal roadways, unless modified by the Prince George's County Department of Permitting, Inspections and Enforcement, with written correspondence.

- d. All widths of sidewalks to be dimensioned on all plan sheets.
 - e. Continental crosswalks along all vehicular access points along Mattawoman Drive and throughout all internal roadways, as consistent with prior plan approvals, unless modified by the Prince George's County Department of Permitting, Inspections and Enforcement, with written correspondence.
 - f. Perpendicular and parallel Americans with Disabilities Act curbs ramps throughout the site.
14. Prior to signature approval of the preliminary plan of subdivision, the Type 1 tree conservation plan (TCP) shall be revised, as follows:
- a. Add a note on Sheet 1 to Note 1 of the "Type 1 Tree Conservation Plan Notes" that the Residential Medium Development area shown in this TCP1 does not reflect the current approvals and that this revision is for the Local Activity Center-zoned portion of the site.
 - b. Update the worksheet to reflect the "Net tract woodland retained and not part of requirements" from "3.56" to "3.58," and the "On-site woodland conservation provided" from "79.35" to "81.08."
 - c. Have the plans signed and dated by the qualified professional who prepared them.
15. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan (TCP1-151-90-04). The following note shall be placed on the final plat of subdivision:
- "This development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan (TCP1-151-90-04 or most recent revision), or as modified by the Type 2 Tree Conservation Plan and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland and Wildlife Habitat Conservation Ordinance (WCO). This property is subject to the notification provisions of CB-60-2005. Copies of all approved Tree Conservation Plans for the subject property are available in the offices of the Maryland-National Capital Park and Planning Commission, Prince George's County Planning Department."
16. Prior to 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. At the 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 any 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."

18. Prior to 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.
19. Prior to issuance of the first permit, the Final Erosion and Sediment Control Plan shall be submitted. The limits of disturbance shall be consistent between the Final Erosion and Sediment Control Plan and the detailed site plan.
20. Total development within the subject property shall be limited to uses that would generate no more than 36 AM and 46 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision (PPS), with a new determination of the adequacy of transportation facilities. It is furthermore noted that this cap is part of the original trip cap for Villages at Timothy Branch, PPS 4-09003, and is in no way represents an additional entitlement for the overall area covered by PPS 4-09003.
21. Prior to approval of a building permit for each detached residence, a fee calculated as \$1,472 per unit 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. Prior to approval of a building permit for each attached residence, a fee calculated as \$1,338 per unit 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 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.
22. Prior to approval of a final plat, 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 Section to ensure that the rights of the Maryland-National Capital Park and Planning Commission are included. The draft covenants shall also provide appropriate provisions for retention and maintenance of the private recreational facilities. The Liber/folio of the declaration of covenants shall be noted on the final plat, prior to recordation.

23. The applicant, and the applicant's heirs, successors, and/or assignees shall record among the Prince George's County Land Records, a declaration of covenants, which establishes that the premises will be solely occupied by elderly persons, in accordance with State and Federal Fair Housing laws, for a fixed term of not less than 60 years. The covenant shall run to the benefit of the County. The declaration shall be recorded, prior to approval of a final plat and the Liber/folio shall be noted on the plat.
24. 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. 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 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.
25. Prior to approval of a final plat of subdivision, the applicant and the applicant's heirs, successors, and/or assignees shall provide a draft Public Use Access Easement Agreement or Covenant for the Timothy Branch Trail, to the Development Review Division of the Prince George's County Planning Department, for approval. The easement agreement shall contain the rights of the Maryland-National Capital Park and Planning Department, be recorded in the Prince George's County Land Records, and the Liber/folio shown on the final plat, prior to recordation. The final

plat shall reflect the location and extent of the easement, in accordance with the approved preliminary plan of subdivision.

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 site is located at 14200, 14201, 14211, and 14300 Mattawoman Drive, on the south side of MD 381 (Brandywine Road) at its intersection with Mattawoman Drive. The site consists of three parcels known as Parcels A, B, and H. Parcels A and B are recorded in Plat Book VJ 181 p. 41, while Parcel H is recorded in Plat Book ME 256 p. 78. The 72.26-acre property is located in the Local Activity Center (L-A-C) Zone and is partially subject to the Military Installation Overlay (M-I-O) Zone for noise. The property is subject to the 2013 *Approved Subregion 5 Master Plan and Sectional Map Amendment* (Subregion 5 Master Plan and SMA).

This preliminary plan of subdivision (PPS) is for subdivision of the property into 212 lots for development of 102 single-family detached units and 110 single-family semidetached units in a mixed retirement development, also known as an active adult community. Seven parcels are also included and are to be conveyed to a homeowners association (HOA). The subject site is currently vacant, apart from existing woodlands. Mattawoman Drive bisects the site, with Parcels A and B on its east side and Parcel H on its west.

The 72.26-acre property is part of the overall 334.26-acre Timothy Branch development. This development is in the L-A-C and Residential Medium Development (R-M) Zones, which are comprehensive design zones. As such, the subject site has had multiple prior approvals, including a comprehensive design plan (CDP), as detailed in the Previous Approvals finding of this resolution. The area subject to this PPS was approved under a prior PPS (4-09003) for mixed-use residential and commercial development. However, under the most recent amendment to CDP-0901-01, this area was amended for a residential-only mixed retirement development. This PPS is therefore required in order to ensure there is a PPS for the subject site which is consistent with CDP-0901-01, and in order to approve the new lots and parcels proposed.

3. **Setting**—The subject site is located on Tax Map 145 in Grids B-3, B-4, C-3, and C-4; and is within Planning Area 85A. The site is bound on the north by MD 381. The land beyond MD 381 is zoned Light Industrial and Mixed Use-Transportation Oriented and is mostly vacant. However, there is an existing medical office building and an existing Washington Gas facility directly north of MD 381. In addition, the vacant land is proposed to be developed under the Stephen's Crossing at Brandywine project (4-11004 and related applications). Right-of-way (ROW) for Mattawoman Drive has been dedicated through the Stephen's Crossing site north to US 301.

To the east of the subject property are single-family detached dwellings in the Rural Residential (R-R) Zone, located in the Brandywine Village and Brandywine Heights subdivisions. The Timothy Branch stream runs through the east side of the subject property and will separate the dwellings in those subdivisions from the dwellings proposed in the subject subdivision.

To the south of the subject property is the R-M-zoned portion of the phased Timothy Branch development. The phase of dwellings immediately to the south consists of single-family attached dwellings on fee-simple lots and two-family attached dwellings on condominium parcels; these are part of the development phase known as RM-1. Further to the south are more attached dwellings, single-family semi-detached dwellings, and single-family detached dwellings as part of RM-2. The homes in these phases are under construction.

To the west of the subject site is a warehouse in the Planned Industrial/Employment Park (I-3) Zone and the Employment and Institutional Area (E-I-A) Zone. The warehouse parcel is surrounded by the Timothy Branch project, but is not part of the project. There is also a wooded area, which is part of Timothy Branch, to the west of the subject site known as Outlot A and recorded in Plat Book ME 256 p. 78.

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

	EXISTING	APPROVED
Zones	L-A-C	L-A-C
Use(s)	Vacant	Residential (Mixed Retirement Development)
Acreage	72.26	72.26
Parcels	3	7
Lots	0	212
Dwelling Units	0	212
Variance	Yes (Section 27-515(b))	No (prior variance no longer applicable)
Variation	Yes (24-121(a)(4)) (24-121(a)(3))	No (prior variations no longer applicable)

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 April 2, 2021.

5. **Previous Approvals**— The 1978 *Brandywine-Mattawoman Section Map Amendment* rezoned the property from the R-R Zone to the I-3 and E-I-A Zones. The 1993 *Approved Master Plan and Sectional Map Amendment for Subregion V, Planning Areas 81A, 81B, 83, 84, 85A, and 85B* retained the property in the E-I-A and I-3 zoning categories.

A-9988-C

Zoning Map Amendment A-9988-C, approved by the Prince George's County District Council on June 16, 2008, rezoned the subject property from the I-3 and E-I-A Zones to the L-A-C Zone. A-9988-C approved residential land uses, including one-family attached, townhouse, and multifamily (mixed retirement development) uses, as well as associated recreational facilities; retail/commercial uses; office uses; warehousing and distribution; light manufacturing; and industrial flex space. A companion case, A-9987, was approved to rezone the rest of the Timothy Branch development to the R-M Zone. A-9988-C was subsequently amended by A-9988-C-01, which is discussed further below.

CDP-0901

On October 28, 2010, the Prince George's County Planning Board approved CDP-0901 (PGCPB Resolution No. 10-111) for the subject property. The Planning Board approved a reconsideration of Conditions 14–21 on March 19, 2015 (PGCPB Resolution No. 10-111 (A)), to adjust findings and conditions related to the provision of off-site recreational facilities. A variance was also approved with the CDP to allow for an increase in the maximum multifamily dwelling unit percentage requirement of Section 27-515(b), Footnote 29, of the Zoning Ordinance, from a maximum of 30 percent to 45.8 percent. A companion case, CDP-0902, was approved for the R-M-zoned portion of the Timothy Branch development. CDP-0901 was later superseded by CDP-0901-01.

4-09003

On October 28, 2010, the Planning Board approved PPS 4-09003 (PGCPB Resolution No. 10-117(A/1)), which provided for the creation of 580 lots and 68 parcels to support the development of up to 1,200 dwelling units in the entire Timothy Branch development (both the L-A-C and R-M-zoned portions). The PPS was later reconsidered twice, in April 2012 and March 2015. The subject PPS supersedes 4-09003 for the subject property, and therefore the conditions of approval of 4-09003 no longer apply to the L-A-C-zoned portion of the development. However, the prior conditions of approval are discussed in the findings of this resolution where appropriate.

SDP-1304

On October 23, 2014, the Planning Board approved Specific Design Plan SDP-1304 (PGCPB Resolution No. 14-116) for rough grading and development of basic infrastructure, as well as dedication and construction of Mattawoman Drive, in the R-M and L-A-C-zoned areas of the Timothy Branch development. There are no conditions of approval from this SDP relevant to the review of this PPS.

SDP-1701 and amendments

On September 14, 2017, the Planning Board approved SDP-1701 (PGCPB Resolution No. 17-119) for the first phase of development of Timothy Branch. Multiple amendments to SDP-1701 have since been approved, with the first, SDP-1701-01, providing for an increase in maximum lot coverage and for approval of architectural modifications. The second revision, SDP-1701-02, added architecture for two new home models. Revisions -03 through -05 provided

for residential development in the R-M-zoned section of the project. There are no conditions of approval from these SDPs relevant to the review of this PPS.

A-9988-C-01

On November 9, 2020, the District Council approved A-9988-C-01 to amend the previously approved basic plan for the L-A-C-zoned section of the development, in order to expand the mixed retirement development use (active adult community) and remove all nonresidential uses, subject to one condition, which was met at the time of certification. The basic plan amendment provided for the following development characteristics:

Land Use Types and Quantities:

Total area:	72± acres
Land in the 100-year floodplain:	8 acres
Adjusted gross area:	64 acres
Density permitted under the L-A-C Zone:	10 -15 du/ac
Permitted dwelling unit range:	640 - 960 du
Floor area ratio:	0.2-0.4 FAR

Proposed Land Use Types and Quantities:	Mixed Retirement Development
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The PPS provides 212 lots for mixed retirement development, with an overall development density of 2.93 dwelling units per acre. The proposed use, lot count, and development density shown on the PPS are within the limits established by A-9988-C-01.

CDP-0901-01

On January 14, 2021, the Planning Board approved CDP-0901-01 (PGCPB Resolution No. 2021-05) to amend the previously approved CDP for the L-A-C-zoned portion of the development, consistent with the amendment to the basic plan, which expanded the mixed retirement development. This amendment was approved, subject to 30 conditions, many of which were carried forward from CDP-0901. The following conditions are relevant to the review of this PPS:

- 3. The total areas within the L-A-C zone (CDP-0901) and the R-M zone (CDP-0902) comprise a combined total trip cap of 1,269 trips in the AM and 1,775 trips in the PM. If the densities of the L-A-C zone or the R-M zone are modified for any reason, trips may be re-allocated between these two zones (CDP-0901 & CDP-0902) such that the overall trip cap of 1,269 AM and 1,775 PM trips is not exceeded.**

This condition establishes an overall trip cap for the Timothy Branch development of 1,269 AM and 1,775 PM peak-hour trips. The current PPS and all prior approved development are within the trip cap.

8. The following standards shall apply to the development. Modifications to the standards may be permitted on a lot-by-lot basis by the Planning Board at the time of specific design plan if circumstances warrant.

RESIDENTIAL USES – L-A-C Zone¹		
MIXED RETIREMENT DEVELOPMENT		
	One Family Detached	Single Family Semidetached^{3,4}
Minimum Net Lot Area	5,200 sq. ft.	3, 000 sq. ft.
Minimum Frontage at Street R.O.W.	40 feet	30 feet
Minimum Frontage at Front B.R.L.	50 feet	30 feet
Minimum Frontage-Corner Lot	60 feet	30 feet
Maximum Lot Coverage (percent)	60 percent	75 percent
Minimum Building Setback from Mattawoman Drive⁵	50 feet	50 feet
Minimum Front Setback²	20 feet	20 feet
Minimum Side Setback²	5 feet	5 feet
Minimum Distance Between Buildings	10 feet	10 feet
Minimum Rear Setback²	20 feet	20 feet
Minimum Side Setback to Street²	15 feet	5 feet
Maximum Residential Building Height⁶	40 feet	45 feet
Maximum Percentage of Total Units	N/A	N/A
Minimum Frontage on Cul-de-sac	30 feet	N/A

¹ All parking is governed by Part 11 of the Zoning Ordinance.

² Stoops and/or steps may encroach into yard area.

³ Fences and retaining walls up to 6 feet high may be constructed anywhere in a rear yard without meeting setback requirements.

⁴ Fences in the front yard shall not be more than 3 feet high.

⁵ At the time of SDP, these distances may be modified if it is determined by the Planning Board, that adequate measures are provided to protect all residential buildings from the traffic nuisances of Mattawoman Drive.

⁶ These height limits may be increased if a variance and/or modification is granted by the Planning Board, at the time of SDP.

Most of the above standards (except the minimum net lot area and minimum lot width/frontage) are not evaluated at the time of PPS. However, the plan includes a set of notes on the coversheet entitled “CDP-0901/01 Development Standards,” which appear intended to replicate the table and footnotes in Condition 8 above. There are two inconsistencies between the notes on the plan and the above table and footnotes. These include an extra footnote within the plan notes, which pertains to how maximum lot coverage is calculated for single-family semidetached dwellings; and the plan notes

showing 75 percent maximum lot coverage for one-family detached dwellings when they should show 60 percent. The “CDP-0901/01 Development Standards” notes shall either be modified to replicate Condition 8 verbatim or be removed from the plan entirely. If the latter is done, General Notes 15 and 16 will still need to show the minimum net lot areas and minimum lot widths.

- 10. The applicant and the applicant’s heirs, successors, and/or assignees shall provide adequate, private recreational facilities on-site, in accordance with the standards outlined in the Park and Recreation Facilities Guidelines.**

The PPS shows private on-site recreational facilities provided in each of the two proposed blocks of development. These facilities include a gazebo and a seating area on Parcel B, Block A; a portion of the master-planned Timothy Branch trail, and fitness stations along the trail, on Parcels A and B, Block B; and a community building, dog park, pickleball court, and bocce ball court on Parcel D, Block B. Details of these facilities will be reviewed at the time of SDP. As described in more detail in the Recreation finding of this resolution, the facilities are found to be adequate to meet the requirements of mandatory parkland dedication.

- 12. The applicant shall submit three original executed private recreational facilities agreements (RFA) for the private recreational facilities on-site to the Prince George’s County Planning Department, Development Review Division (DRD) for their approval three weeks prior to submission of a final plat. Upon approval by DRD, the RFA shall be recorded among the Prince George’s County Land Records, Upper Marlboro, Maryland.**

A similar condition is included with the subject PPS. Conformance will be evaluated at the time of final plat.

- 13. Submission to the Prince George’s County Planning Department, Development Review Division (DRD) of a performance bond, letter of credit, or other suitable financial guarantee for construction of private recreational facilities, in an amount to be determined by DRD, shall be done at least two weeks prior to applying for any building permits.**

A similar condition is included with the subject PPS. Conformance will be evaluated at the time of building permits.

- 14. The developer and his heirs, successors, and/or assignees shall satisfy the Prince George’s County Planning Board that there are adequate provisions to assure retention and future maintenance of the proposed private recreational facilities.**

At this time, there are no existing provisions for assuring retention and future maintenance of the private recreational facilities. Such maintenance provisions are typically contained in the covenants of the HOA. A related condition of approval is included in this resolution.

- 15. The applicant shall provide an 8-foot-wide, concrete side path in the right-of-way, along the subject site's entire frontage of Brandywine Road (MD-381), subject to the Maryland State Highway Administration's (SHA) approval, in accordance with SHA standards, and subject to American Association of State Highway and Transportation Officials guidance.**

The PPS does not clearly show this sidepath. The PPS does show an additional 31,393 square feet of ROW dedication along MD 381, which may be used for the sidepath. The PPS shall be revised to show the sidepath, or written correspondence shall be provided from the Maryland State Highway Administration (SHA) indicating that the sidepath is not desired.

- 16. The applicant shall provide sufficient dedication on the preliminary plan, along Brandywine Road for on-road bike lanes, in accordance with the Maryland State Highway Administration's standards and the American Association of State Highway and Transportation Officials guidance.**

The PPS does not clearly show on-road bike lanes on MD 381. The PPS does show an additional 31,393 square feet of ROW dedication along MD 381, which may be used for the bike lanes. The PPS shall be revised to show the required bike lanes.

- 17. Provide an 8-foot-wide, concrete hiker/biker trail on the east side of Mattawoman Drive (A-63), along the subject site's entire frontage between Brandywine Road and the southern property line, in accordance with the Prince George's County Department of Public Works and Transportation (DPW&T) standards for a concrete hiker/biker trail within an urban right-of-way (DPW&T Standard 100.18). The hiker/biker trail shall be connected to the Timothy Branch trail, if required, via an alternate configuration (DPW&T Standard 100.06) to accommodate two 5-foot-wide bike lanes within the travel lanes of a primary street located with directional signage to the Timothy Branch trail. A 5-foot-wide sidewalk shall also be provided on the west side of Mattawoman Drive. All hiker/biker trail locations, materials, signs, and other details shall be shown on the applicable specific design plan. Both the hiker/biker trail and the sidewalk shall be provided within the public right-of-way.**

The PPS shows the required hiker/biker trail (sidepath) and sidewalks within the Mattawoman Drive ROW, as required. Additional detail is contained in the Bicycle/ Pedestrian finding of this resolution.

- 22. Provide a master plan hiker/biker/equestrian trail (the Timothy Branch trail), along the subject site's entire segment of Mattawoman Drive, unless the Prince George's County District Council amends the basic plan condition requiring the same.**

The PPS shows the required hiker/biker/equestrian Timothy Branch trail alongside Mattawoman Drive, within HOA Parcels A and B, as required. Additional detail is contained in the Bicycle/Pedestrian finding of this resolution.

- 23. Any trail connectors on homeowner's association land to the Timothy Branch trail, if required, shall be 6-feet-wide and asphalt.**

The plan does not show any trail connectors on HOA land connecting to the Timothy Branch trail. Sidewalks along the subdivision's internal streets connect to Mattawoman Drive, and Mattawoman Drive has a portion of the Timothy Branch Trail alongside it. That portion of the trail can in turn be used to access the off-street portions of the trail.

- 28. At the time of preliminary plan of subdivision submittal, an updated Phase I noise study shall be included.**

A Phase I noise study was reviewed in 2010 with the previously approved PPS, 4-09003, covering the entirety of Timothy Branch. A Phase II noise study was included with the subject PPS. The Phase II noise study introduces analysis associated with the 2017 Andrews Air Force Base Air Installation Compatible Use Zone study and erroneously concludes that the M-I-O Zone for noise impacts are no longer applicable to the site. Revision of the M-I-O Zone requires action by the Prince George's County Council, which has not occurred. This PPS shows the M-I-O Zone limits as they impact the subject site. At the time of SDP, it must be demonstrated that interior noise levels of the residential homes will be mitigated to 45 dBA Ldn or less. Additional detail is contained in the Noise finding of this resolution.

- 29. The applicant and the applicant's heirs, successors and/or assignees shall provide the following transportation improvements:**

- a. The signalization of the MD 381/Mattawoman Drive intersection, along with the addition of a westbound left-turn lane along MD 381 at Mattawoman Drive.**
- b. The extension of Mattawoman Drive, south of the subject property to connect to Matapeake Business Drive.**

These conditions replicate Conditions 19(c) and 19(d) of PPS 4-09003. Discussion of these two conditions is contained in the Transportation finding of this resolution.

- 30. Applications for building permits for residential uses within the 65 dBA Ldn noise contour shall contain a certification, to be submitted to M-NCPPC, prepared by a professional engineer with competency in acoustical analysis using the certification template. The certification shall state that the interior noise levels have been reduced through the proposed building materials to 45 dBA Ldn or less.**

As was approved with CDP-0901-01, this PPS shows a mixed retirement development, which may be affected by noise impacts along Mattawoman Drive. Adherence with this noise condition will be evaluated with future applications, as applicable, and enforced at time of building permit.

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

General Plan

Plan 2035 places the subject property in the Established Communities Growth Policy Area. Established Communities are most appropriate for context-sensitive infill and low- to medium-density development. (Page 18 and 20 of Plan 2035.)

Master Plan

The Subregion 5 Master Plan and SMA designates the future land use for the subject property as “mixed use.” L-A-C is an applicable zone within the “mixed use” future land use designation. The subject property is situated just beyond the edge areas of the Brandywine Community Center. (Refer to Table IV-1 on page 31, Map IV-4 on page 49, and Map IV-5 on page 50 of the master plan.)

On November 9, 2020, the District Council approved an amendment to the basic plan for the L-A-C-zoned portion of the development (A-9988-C-01), in order to expand the mixed retirement development, remove all nonresidential uses, and amend the conditions of approval, pursuant to Section 27-197(c) of the Zoning Ordinance.

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

Aviation/MIOZ

Pursuant to Section 27-548.55(b) of the Zoning Ordinance, the western portion of the site is subject to the M-I-O Zone, Requirements for Noise. The PPS must conform with the noise requirements for properties in decibel range 60–74 db. The interiors of all new residential constructions within the Noise Intensity Contours, including additions, must be certified to 45 dBA Ldn or less by an acoustical engineer or qualified professional of competent expertise.

Brandywine Revitalization and Preservation Study and PAMC Project

The 2013 *Approved Subregion 6 Master Plan and Sectional Map Amendment* (Subregion 6 Master Plan and SMA) (note: the subject property is not located within the boundaries of this

master plan) was originally published in 2009 (Council Resolution CR-62-2009) before being remanded by the District Council and eventually being republished in 2013. One recommendation of the Subregion 6 Master Plan and SMA, implemented before its republishing, was a study of the old Brandywine area, which is adjacent to the subject property. This was published as the 2011 *Brandywine Revitalization and Preservation Study*. Along MD 381, in front of the subject property, there is an ongoing 30 percent design and engineering roadway improvement project. This current Planning Assistance to Municipalities and Communities (PAMC) project, known as the Brandywine Sidewalk and Streetscape Improvements, is a critical step in the process of implementing the roadway and sidewalk improvements recommended in the 2011 *Brandywine Revitalization and Preservation Study*. When implemented, the roadway features along MD 381 will allow pedestrians and bicyclists safe passage along the roadway. The PAMC project includes an 8-foot-wide shared use path along MD 381, in front of the subject property. Prior conditions of approval of the Timothy Branch project require the applicant to construct an 8-foot-wide sidepath along MD 381 in front of their property, and if these conditions are followed, the applicant's construction of the sidepath will help to implement the PAMC project.

7. **Stormwater Management**—A Stormwater Management (SWM) Concept Approval Letter and Plan (11355-2009-03), approved on December 16, 2020 and valid through December 16, 2023, were submitted with this PPS. The SWM concept plan updated the layout of the L-A-C-zoned portion of the Timothy Branch project, which is the portion subject to this PPS. Technical SWM design is subject to approval by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE). Final technical plans were previously approved for the R-M-zoned portions of the Timothy Branch project, and they will also need to be approved for the new layout on the L-A-C-zoned portion.

Pursuant to Section 24-130 of the Subdivision Regulations, development of the site shall conform with the approved SWM concept plan and any subsequent revisions to ensure no on-site or downstream flooding occurs.

8. **Parks and Recreation**—This PPS has been reviewed and evaluated for conformance with the Subdivision Regulations and the Subregion 5 Master Plan and SMA as it pertains to public parks and recreation facilities.

The Subregion 5 Master Plan and SMA retained the L-A-C Zone on the property, and denotes that Brandywine contains approximately 261 acres of local parkland, which is sufficient to meet projected needs through 2030. Additional acquisitions are recommended to meet long-term needs, including the proposed acquisition of land along the Mattawoman Watershed Stream Valley Park and along the Timothy Branch stream valley.

The proposed development is located approximately 1.5 miles southwest of the Southern Area Aquatics and Recreation Complex (SAARC) facility, a 75,000 square foot multigenerational recreation center that includes a natatorium, a double gymnasium, and flexible program spaces on the entry level. The second level of the facility includes a fitness center and running track. Brandywine-North Keys Park is located approximately 3.5 miles from the site and contains a

picnic shelter, a playground, a paved walking trail, a softball field, a multipurpose field, and a Little League baseball field.

The 2009 *Approved Countywide Master Plan of Transportation* (MPOT) calls for the development of a planned hard surface hiker/biker/equestrian trail known as the Timothy Branch Trail, along the eastern portion of the subject site. This trail has been shifted to Mattawoman Drive to connect with trail segments planned for other sections of development along the master plan trail route. The master plan trail will continue north of the Timothy Branch development in the proposed Stephen's Crossing subdivision, with an ultimate connection to the SAARC facility. The Timothy Branch Trail will also continue south with connections to the Brandywine Crossing Shopping Center, the Rose Creek Connector Trail, and ultimately to the Mattawoman Stream Valley Park near the Charles County line.

Mandatory dedication of parkland, pursuant to Section 24-134(a) of the Subdivision Regulations provides for the dedication of land, the payment of a fee-in-lieu, or on-site recreational facilities. Based on the density of development, 10 percent of the net residential lot area, equating to 6.65 acres, could be required to be dedicated to the Maryland-National Capital Park and Planning Commission (M-NCPPC) for public parks. The applicant, however, has opted to provide on-site recreational facilities and has designated five parcels on the PPS to serve the recreational needs of the proposed community.

A table provided on the PPS shows the on-site recreation will include a dog park, a bocce ball court, a pickle ball court, fitness stations, a gazebo, a seating area, a community building, open space and walking paths, and the Timothy Branch master-planned hiker/biker/equestrian trail. The details of the amenities will be evaluated by the Prince George's County Planning Department's Urban Design Section, during the review of the SDP. The proposed facilities are estimated to be sufficient to meet the requirements of mandatory dedication of parkland. The Timothy Branch Trail, as a master-planned trail, is being constructed on HOA property, in lieu of the alignment along the Timothy Branch Stream Valley, and would be required irrespective of the requirement for mandatory dedication of parkland. Notwithstanding that the trail will be constructed as an on-site facility on HOA land, the remaining recreational facilities are adequate to meet the mandatory parkland dedication requirements.

Future residents will be best served by the provision of on-site recreational facilities, and the on-site recreational facilities will meet the requirements of mandatory dedication of parkland, as required by Section 24-135(b) of the Subdivision Regulations.

9. **Bicycle/Pedestrian**—This PPS was reviewed for conformance with the MPOT, the Subregion 5 Master Plan and SMA, and the Subdivision Regulations to provide the appropriate pedestrian and bicycle transportation recommendations.

Previous Conditions of Approval

The subject site has prior approvals, which include conditions related to pedestrian, bicycle, and transit transportation, including 4-09003 and CDP-0901-01. The subject PPS does not alter any of the alignments or widths of the required trail, bicycle, and transit facilities most recently

approved with CDP-0901-01. The prior conditions of approval of CDP-0901-01 remain applicable.

Prior PPS approval 4-09003 includes the following condition related to pedestrian and bicycle infrastructure, which is relevant to the subject PPS:

- 17. In conformance with the 2009 *Approved Countywide Master Plan of Transportation and the Approved Subregion 5 Master Plan and Sectional Map Amendment*, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following:**
- a. An eight-foot-wide sidewalk or side path along the subject site's entire frontage of Brandywine Road, unless modified by SHA.**
 - b. Pedestrian routes between commercial buildings and from parking areas to commercial buildings will be evaluated in more detailed at the time of SDP.**
 - c. An eight-foot-wide sidewalk or side path along the subject site's entire frontage of the east side of Mattawoman Drive (including the Matapeake Business Drive extension), unless modified by DPW&T.**
 - d. A five-foot-wide sidewalk along the subject site's frontage of the entire west side of Mattawoman Drive (including the Matapeake Business Drive extension), unless modified by DPW&T.**
 - e. Medians and/or pedestrian refuges shall be indicated along Mattawoman Drive at the time of SDP, unless modified by DPW&T.**
 - f. Standard sidewalks along both sides of all internal residential roads excluding alleys, unless modified by DPW&T.**
 - g. The location, width, and surface treatment shall be indicated for all bikeways, sidewalks, and trails at the time of SDP.**
 - h. Sidewalk, side path, and trail cross sections and details shall be provided at the time of SDP, consistent with current DPW&T and DPR standards and guidelines.**
 - j. Bicycle parking shall be shown at all commercial buildings and active recreational facilities at the time of SDP. The number and location of bicycle parking spaces shall be determined at that time.**
 - k. Sidewalk and sidepath construction shall be provided concurrently with road construction. Construction of the Timothy Branch trail shall be in phase with the development of adjacent residential development.**

I. The need for additional facilities and amenities for pedestrians at transit stops will be evaluated at the time of SDP.

The submitted plans include most of the relevant conditions above. However, an 8-foot-wide shared use path shall be provided along the property's frontage of Brandywine Road, consistent with the general goals of the 2011 *Brandywine Revitalization and Preservation Study*, and with the recommended shared use path along the south side of Brandywine Road, which is included in the pending Brandywine Street and Sidewalk Improvements PAMC Project. Both plans are consistent with the area master plan recommendation of a dual route (discussed below). Standard sidewalk shall also be provided along both sides of the proposed Purple Martin Circle. All sidewalk widths shall be labeled on the plan sheets. An 8-foot-wide sidewalk or sidepath shall also be provided along the subject site's entire frontage of MD 381, unless modified by SHA. Additional pedestrian and bicycle amenities will be further evaluated at the time of SDP.

Review of Proposed On-Site Improvements

The subject PPS includes sidewalk along both sides of Mattawoman Drive. These include an 8-foot-wide sidepath along the east side of the road and a 5-foot-wide sidewalk along the west, connecting to the pathways within the internal sidewalk network. Sidewalks are also shown along both sides of most internal roadways. In addition, a master plan hiker/biker/equestrian trail (the Timothy Branch Trail) is included along the west side of Mattawoman Drive within HOA Parcels A and B, with connections to the internal sidewalk network and the sidepath along Mattawoman Drive. The proposed improvements create a comprehensive multimodal system that will encourage pedestrian and bicycling activities.

Continental-style crosswalks shall be provided crossing all vehicular access points along Mattawoman Drive and throughout the internal roadways. In addition, parallel or perpendicular style Americans with Disabilities Act curb ramps shall be provided throughout the site for continuous pathways.

Review of Connectivity to Adjacent/Nearby Properties

The subject PPS is part of the larger Timothy Branch development, which includes continuity of bicycle and pedestrian pathways throughout the development. The site is adjacent to other residential and industrial areas with no current pedestrian or bicycle connections. The planned and required pedestrian and bicycle facilities included in this development will support future connections.

Review of Master Plan of Transportation (MPOT) Compliance

Three master plan trail facilities impact the subject site, including planned bike lanes along MD 381, a planned sidepath along Mattawoman Drive, and the planned hiker/biker/equestrian Timothy Branch Trail. The Complete Streets element of the MPOT reinforces the need for multimodal transportation and includes the following policies regarding 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.
- 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.
- 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 submitted plans include an extensive sidewalk network, which features sidewalk along both sides of most roadways. Sidewalk shall be provided along both sides of all new roadways, public or private, excluding alleys. The plans also include a wide sidepath and hiker/biker/equestrian trail along the frontage of Mattawoman Drive to accommodate multimodal transportation. These trails are discussed further below in the Master Plan Trail Alignment section of this finding. The plans do not show bike lanes along MD 381, and these shall be shown prior to signature approval. The facilities shown on the plan, along with those additionally required, support the intent of the recommended master plan facilities and the Complete Streets Policies.

Review of Area Master Plan Compliance

The Subregion 5 Master Plan recommends a dual route along Brandywine Road. A dual route is defined on page 115 of the Master Plan:

Dual routes are roads that contain an off-road bicycle and pedestrian facility and an on-road bicycle facility. An appropriate on-road component of a dual-route facility would be a shared use roadway...Off-road components of a dual-route facility would be either a sidepath or wide sidewalk that could be used by bicyclists, equestrians, and pedestrians.

The Subregion 5 Master Plan also includes the following policies related to pedestrian and bicycle transportation (page 118):

Promote pedestrian and bicycle opportunities as part of a multi-modal transportation network.

Promote and encourage cycling and walking for commuting purposes as an alternative to driving a car.

Bicycle lanes shall be provided, in addition to the shared use path along the frontage of Brandywine Road, consistent with Condition 16 of CDP-0901-01. The submitted plans, when the required facilities are added, will reflect the relevant recommendations from the Subregion 5

Master Plan, and will not alter the previously approved facilities. Sidewalks and multi-use facilities are provided to accommodate and encourage walking and cycling activities.

Master Plan Trail Alignment

The MPOT includes two off-road facilities which impact the subject site. These include a planned sidepath along Mattawoman Drive, and the Timothy Branch Trail, which is described in the MPOT as a hiker/biker/equestrian trail. Construction of these two trails by the applicant through the Timothy Branch development has been required by multiple prior conditions of approval spread throughout the basic plans, CDPs, PPS, and SDPs previously approved for the development. The Mattawoman Drive sidepath has consistently been located within the ROW of that road. However, the alignment of the Timothy Branch trail has changed as the development has evolved.

With the original basic plan for the L-A-C Zone, A-9988-C, the Timothy Branch Trail was envisioned to be located within the Timothy Branch stream valley, and the basic plan was previously approved with the following condition:

- 4. Construct the master plan hiker-biker-equestrian trail along the subject site's entire segment of Timothy Branch either within M-NCPPC parkland or within HOA land within a public use trail easement. Trail connectors should be provided from the master plan trail to adjacent development envelopes.**

The basic plan showed a conceptual alignment for the Timothy Branch Trail within the stream valley, conforming to this condition.

At the time of CDP-0901 and 4-09003, the Timothy Branch Trail was identified and shown on the approved plans along the stream valley in the L-A-C-zoned portion of the site.

At the time of A-9988-C-01, the conditions of approval of the basic plan were amended, and Condition 4 of A-9988-C was no longer specifically listed among the conditions of approval. The basic plan nevertheless still showed the Timothy Branch Trail within the stream valley.

At the time of CDP-0901-01, staff recommended a condition of approval, Condition 22, which would have required the applicant to provide the Timothy Branch Trail along the subject site's entire segment of the Timothy Branch stream valley. However, upon approving CDP-0901-01, the Planning Board approved a revised Condition 22, which required the trail along the subject site's entire segment of Mattawoman Drive instead. The new, current alignment of the Timothy Branch Trail, as shown on this PPS, is consistent with the alignment which was approved and shown on CDP-0901-01.

The current PPS shows the Timothy Branch trail along the east side of Mattawoman Drive within HOA Parcels A and B. The current PPS identifies the trail as a private recreational facility. The Timothy Branch Trail, in its current alignment, runs parallel with the Mattawoman Drive sidepath, and it is designed in such a way that the two may be used interchangeably. Therefore, it seems evident that members of the public will use the Timothy Branch Trail rather

than limit themselves the sidepath within the ROW, and that use of the trail will not be restricted to members of the community. This is in keeping with the trail's greater purpose as a master-planned trail. To formalize the ability of the public to use the trail, a public use easement shall be placed over the Timothy Branch Trail for the portion located within the L-A-C Zone on HOA parcels. An easement is appropriate within the L-A-C Zone, given the trail's proximity to the road in this location, and given the intent of the zone for this area to be a center of local activity.

Pedestrian and bicycle transportation facilities will be adequate to serve the subdivision, as required under Subtitle 24, and the facilities will conform to the MPOT and the Subregion 5 Master Plan.

- 10. Transportation**—Transportation-related findings for adequacy are made for this PPS, in accordance with the Subdivision Regulations, along with any needed determinations related to dedication, access, and general subdivision layout.

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:

Links and Signalized Intersections: Level of Service D, with signalized intersections operating at a critical lane volume of 1,450 or better.

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. For two-way stop-controlled intersections, a three-part process is employed:

(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.

For all-way stop-controlled intersections, a two-part process is employed:

(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.

Analysis of Traffic Impacts

The PPS is for a residential subdivision. The table below summarizes trip generation in each peak hour used in reviewing traffic and developing a trip cap for the site:

Trip Generation Summary, 4-19051, Timothy Branch								
Land Use	Use Quantity	Metric	AM Peak Hour			PM Peak Hour		
			In	Out	Tot	In	Out	Tot
Prior Subdivision 4-09003								
Townhouse/ Semi-Detached/Two-family	77	units	11	43	54	40	22	62
Multifamily	60	units	6	25	31	23	14	37
General Office	205,000	Square feet	253	38	291	45	257	302
Retail	100,000	Square feet	125	77	202	271	293	564
Less Pass-By (40 percent AM and PM)			-50	-31	-81	-108	-117	-225
Net Retail Trips			75	46	121	163	176	339
Total Trips: Prior Subdivision 4-09003			345	152	497	271	469	740
Current PPS								
Senior Adult Housing – Detached	102	Units	8	14	22	17	11	28
Senior Adult Housing – Attached	110	units	6	8	14	11	7	18
Total Trips:			14	22	36	28	18	46
Recommended Trip Cap					36			46

Although this PPS will generate fewer trips than the prior approval under PPS 4-09003, a traffic impact study (TIS) was required for the PPS since it will replace the prior one within the L-A-C-zoned area. The new TIS and adequacy determination allow this subdivision and its trip cap to stand on their own merit.

The applicant submitted a TIS with a date of February 2021. The findings outlined below are based upon a review and analysis of these materials, consistent with the “Transportation Review Guidelines, Part 1” (Guidelines). The table below shows the intersections deemed to be critical, as well as the levels of service representing existing conditions:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
US 301 and Mattawoman Drive	11.3*	14.0*	--	--
Spine Road and MD 5 ramp/Accokeek Road	266	445	A	A
Spine Road and MD 5 ramp/Brandywine Road	327	407	A	A
US 301 and MD 381	696	984	A	A
MD 381 and Mattawoman Drive	19.5*	20.4*	--	--
US 301/MD 5 and Chadds Ford Drive	985	1,345	A	D
US 301/MD 5 and Matapeake Business Drive	905	1,475	A	E
US 301/MD 5 and McKendree Road/Cedarville	1,014	1,562	B	E
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are beyond the normal range of the procedure and should be interpreted as a severe inadequacy.				

The traffic study identified 14 background developments whose impact would affect some or all of the study intersections. In addition, a growth of 2 percent over 6 years was also applied to the traffic volumes. A second analysis was done to evaluate the impact of the background developments. The analysis revealed the following results:

BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
US 301 and Mattawoman Drive	21.4*	26.4*	--	--
Spine Road and MD 5 ramp/Accokeek Road	564	1,058	A	B
Spine Road and MD 5 ramp/Brandywine Road	846	971	A	A
US 301 and MD 381	1,836	2,714	F	F
MD 381 and Mattawoman Drive	+999*	+999*	--	--
US 301/MD 5 and Chadds Ford Drive	1,407	2,094	D	F
US 301/MD 5 and Matapeake Business Drive	1,378	2,235	D	F
US 301/MD 5 and McKendree Road/Cedarville Road	1,533	2,265	E	F
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are beyond the normal range of the procedure and should be interpreted as a severe inadequacy.				

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

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
US 301 and Mattawoman Drive	24.1*	31.2*	--	--
Spine Road and MD 5 ramp/Accokey Road	477	968	A	A
Spine Road and MD 5 ramp/Brandywine Road	819	861	A	A
US 301 and MD 381	1,685	2,128	F	F
MD 381 and Mattawoman Drive (standards for passing are shown in parentheses)				
Delay Test (50 seconds or less)	+999*	+999*	Fail	Fail
Minor Street Volume Test (100 or fewer)	664	414	Fail	Fail
Critical Lane Volume Test (1150 or fewer)	1,068	994	Pass	Pass
US 301/MD 5 and Chadds Ford Drive	1,364	1,998	D	F
US 301/MD 5 and Matapeake Business Drive	1,380	2,182	D	F
US 301/MD 5 and McKendree Road/Cedarville Road	1,486	2,224	E	F
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are beyond the normal range of the procedure and should be interpreted as a severe inadequacy.				

Observation of the results shows that, in general, all intersections in the study area operate better under total traffic than they do under background traffic. This is because the TIS removes the trips allocated to the area of this subdivision under PPS 4-09003. Normally, this would not be allowed unless this applicant intended to revise the resolution for PPS 4-09003.

However, because SDPs have been approved that cover and propose development on the entire R-M-zoned area of Timothy Branch, the associated trips are allowed to be removed as a recognition that the entire trip cap approved under 4-09003 is very unlikely to be realized. Nevertheless, the trip cap condition is written to recognize this issue.

Regarding the US 301/MD 5 and Chadds Ford Drive, the US 301/MD 5 and Matapeake Business Drive, and the US 301/MD 5 and McKendree Road/Cedarville Road intersections, the subject property is located within Planning Area 85A and is affected by the Brandywine Road Club. Specifically, Council Resolution 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.

Resolution CR-9-2017 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 Council Resolution 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 PPS will be \$1,472 per single family detached residence and \$1,338 per single family attached residence, to be indexed by the appropriate cost indices 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).

Regarding the MD 381/Mattawoman Drive intersection and potential signalization, please see the discussion below reviewing Condition 19(c) of PPS 4-09003.

Prior Preliminary Plan of Subdivision

PPS 4-09003 for this site was reviewed and approved by the Planning Board on October 28, 2010 (PGCPB Resolution No. 10-117(A/1)). The Planning Board approved the PPS with four traffic-related conditions, two of which are relevant to the review of this PPS and warrant discussion, as follows:

18. **At the time of final plat approval, the applicant shall dedicate the following rights-of-way as reflected on the approved preliminary plan of subdivision:**
 - a. **A 120-foot right-of-way along A-63, Mattawoman Drive, from north to south through the subject property.**

- b. A right-of-way of 40 feet from centerline along C-613, MD 381, along the site's entire frontage.**

Appropriate dedication was shown on the previous PPS and will be accomplished as the property is platted.

- 19. The applicant shall develop and submit a phasing plan for the following improvements at the time of the initial specific design plan involving development within the subject property, and also shall submit any needed warrant studies related to condition c at this time. A status report for these improvements shall be submitted with each specific design plan within the property, with the transportation staff recommendation to be based upon a comparison of the status with the phasing plan. The staging of conditions a, b, and d shall be related to the timing of collection of Road Club fees (pursuant to Condition 27). Condition c would be implemented when the signal is deemed to be warranted and required by SHA.**

- a. A third northbound through lane along US 301 through the MD 381 and the Mattawoman Drive intersections, beginning approximately 1,000 feet south of MD 381 and continuing approximately 2,500 feet north of MD 381. The elimination of left turns at the US 301/MD 381 intersection coincident with the construction of a northbound left-turn lane along US 301 at Mattawoman Drive shall be constructed by the applicant if required by SHA.**
- b. A northbound left-turn lane along US 301 at Mattawoman Drive, subject to SHA approval.**
- c. The signalization of the MD 381/Mattawoman Drive intersection, along with the addition of a westbound left-turn lane along MD 381 at Mattawoman Drive.**
- d. The extension of Mattawoman Drive, south of the subject property to connect to Matapeake Business Drive.**

As a means of determining that the development will be adequately served within a reasonable period of time with existing or programmed transportation facilities, or facilities otherwise provided as part of the development, a phasing plan for each improvement has been provided by the applicant (incorporated by reference herein).

The submitted phasing plan states that the CDP and PPS resolutions already allow the Villages at Timothy Branch to move forward based solely on payment of the Brandywine Road Club fees, and the order of construction is based upon the availability of funds and the phased construction

of items as required in CR-9-2017. The phasing for each item, as noted by the applicant, is described below:

- a. A third northbound through-lane, along US 301: This improvement is subject to the payment of fees through the Brandywine Road Club. Pursuant to the priority project listing within CR-9-2017, this improvement is a later priority, and higher priorities within CR-9-2017 would be constructed earlier, subject to available funding under the Brandywine Road Club.
- b. A northbound left-turn lane, along US 301 at Mattawoman Drive: This improvement is subject to the payment of fees through the Brandywine Road Club. Pursuant to the priority project listing within CR-9-2017, this improvement is a later priority, and higher priorities within CR-9-2017 would be constructed earlier, subject to available funding under the Brandywine Road Club.
- c. The signalization of the MD 381/Mattawoman Drive intersection, along with the addition of a westbound left-turn lane, along MD 381 at Mattawoman Drive: The signalization is subject to warrants being met at the MD 381/Mattawoman Drive intersection. An initial signal warrant analysis has been done, and the signal warrant analysis will be redone upon completion of the full Mattawoman Drive connection from MD 381 to Matapeake Business Drive. This will allow the State to determine if the warrants are satisfied, and to make a decision on when the traffic signal should be installed. This is a reasonable timeframe for completion of this improvement. For purposes of resubdividing the subject property, this signal should be considered bonded by the overall Timothy Branch development, and it is therefore not necessary to attach signalization at this location as a condition upon the subject PPS.
- d. The extension of Mattawoman Drive, south of the subject property to connect to Matapeake Business Drive: This improvement is subject to the payment of fees through the Brandywine Road Club. Pursuant to the priority project listing within CR-9-2017, this improvement is an earlier priority. The applicant is currently working with the County to complete the Mattawoman Drive connection from MD 381 to Matapeake Business Drive, and it is currently under construction (aerial photography confirms this). The applicant expects this connection to be open to traffic in spring 2021. This is a reasonable timeframe for completion of this improvement.

It is noted that Condition 20 of PPS 4-09003, which pertains to payment into a road club, is replaced by a new condition of approval with this PPS. Condition 21 of 4-09003 is substantially identical to Condition 3 of CDP-0901-01, and it does not need to be further replicated.

Master Plan Roads and Site Access

The subject site has frontage on Mattawoman Drive, an arterial road, and MD 381, a collector road. Appropriate ROW dedication was previously shown on PPS 4-09003 sufficient to meet the MPOT-required width of MD 381. The subject PPS shows 31,393 square feet of ROW dedication

along MD 381, per SHA Donation Plat No. 61640, or approximately 48 feet from the centerline of that road, which is over and above the MPOT requirements. The applicant shall confirm if the additional ROW dedication has been completed, or will need to be dedicated, at the time of final plat, in accordance with the SHA donation plat. Any necessary ROW dedication shall be reflected on the final plat of subdivision, in accordance with the PPS.

Access to the site is via Razorbill Avenue (on the west side of Mattawoman Drive) and Sanderling Court (on the east side of Mattawoman Drive), which are proposed public streets. Within the development, the single-family detached dwellings are served by public streets and the single-family semidetached dwellings are served by private streets. Pursuant to Section 24-128(b)(7)(A)(i) of the Subdivision Regulations, the private roads with 22 feet of pavement width are found to be consistent with a safe, efficient, hierarchical street system for the development. The proposed access and circulation are acceptable.

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

11. **Schools**—This PPS was reviewed for impact on school facilities, in accordance with Section 24-122.02 of the Subdivision Regulations and County Resolution CR-23-2001. The PPS proposes a mixed retirement development, consistent with the use approved at the time of A-9988-C-01 and CDP-0901-01. A mixed retirement development is defined in Section 27-107.01 of the Zoning Ordinance, as follows:

(151) Mixed Retirement Development: A residential community for retirement aged persons developed under a uniform scheme of development, containing a mix of attached, detached, or multifamily dwelling units, nursing or care homes, or assisted living facilities. Each community shall be developed with not less than two (2) types of dwelling units.

The development meets this definition by including a mix of detached and semi-detached single-family dwelling units under a uniform scheme of development.

A mixed retirement development is a permitted use in the L-A-C Zone, subject to the following footnote:

(28) The owner of the property shall record among the Land Records of Prince George's County a declaration of covenants which establishes that the premises will be solely occupied by elderly persons, in accordance with State and Federal Fair Housing laws, for a fixed term of not less than sixty (60) years. The covenant shall run to the benefit of the County.

According to Section 24-122.02(b)(2), a subdivision for elderly housing operated in accordance with State and Federal Fair Housing law is exempt from an adequacy of school facilities test. The analysis of this resolution is dependent on restrictions for a mixed retirement development,

and so the declaration of covenants shall be recorded, and the Liber/folio reflected on the final plat of subdivision.

12. **Public Facilities**—In accordance with Section 24-122.01, water and sewerage, police, and fire and rescue facilities will be adequate to serve the subject site, as outlined in a memorandum from the Special Projects Section, dated March 29, 2021 (Thompson to Diaz-Campbell) and incorporated by reference herein.
13. **Use Conversion**—The total development included in this PPS is 102 single-family, detached dwellings and 110 single-family, semi-detached dwellings in the L-A-C Zone. If a substantial revision to the mix of uses on the subject property is proposed, including any nonresidential development, that affects Subtitle 24 adequacy findings, as set forth in this resolution of approval and reflected on the PPS, that revision of the mix of uses shall require approval of a new PPS, prior to approval of any building permits.
14. **Public Utility Easement (PUE)**—In accordance with Section 24-122(a), when utility easements are required by a public company, the subdivider shall 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 ROWs. In addition, Section 24-128(b)(12) of the Subdivision Regulations requires a PUE along one side of all private streets. The subject site abuts the existing public ROW of MD 381 to the north. The public ROW of Mattawoman Drive also passes between the two halves of the site. New public and private streets are proposed internal to the development. The PPS demonstrates that the required PUEs will be provided along all existing and proposed streets, public and private. PUEs provided along both sides of Mattawoman Drive are 22-feet-wide, consistent with the previously approved plats for the property.

15. **Historic**—Phase I and II archeology investigations were completed on the subject property in 2009. A previous condition of approval required interpretive signage in the lobby of the clubhouse for the R-M-zoned portion of the development, prior to issuance of its occupancy permit. The applicant previously provided the wording of the interpretive signage with SDP-1701-01.

On March 9, 2021, the applicant provided an exhibit to Historic Preservation staff indicating the location within the clubhouse of the approved interpretive signage. The condition of approval has been satisfied, and no additional archeological investigations are required. The subject PPS is approved without further conditions related to Historic Preservation.

16. **Environmental**—The subject PPS and a Type 1 tree conservation plan (TCP1) were accepted on March 24, 2021. Comments were provided in an SDRC meeting on April 2, 2021. Revised information was received on April 21, 2021.

The following applications and associated plans for the subject site applicable to this case were previously reviewed:

Development Review Case	Associated TCP(s)	Authority	Status	Action Date	Resolution Number
4-92048	TCP1-151-90	Planning Board	Approved	5/22/2006	PGCPB No. 92-187
N/A	TCPII-068-93	Staff	Approved	8/24/1993	N/A
SDP-9703	TCPII-042-97	Planning Board	Approved	5/16/1997	PGCPB No. 97-132
N/A	NRI-002-07	Staff	Signed	11/7/2007	N/A
ZMA-9987 ZMA-9988	NA	District Council	Approved	6/16/2008	Zoning Ordinance No. 17-2008
ZMA-9989-C	N/A	District Council	Approved	7/11/2009	
N/A	NRI-002-07-01	Planning Director	Signed	8/19/2010	N/A
CDP-0501 CDP-0502	TCP1-151-90-01	Planning Board	Approved	10/7/2010	PGCPB No. 10-111 & 10-110
4-09003	TCP1-151-90-02	Planning Board	Approved	10/28/2010	PGCPB No. 10-117(A)64(A)
SDP-1304	TCP2-068-93-01	Planning Board	Approved	10/23/2014	PGCPB No. 14-116
SDP-1701	TCP2-068-93-02	Planning Board	Approved	9/14/2017	PGCPB No. 17-119
SDP-1701-01	TCP2-068-93-02	Approved	Approved	7/12/2018	PGCPB No. 18-64
SDP-1701-02	TCP2-068-93-02	Planning Director	Pending	Pending	Pending
NA	TCP2-068-93-03	Staff	Approved	4/30/2018	NA
NA	TCP2-068-93-04	Staff	Approved	9/24/2019	NA
SDP-1701-03	TCP2-068-93-05	Planning Board	Approved	6/11/2020	PGCPB No. 2020-102
SDP-1701-04	TCP2-068-93-06	Planning Board	Approved	6/11/2020	PGCPB No. 2020-103
A-9988-01	NA	District Council	Approved	10/26/2020	Zoning Ordinance 5-2020 A-9988-C-01
CDP-0901-01	TCP1-151-90-03	Planning Board	Approved	5/14/2020	PGCPB No. 2020-64
SDP-1701-05	TCP2-068-93-07	Planning Board	Pending	Pending	Pending
4-19051	TCP1-151-90-04	Planning Board	Pending	Pending	Pending

Grandfathering

The project is subject to the environmental regulations contained in Subtitles 24, 25, and 27 that came into effect on September 1, 2010 because it is a new PPS.

Site Description

The overall Timothy Branch development is 72.26 acres in the L-A-C Zone and 262.00 acres in the R-M Zone, located in the southeast quadrant of the intersection of US 301 and MD 381.

This PPS includes the entirety of the L-A-C-zoned portion of the project, which is the northern portion of the Timothy Branch development. An approved Natural Resources Inventory (NRI-002-07-04) was submitted with the PPS. This site contains streams, 100-year floodplain, and wetlands associated with the Timothy Branch stream valley in the Mattawoman Creek watershed and the Potomac River basin. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program there are no rare, threatened, or endangered species found to occur on or near this property. MD 381, which borders the site on the north, is designated as a scenic and historic road, and is classified as a collector road in the MPOT. Mattawoman Drive (A-63) is classified as an arterial road, which is generally regulated for noise impacts when associated with residential development. The predominant soils found to occur according to the U.S. Department of Agriculture, Natural Resources Conservation Service, Web Soil Survey, are the Aquasco silt loam, Beltsville silt loam, Croom gravelly sandy loam, Grosstown gravelly silt loam, Potobac-Issue, and Urban land Beltsville series. Marlboro clay does not occur in this area.

The site is located within the Established Communities of the Growth Policy Map and Environmental Strategy Area 2 (formerly the Developing Tier) of the Regulated Environmental Protection Areas Map as designated by Plan 2035. According to the 2017 *Countywide Green Infrastructure Plan* of the *Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan* (Green Infrastructure Plan), most of the subject property is regulated area and evaluation area.

Master Plan Conformance

The site is located within the Subregion 5 Master Plan and SMA. It is mapped as regulated and evaluation areas within the Green Infrastructure Plan.

Conformance with the 2013 Approved Subregion 5 Master Plan

The Subregion 5 Master Plan contains environmentally related policies and strategies, which are applicable to the subject PPS.

The text in **BOLD** is the text from the Environmental Infrastructure Section of the Subregion 5 Master Plan and the plain text provides comments on the plan conformance.

Woodlands, Wildlife and Habitat Policies:

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

The mapped Green Infrastructure network contains regulated and evaluation areas over most of the site. The overall site contains streams, wetlands, and wetland buffers, and 100-year floodplain within the delineated primary management area (PMA). These are protected by conservation easements to the fullest extent possible, as determined at the time of previous PPS and SDP approvals. The PPS submission did not include a statement of justification (SOJ) for additional impacts to the PMA, and the information shown on the PPS confirms no additional impacts are proposed. No additional impacts are approved with this PPS.

If additional impacts to the PMA are proposed with future applications, SOJs and exhibits shall be submitted detailing and quantifying the request. If additional impacts are proposed, revisions to the platted conservation easements and/or the recorded woodland and wildlife habitat conservation easements may be indicated.

Water Quality, Stormwater Management, and Groundwater Policies:

- **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 the headwater areas of streams.**

A SWM Concept Approval Letter and Plan (11355-2009-03), approved on December 16, 2020 and valid through December 16, 2023, were submitted with this PPS. The SWM concept plan updated the layout of the L-A-C-zoned portion of the overall Timothy Branch development, which is subject to this PPS. Technical SWM design is subject to approval by DPIE. Final technical plans were previously approved for the R-M-zoned portion of the Timothy Branch project, and plans will also need to be approved for the new layout of the L-A-C-zoned portion.

Air Quality and Greenhouse Gas Emissions Policies:

- **Reduce air pollution through transportation demand management (TDM) projects and programs.**
- **Promote "climate-friendly" development patterns through planning processes and land use decisions.**

- **Increase awareness of the sources of air pollution and greenhouse gas emissions.**

The building methods proposed will be reviewed by the Urban Design Section during subsequent reviews.

Noise Intrusion Policy:

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

The development will not generate excessive noise.

Conformance with the 2017 Green Infrastructure Plan

The site contains regulated and evaluation areas of the Green Infrastructure Plan. The site contains streams, 100-year floodplain, and wetlands associated with Timothy Branch in the Mattawoman Creek watershed and the Potomac River basin.

The following policies and strategies are applicable to the subject PPS. The text in **BOLD** is the text from the Green Infrastructure Plan, and the plain text provides comments on plan conformance.

POLICY 1: Preserve, enhance, and restore the green infrastructure network and its ecological functions while supporting the desired development pattern of Plan Prince George's 2035.

The subject property contains regulated areas and evaluation areas, as identified in the Green Infrastructure Plan. It is located within the Mattawoman Creek Watershed, which is a primary corridor and a special conservation area. The submitted PPS shows the preservation of the regulated areas and areas adjacent to all regulated areas in general conformance with the Green Infrastructure Plan. Reviews during future development phases will provide more detailed evaluations of conformance with the Green Infrastructure Plan.

POLICY 2: Support implementation of the 2017 GI Plan throughout the planning process.

- 2.4 Identify Network Gaps when reviewing land development applications and determine the best method to bridge the gap: preservation of existing forests, vegetation, and/or landscape features, and/ or planting of a new corridor with reforestation, landscaping and/or street trees.**
- 2.5 Continue to require mitigation during the development review process for impacts to regulated environmental features, with preference given to locations on-site, within the same watershed as the development creating the impact, and within the green infrastructure network.**

2.6 Strategically locate off-site mitigation to restore, enhance and/or protect the green infrastructure network and protect existing resources while providing mitigation.

As was reviewed and evaluated with prior applications, the current PPS shows the preservation of the regulated areas and areas adjacent to the regulated areas to the greatest extent practicable. No additional impacts to regulated features were requested with this PPS.

POLICY 3: Ensure public expenditures for staffing, programs, and infrastructure support the implementation of the 2017 GI Plan.

3.3 Design transportation systems to minimize fragmentation and maintain the ecological functioning of the green infrastructure network.

- b. Locate trail systems outside the regulated environmental features and their buffers to the fullest extent possible. Where trails must be located within a regulated buffer, they must be designed to minimize clearing and grading and to use low impact surfaces.**

The master-planned roads and trail systems were relocated outside of the regulated environmental features with prior approvals, and this PPS proposes to keep the roads and trails, as previously approved.

POLICY 4: Provide the necessary tools for implementation of the 2017 GI Plan.

4.2 Continue to require the placement of conservation easements over areas of regulated environmental features, preserved or planted forests, appropriate portions of land contributing to Special Conservation Areas, and other lands containing sensitive features.

With the recordation of the final plat for the areas included in this PPS, conservation easements shall be described by bearings and distances. The conservation easement shall contain the delineated PMAs, as well as the woodland preservation and reforestation areas. The existing easements recorded in Liber 39222 at folio 175 will need to be vacated or revised, and new easements will need to be recorded in the Prince George's County Land Records using the current Environmental Planning Section template, prior to certification of the TCP2 for the mixed retirement development proposal.

POLICY 5: Improve water quality through stream restoration, stormwater management, water resource protection, and strategic conservation of natural lands.

5.8 Limit the placement of stormwater structures within the boundaries of regulated environmental features and their buffers to outfall pipes or other features that cannot be located elsewhere.

5.9 Prioritize the preservation and replanting of vegetation along streams and wetlands to create and expand forested stream buffers to improve water quality.

A SWM Concept Approval Letter and Plan (11355-2009-03), approved on December 16, 2020 and valid through December 16, 2023, were submitted with this PPS. The SWM concept plan updated the layout of the L-A-C-zoned portion of the overall Timothy Branch development. No additional impacts to regulated features were requested with this PPS for SWM outfalls. Reforestation areas are proposed adjacent to regulated areas with this PPS.

POLICY 7: Preserve, enhance, connect, restore, and preserve forest and tree canopy coverage.

General Strategies for Increasing Forest and Tree Canopy Coverage:

- 7.1 Continue to maximize on-site woodland conservation and limit the use of off-site banking and the use of fee-in-lieu.**
- 7.2 Protect, restore, and require the use of native plants. Prioritize the use of species with higher ecological values and plant species that are adaptable to climate change.**
- 7.4 Ensure that trees that are preserved or planted are provided appropriate soils and adequate canopy and root space to continue growth and reach maturity. Where appropriate, ensure that soil treatments and/ or amendments are used.**

Forest Canopy Strategies:

- 7.12 Discourage the creation of new forest edges by requiring edge treatments such as the planting of shade trees in areas where new forest edges are proposed to reduce the growth of invasive plants.**
- 7.13 Continue to prioritize the protection and maintenance of connected, closed canopy forests during the development review process, especially in areas where FIDS habitat is present or within Sensitive Species Project Review Areas.**
- 7.18 Ensure that new, more compact developments contain an appropriate percentage of green and open spaces that serve multiple functions such as reducing urban temperatures, providing open space, and stormwater management.**

The overall development was subject to multiple reviews to ensure that the woodland conservation provided on-site, and the tree canopy coverage (TCC) are to the greatest extent practicable. The current TCP1-151-90-04 expands on-site woodland conservation by 1.07 acres.

POLICY 12: Provide adequate protection and screening from noise and vibration.

12.2 Ensure new development is designed so that dwellings or other places where people sleep are located outside designated noise corridors. Alternatively, mitigation in the form of earthen berms, plant materials, fencing, or building construction methods and materials may be used.

Mattawoman Drive is an MPOT designated arterial, which is regulated for noise with respect to the proposed residential development. A noise study was submitted with this PPS and is discussed further in the Noise finding of this resolution.

ENVIRONMENTAL REVIEW

Natural Resource Inventory

An approved NRI-002-07-04 was submitted with the subject PPS. The site contains 100-year floodplain, wetlands, streams, and steep slopes that comprise the PMA. The NRI indicates the presence of two forest stands labeled as Stands A and C, with one specimen tree identified on the site (ST 7). The TCP1 and the PPS show all required information correctly, in conformance with the NRI. No additional information is required regarding the NRI.

Woodland Conservation

This PPS is subject to the 2010 Woodland and Wildlife Habitat Conservation Ordinance (WCO) and the Environmental Technical Manual. The site is subject to the provisions of the WCO because the project is a new PPS. TCP1-151-90-04 was submitted with the subject PPS.

TCPI-151-90 was originally approved for the overall site application named Brandywine Commerce Center when the pre-1993 woodland conservation threshold (WCT) standards of a straight 10 percent requirement of the net tract area for industrial zones were in place, with no replacement required for clearing.

The Maryland Forest Conservation Act, passed by the General Assembly in 1991, established minimum WCT requirements for local authorities that were greater than those previously established by county legislation. As a result, the WCT for industrially zoned properties in the county was raised to 15 percent of the net tract area. The Forest Conservation Act also required “replacement” in the calculation of the woodland conservation requirements for the site; this was intended to provide a disincentive for the clearing of trees excessively in the development process. In 1993, the county regulations were revised to include these provisions.

Brandywine Commerce Center (TCPI-151-90) was grandfathered under the requirements of the pre-1993 ordinance, and as a result, the woodland conservation requirement for the overall property was 31.53 acres, based on a net tract area of 315.31 acres. TCP11-068-93, TCP11-084-93, and TCP11-042-97 were subsequently approved under the pre-1993 requirements, in conformance with the previously approved TCPI.

With the rezoning of the property in 2009 for Timothy Branch, the property was changed to the R-M and L-A-C Zones, except for Parcel E, which remained in the E-I-A and I-3 Zones and was left out of the new development proposal. Because the new development pattern proposed was

significantly different than the previous approval, and because the new development required a PPS, it was determined that the site was no longer grandfathered and is now subject to the current requirements of the WCO. The L-A-C Zone has a 15 percent WCT. The most current approved TCP1-151-90-03 was approved with CDP-0901-01.

A revised TCP1 has been submitted with the current PPS, which shows the overall 334.26-acre site with a net tract area of 282.99 acres. The site has 175.35 acres of existing woodland in the net tract area and 28.69 acres in the floodplain. The WCT is 53.77 acres (19 percent of the site's overall net tract area). The woodland conservation worksheet shows the removal of 137.95 acres of woodland in the net tract area, 1.00 acre in the floodplain, and 0.13 acre off-site, resulting in a woodland conservation requirement of 103.39 acres. This requirement is to be met with 33.82 acres of woodland preservation, 45.53 acres of afforestation, and 22.31 acres of off-site woodland conservation credits.

Technical revisions to the TCP1 are required and included in the conditions of approval.

Specimen Trees

TCPs are required to meet all of the requirements of Subtitle 25, Division 2 of the Prince George's County Code, which include the preservation of specimen trees per Section 25-122(b)(1)(G). Every effort should be made to preserve the trees in place, considering the different species' ability to withstand construction disturbance (refer to the Construction Tolerance Chart in the Environmental Technical Manual for guidance on each species' ability to tolerate root zone disturbances).

Specimen Tree 7 is located on the southeastern portion of the PPS, within the Timothy Branch stream buffer, and is to remain. Specimen Trees 1–6 are located outside of this PPS, within the R-M-zoned portion of the Timothy Branch project.

Regulated Environmental Features

The overall site contains streams, wetlands and wetland buffers, and 100-year floodplain within the delineated PMA, which are protected by conservation easements to the fullest extent possible, as determined at time of previous CDP, PPS, and SDP approvals. The PPS submission did not include an SOJ for additional impacts to the PMA, and the information shown on the PPS confirms no additional impacts are proposed. No additional impacts are approved with this PPS.

If additional impacts to the PMA are proposed with future applications, SOJs and exhibits shall be submitted detailing and quantifying the request. If additional impacts are proposed, revisions to the platted conservation easements and/or the recorded woodland and wildlife habitat conservation easements may be indicated.

Based on the level of design information available at the present time, the regulated environmental features on the subject property have been preserved and/or restored to the fullest extent possible.

Erosion and Sediment Control

The County requires the approval of an Erosion and Sediment Control Plan. The TCP must reflect the ultimate limits of disturbance (LOD) not only for installation of permanent site infrastructure, but also for the installation of all temporary infrastructure including erosion and sediment control measures. A copy of the Erosion and Sediment Control Technical Plan must be submitted so that the ultimate LOD for the project can be verified and shown on the TCP.

17. **Urban Design**—As one of the comprehensive design zones, the L-A-C Zone allows the applicant to establish their own design standards for the proposed development, and to earn additional density if certain criteria have been met in the development review process, subject to Planning Board approval.
- a. Sections 27-494 through 27-496 of the Zoning Ordinance: The PPS conforms with the purposes, uses, and regulations for the L-A-C Zone. The District Council approval of A-9988-C-01 included findings that demonstrate the mixed retirement development proposed by this PPS conforms with the purposes of the L-A-C Zone. The density of 2.93 dwelling units per acre proposed is within the range established by the basic plan amendment.
 - b. Section 27-515: The mixed retirement development use, as defined in Section 27-107.01, is a permitted use in the L-A-C Zone, subject to conformance with Footnote 28, which requires a recorded declaration of covenants that the site will be solely occupied by elderly persons. The required declaration of covenants shall be recorded in the Prince George's County Land Records, with the Liber/Folio reflected on the final plat of subdivision.

Conformance with the Tree Canopy Coverage Ordinance

In accordance with Section 25-128 of the Zoning Ordinance, properties in the L-A-C Zone are required to provide 10 percent of the gross tract area in TCC. The subject site is 72.29 acres and is required to provide 7.23 acres of the site in TCC. Conformance with this requirement will be evaluated at the time of SDP.

Conformance with the Requirements of the 2010 Prince George's County Landscape Manual

The site will be subject to Sections 4.1, Residential Requirements; 4.2, Requirements for Landscape Strips Along Streets; 4.3, Parking Lot Requirements; 4.6, Buffering Development from Streets; and 4.9, Sustainable Landscape Requirements of the *Prince George's County Landscape Manual*. Conformance with landscaping requirements will be evaluated at the time of SDP.

Other Urban Design Issues

There is a long, continuous lotting pattern along certain streets, which could create a monotonous streetscape. Additional 10-foot-wide open spaces, at minimum, shall be provided between certain lots to provide a change in the vista and allow views into the natural areas. Specifically,

a 10-foot-wide open space shall be provided between the lot lines of Lots 87 and 88 in Block A; and Lots 97 and 98, and Lots 111 and 112 in Block B.

- 18. Noise**—A June 1, 2020 Phase II noise analysis was prepared by Phoenix Noise and Vibration, LLC and was submitted by the applicant with this PPS. The noise study was revised April 20, 2021.

A Phase I noise analysis dated April 13, 2010 was previously completed for the overall Timothy Branch project. The Phase I analysis accounted for noise from MD 5, US 301, MD 381, Mattawoman Drive, future master-planned road A-55, and Joint Base Andrews (JBA). Noise from JBA was combined with the future roadway noise levels to determine the combined roadway/JBA noise level throughout the site. Relative to the L-A-C-zoned portion of the project, which is subject to this PPS, the Phase I analysis found that residential buildings and any outdoor activity areas along Mattawoman Drive and MD 381 will be exposed to noise levels above 65 dBA Ldn at the ground and upper levels.

Phase II noise analyses, dated May 5, 2018 and August 13, 2020, were previously completed for the R-M-zoned portions of the Timothy Branch project. The Phase II analysis submitted with this PPS for the L-A-C-zoned portion accounts for the revisions to the site layout which have occurred since 2010, including the change from proposed mixed-use development to a proposed residential-only mixed retirement development. The Phase II analysis includes analysis of noise levels in outdoor activity areas, an evaluation of the proposed home models, and specification of the building construction necessary to reduce interior noise levels to no more than 45 dBA Ldn.

The Phase II analysis found that with the construction of berms along MD 381 and Mattawoman Drive, as well as one wooden noise barrier near Lot 67, Block A, roadway noise levels will be below 65 dBA Ldn in all public and private outdoor activity areas, except for the sidepath within the Mattawoman Drive ROW and the adjacent Timothy Branch Trail. These trails will be exposed to noise levels between 70 and 75 dBA Ldn. Mitigation to below 65 dBA Ldn is not feasible for these trails, however, because they are required to be right next to the arterial road. The analysis also found that the standard building construction used by the developer will be sufficient to reduce interior noise levels to 45 dBA Ldn, without modification.

The PPS shows the mitigated noise contour along MD 381 and Mattawoman Drive, but requires revision to clearly depict the unmitigated noise contour along MD 381. The unmitigated noise contour from MD 381 is shown on the applicant's Unmitigated Noise Contour Exhibit submitted May 12, 2021 (incorporated by reference herein), and the PPS shall be revised in accordance with this exhibit, prior to signature approval.

At the time of SDP, the plans shall reflect the locations of the berms and noise barrier relied on in the Phase II noise analysis. The SDP shall include a detail for the noise barrier consistent with that contained in the analysis. At the time of building permit, certification by a professional engineer with competency in acoustical analysis will be required for all units exposed to noise above 65 dBA Ldn, stating that the structures have been designed to reduce interior noise levels to 45 dBA Ldn.

Subdivision Regulations and Zoning Ordinance Conformance

Section 24-121(a)(4) requires a minimum 150-foot lot depth when residential lots are platted next to roadways of arterial classification. The plan, as proposed, meets this requirement for the lots along Mattawoman Drive.

The Phase II noise analysis found that the 2017 JBA 65 dBA Ldn noise contour does not extend to the subject property, and instead is located about 5.8 miles north of the development. As such, the development is no longer affected by high noise levels coming from aircraft approaching and leaving the base. However, the property is still partially in the M-I-O Zone for noise because the zone boundary is determined by the 2007 65 dBA Ldn noise contour rather than the 2017 contour. As such, all the regulations of the M-I-O Zone related to noise still apply to the portion of the site within the M-I-O Zone. This means that at time of building permit, all dwellings on-site within the M-I-O Zone boundary must be certified as having their interior noise levels reduced to no more than 45 dBA Ldn.

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.

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This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Geraldo, seconded by Commissioner Doerner, with Commissioners Geraldo, Doerner, Bailey and Hewlett voting in favor of the motion, and with Commissioner Washington absent at its regular meeting held on Thursday, May 27, 2021, in Upper Marlboro, Maryland.

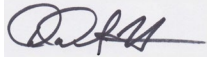
Adopted by the Prince George's County Planning Board this 17th day of June 2021.

Elizabeth M. Hewlett
Chairman


By Jessica Jones
Planning Board Administrator

EMH:JJ:EDC:nz

APPROVED AS TO LEGAL SUFFICIENCY



David S. Warner
M-NCPPC Legal Department
Date: June 8, 2021