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## Preliminary Plan 4-02106

Application	General Data
<b>Project Name:</b> <b>BUCKLER PROPERTY</b>  <b>Location:</b> West side of Brandywine Road at Groveton Drive.  <b>Applicant/Address:</b> Washington Management & Development 212 Chesterfield Place, N.W. Clinton, MD 20735	Date Accepted: 11/20/02
	Planning Board Action Limit: 04/23/03
	Plan Acreage: 46.02
	Zone: R-80
	Lots/Parcels: 94/5
	Election District: 09
	Planning Area: 81A
	Council District: 09
	Municipality: N/A
	200-Scale Base Map: 215SE06

Purpose of Application	Notice Dates
<b>RESIDENTIAL SUBDIVISION. This case was continued from the 2/6/03 Planning Board hearing.</b>	Adjoining Property Owners: (CB-15-1998) N/A
	Previous Parties of Record: (CB-13-1997) N/A
	Sign(s) Posted on Site: 03/06/03
	Variance(s): Adjoining Property Owners: N/A

Staff Recommendation		Staff Reviewer: Whitney Chellis	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Preliminary Plan of Subdivision 4-02106  
Buckler Property, Lots 1-94, and Parcels A-E

OVERVIEW

The subject property is located on Tax Map 134 in Grid C-1 and is known as Parcel 86. The property is approximately 46.02 acres and is zoned R-80. The site is currently improved with a single-family dwelling unit that is to remain. The applicant is proposing to subdivide this property into 94 lots and five parcels utilizing the optional design approach of lot size averaging (LSA) as discussed further in Finding 12 of this report.

The property has frontage on Brandywine Road to the east that will provide the main site entrance. The property also has frontage on Penny Avenue, which terminates along the north property line and is not proposed to extend into the property. Penny Avenue stubs into the property at a location that corresponds to extensive floodplain. Kaine Drive terminates along the northeast property line and will extend into the property to serve two lots from the subject site. At the request of staff, the applicant has proposed to extend Kaine Drive through the property to the west property line to provide the possibility of access to the White property (Parcel 58) that abuts the entire west property line of the subject property. The applicant also proposes to terminate Road "A," an internal street, along the west property line to also serve the Parcel 58.

The Subdivision Section has received an application for a preliminary plan of subdivision for Parcel 58 to the west. That application is a request for the subdivision of Parcel 58, the White property, into 136 single-family dwelling unit lots utilizing conventional development standards in the R-80 Zone. That preliminary plan, at the writing of this staff report, has not been accepted for processing. The proposed layout of that preliminary plan does not provide for the extension of Kaine Drive into the White property. Staff would offer that, at the time of review of the White property, a recommendation for the extension of Kaine Drive from the subject site may be requested, if through the review of this application, the Planning Board determines the extension of Kaine Drive is appropriate to serve the White property. The White property proposes access via Cushwa Drive to the north and Road "A" from the subject site only.

The applicant has proposed five parcels to be conveyed to a homeowners association (HOA). Staff would recommend that the plan be revised to reflect seven open space parcels. Three parcels would contain the required stormwater management facilities; the other four would contain the environmental features on the site to include 100-year floodplain and wetlands. The open space is divided by roads and should reflect a different parcel designation on each side of the proposed dedicated public rights-of-way.

Currently, an ingress/egress access easement crosses the site from Brandywine Road to Parcel 53 to the west, the White property. The access easement serves as a primary point of vehicular access to Parcel 53. However, Parcel 53 does have frontage on Cushwa Drive to the north, a dedicated public right-of-way. The applicant proposes to remove the existing access easement serving Parcel 53 and extend Road "A," a dedicated public right-of-way, from Brandywine Road to Parcel 53 to replace that access easement and serve

the proposed development. The applicant has been advised that an agreement from the owner of Parcel 53 is necessary to alter the existing access easement that crosses this property.

This site has previously been the subject of Preliminary Plan of Subdivision 4-94043. That proposal was for the division of this property into 117 lots: 94 single-family dwelling unit lots and 23 townhouse lots, utilizing the moderately priced dwelling unit provisions that existed at the time of the proposal. That application was withdrawn prior to a public hearing before the Planning Board. The preliminary plan file provides no indication for the reason of the withdrawal of that application.

## SETTING

The property is located on the west side of Brandywine Road across from Groveton Dr. To the south is a 250-foot-wide PEPCO power line property zoned R-80. To the west is a 91.78-acre property developed with a single-family dwelling unit and several accessory structures. To the north and northeast are developed single-family dwelling units in the Brooke-Jane Manor subdivision, zoned R-80. Two acreage parcels zoned R-R are surrounded on three sides by the subject property. These two properties have frontage on Brandywine Road and are improved with a florist shop and accessory green houses.

## FINDINGS AND REASONS FOR STAFF RECOMMENDATION

1. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone	R-80	R-80
Use(s)	Single-family Residential	Single-family Residential
Acreage	46.02	46.02
Lots	0	94
Parcels	1	5
Dwelling Units:		
Detached	1 (to remain)	93 (new)

2. **Environmental**—The Environmental Planning Section has reviewed the tree conservation plan accepted for processing on February 24, 2003. The Environmental Planning Section supports the variation request for impacts to stream buffers as required by Section 24-130 of the Subdivision Regulations based on the findings outlined below. The Environmental Planning Section recommends approval of 4-02106 and TCPI/23/94-01 subject to conditions.

The Type I Tree Conservation Plan TCPI/23/94-01 proposes clearing 0.85 acre of the existing 1.70 acres of upland woodland and clearing 0.05 acre of the existing 1.38 acres of floodplain woodland. Based upon this clearing and the woodland conservation threshold for the site, the woodland conservation required is correctly calculated as 7.30 acres. The plan proposes to meet this requirement by providing 0.85 acre of on-site preservation, 4.67 acres of on-site afforestation, and 1.78 acres of off-site conservation.

No woodland conservation is proposed on any lot. The proposed afforestation has been concentrated within the unforested stream buffers on homeowner open space parcels in conformance with priority areas as defined in the Prince George's County Woodland Conservation and Tree Preservation Policy. Overall, the upland woodland area on-site will be increased from 1.70 acres (two percent of

the net tract) to 5.54 acres (13 percent of the net tract).

The *Adopted and Approved Subregion V Master Plan* shows an area of natural reserve on the site. The Subdivision Ordinance provides for the protection of streams, stream buffers, wetlands, wetland buffers, 100-year floodplain, adjacent areas of slopes in excess of 25 percent, and adjacent areas of slopes between 15 and 25 percent with highly erodible soils. The plan shows streams, 100-year floodplain, and appropriate buffers for the site. There are no wetlands, severe slopes, or steep slopes with highly erodible soils on site. An expanded stream buffer is correctly shown on the preliminary plan and the Type I tree conservation plan.

All disturbance not essential to the development of the site as a whole should be avoided and is discouraged within stream buffers. Essential development includes features such as public utility lines, including sewer and stormwater outfalls, and streets that are mandated for public health and safety. Nonessential activities are those such as grading for lots and the placement of dwellings, stormwater management ponds, and parking areas that do not relate directly to public health, safety or welfare. Impacts for essential development features require variations to the Subdivision Regulations. Variation requests for five impacts were submitted with this application.

### **Review of Variation Requests**

The plan proposes impacts to stream buffers and wetland buffers. Section 24-130 of the Subdivision Regulations restricts impacts to these buffers unless the Planning Board grants a variation to the Subdivision Regulations in accordance with Section 24-113. Even if approved by the Planning Board, the applicant will need to obtain federal and state permits prior to the issuance of any grading permit. Each variation is described individually below. However, for purposes of discussion relating to Section 24-113(a) of the Subdivision Regulations, the impacts were discussed collectively.

Section 24-113(a) of the Subdivision Regulations sets forth the required findings for approval of variation requests. Section 24-113(a) reads:

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

- (1) The granting of the variation will not be detrimental to the public safety, health, or injurious to other property;**
- (2) The conditions on which the variation is based are unique to the property for which the variation is sought and are not applicable generally to other properties;**
- (3) The variation does not constitute a violation of any other applicable law, ordinance, or regulation;**
- (4) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if strict letter of these regulations is carried out;**

Variation requests “A” and “B” are for the construction of Road “A” and will impact expanded stream buffers. Impact # 1 is 9,350 square feet and impact #2 is 8,400 square feet. This street connection has been requested by the M-NCPPC Transportation Planning Section to improve access and circulation for fire, police, and emergency vehicles on the subject property and adjacent future development. This connection will serve to improve public safety, health and welfare of the community and will not be injurious to other property. Because of the unique location of the streams, there is no practicable alternative. This request is intended to fulfill existing regulations regarding adequate transportation. The proposal is not a violation of any other applicable law, ordinance or regulation because state and federal permits are required prior to construction. The Environmental Planning Section supports variation requests “A” and “B” because the evidence presented clearly shows that the findings required by Section 24-113 of the Subdivision Regulations have been made.

Variation request “C” is for the connection of the proposed development to an existing sewer line and will impact 2,600 square feet of an expanded stream buffer. The Washington Suburban Sanitary Commission has determined that this connection is required in this specific location to properly connect to the existing sewer line. There are no practicable alternatives for this alignment because of the location of the existing sewer line and the topography of the site for the proposed development. The proposal is not a violation of any other applicable law, ordinance or regulation because state and federal permits are required prior to construction. The Environmental Planning Section supports variation request “C” because the evidence presented clearly shows that the findings required by Section 24-113 of the Subdivision Regulations have been made.

Variation request “D” is for improvements to a portion of Brandywine Road and will impact 4,600 square feet of an expanded stream buffer. This road improvement is required by the Prince George’s County Department of Public Works and Transportation to improve access and circulation for fire, police, and emergency vehicles on the subject property and the community in general. This connection will serve to improve public safety, health and welfare of the community and will not be injurious to other property. Because of the unique location of the existing Kane Drive and the location of the stream, there is no practicable alternative. This request is intended to fulfill existing regulations regarding adequate transportation facilities. The proposal is not a violation of any other applicable law, ordinance or regulation because state and federal permits are required prior to construction. The Environmental Planning Section supports variation request “D” because the evidence presented clearly shows that the findings required by Section 24-113 of the Subdivision Regulations have been made.

Variation request “E” is for the construction of a portion of Kane Drive and will impact 6,750 square feet of expanded stream buffers. This street connection has been requested by the M-NCPPC Transportation Planning Section to improve access and circulation for fire, police, and emergency vehicles on the subject property and adjacent future development. This connection will serve to improve public safety, health and welfare of the community and will not be injurious to other property. Because of the unique location of existing Kane Drive and the location of the stream, there is no practicable alternative. This request is intended to fulfill existing regulations regarding adequate transportation facilities. The proposal is not a violation of any other applicable law, ordinance or regulation because state and federal permits are required prior to construction. The Environmental Planning Section supports variation request “E” because the evidence presented clearly shows that the findings required by Section 24-113 of the Subdivision Regulations have been made.

Less than ten percent of the site is wooded. A review of the information available indicates that streams and 100-year floodplain associated with Piscataway Creek in the Potomac watershed occur

on this property. According to the *Prince George's County Soil Survey*, the principal soils on the site are in the Elkton, Galestown, Mattapex, Sassafras, Westphalia and Woodstown soils series. Elkton soils are in the D-hydric series, are highly erodible, and are subject to seasonally high water table and poor drainage. Galestown soils are in the A-hydric series and pose no special problems for development. Mattapex and Sassafras soils are in the B-hydric series and pose no special problems for development. Westphalia soils are in the B-hydric series, have a K factor of 0.43, and are considered highly erodible. Woodstown soils are in the C-hydric series and are subject to seasonally high water table and impeded drainage. Most of the proposed development is in areas without serious problems for grading and construction.

Brandywine Road is the nearest source of traffic-generated noise. The proposed use is not expected to be a noise generator. There are no rare, threatened, or endangered species located in the vicinity of this property based on information provided by the Maryland Department of Natural Resources—Natural Heritage Program. No historic or scenic roads are affected by this proposal. The sewer and water service categories are S-3 and W-3.

3. **Community Planning**—The subject property is located within the limits of the *1993 Subregion V Master Plan*, in Planning Area 81A in the Clinton Community. The 2002 General Plan locates the property in the Developing Tier. The master plan land use recommendation for the property is for suburban residential. The proposed preliminary plan is consistent with the land use recommendations of the master plan and the General Plan.
4. **Parks and Recreation**—The applicant has proposed to meet the requirement of mandatory dedication of parkland through an off-site dedication of 24.32 acres. The proposed parkland is south of the subject property abutting the south side of the PEPCO property (parcel 111). The proposed parkland contains a portion of Piscataway Creek that has been identified on the *Subregion V Master Plan* as a stream valley park. M-NCPPC has ownership of a substantial amount of parkland along the Piscataway Creek stream valley and the addition of 25 acres will facilitate the expansion of that park to serve the community.
5. **Trails**—*The Adopted and Approved Subregion V Master Plan* recommends a trail/bike facility along Brandywine Road. Currently, Brandywine Road is a combination of open and closed cross sections, with some areas on the east side of the road having curb, gutter, and sidewalk. In anticipation that more of this road may be converted to a closed section, it is recommended that this master plan facility be implemented as a Class II asphalt, eight-foot-wide trail along the subject property's entire frontage of Brandywine Road. This trail will safely facilitate pedestrians and cyclists along Brandywine Road plus provide a connection to the planned Piscataway Creek Stream Valley Park to the south of the subject site. In addition, due to the density of the submitted plan, sidewalks are also recommended along both sides of all internal roads.

In conformance with the *Adopted and Approved Subregion V Master Plan*, the applicant should construct an eight-foot-wide asphalt Class II trail along the subject property's entire frontage of Brandywine Road. Staff also recommends that the applicant construct standard sidewalks along both sides of all internal roads due to the density of the subdivision. If the trail and sidewalks intersect with roadways, they should be ramped to the street to allow ADA access.

6. **Transportation**—The Transportation Planning Section has reviewed the subdivision application referenced above. The subject property consists of approximately 46.02 acres of land in the R-80 Zone. The property is located on the west side of Brandywine Road. The applicant proposes a

residential subdivision consisting of 94 single-family detached residences. The transportation staff determined that a traffic study detailing weekday analyses was needed. In response, the applicant submitted a traffic study dated December 2002. There is a supplement dated January 2003. The findings and recommendations outlined below are based upon a review of these materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*. Comments from the County Department of Public Works and Transportation (DPW&T) and the State Highway Administration (SHA) are attached.

### **Growth Policy—Service Level Standards**

The subject property is located within the Developing Tier, as defined in the General Plan for Prince George's County. As such, the subject property is evaluated according to the following standards:

**Links and signalized intersections:** Level-of-service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better. Mitigation, as defined by Section 24-124(a)(6) of the Subdivision Ordinance, is permitted at signalized intersections within any tier subject to meeting the geographical criteria in the guidelines.

**Unsignalized intersections:** The *Highway Capacity Manual* procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

### **Analysis of Traffic Impacts**

The traffic study for Preliminary Plan 4-02106 examined the site impact at five intersections in the area:

- MD 5/Surratts Road (signalized)
- Surratts Road/Brandywine Road (signalized)
- Brandywine Road/site entrance (future/unsignalized)
- MD 5/Brandywine Road (signalized)
- Brandywine Road/Floral Park Road (unsignalized)

The subject property is in the vicinity of the MD 223/Old Branch Avenue/Brandywine Road intersection. The Planning Board has made past findings that this intersection would operate at an unacceptable level of service during the PM peak hour in the future. The transportation staff did not consider the MD 223/Old Branch Avenue/Brandywine Road intersection as a critical intersection for the subject property. Given the assumptions in the traffic analysis for the subject property, only 15 percent of site-generated trips (or 8 AM and 9 PM peak-hour trips) use the MD 223/Old Branch Avenue/Brandywine Road intersection. In two past cases, in the immediate area (4-96054, Brooke-Jane Manor, and 4-95066, Brookfield Manor), the Planning Board has not deemed this intersection to be critical in consideration of funded improvements in the area. For that reason, staff has not considered the MD 223/Old Branch Avenue/Brandywine Road intersection to be a part of the study area.

The existing conditions at the study intersections are summarized below:

<b>EXISTING TRAFFIC CONDITIONS</b>				
Intersection	Critical Lane Volume AM & PM)		Level of Service (LOS, AM & PM)	
MD 5 and Surratts Road	1,653	1,593	F	E
Surratts Road and Brandywine Road	1,746	1,442	F	D
Brandywine Road and site entrance	future			
MD 5 and Brandywine Road	1,790	2,081	F	F
Brandywine Road and Floral Park Road	12.2*	21.7*	--	--
*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, an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations.				

The traffic study was done in conjunction with another larger development to the south. The study utilized a similar scope and similar methodologies. It also utilized a similar list of background development, covering the immediate area and a much larger area to the south of the subject property. The area of background development includes the large industrially zoned area in Brandywine to the east of US 301/MD 5. This area has extensive approved preliminary plans that are 10 to 12 years old, but limited development has occurred in that area over the years, and much of the development has occurred at density levels far short of those previously assumed. Therefore, the traffic study counts background development within this industrial area at about 10 percent of the level of development that was approved. This recognizes that an increase in the pace of development is unlikely to occur within the next six years and that major improvements to eliminate the signalized intersections along MD 5 will likely need to be programmed before an increase in development occurs.

Background conditions also assume the widening of Surratts Road between Beverly Drive and Brandywine Road. Given that the project is shown in the current county Capital Improvement Program (CIP) with 100 percent funding within six years, staff has allowed the traffic study to include this improvement as a part of the background condition. With regard to the traffic analysis, however, staff desires to make several findings known to the Planning Board:

- This improvement has an unusually long history of full funding in the CIP without being constructed. The page regarding this improvement from the current CIP for FY2003 is provided as an attachment. Likewise, the similar page from the FY1989 CIP is attached. This project has appeared in every CIP since 1989. Each time, full construction funding was shown with a completion date within the horizon of the CIP. Nearly every succeeding CIP defers the completion date further.
- This improvement is particularly important to traffic circulation in the area. Widening the link of Surratts Road eastward from Brandywine Road will direct traffic using Brandywine Road toward MD 5 and away from the MD 223/Old Branch Avenue/Brandywine Road intersection. In order to operate acceptably, the MD 223/Old Branch Avenue/Brandywine Road intersection would need major improvements. While these improvements are not



impossible to implement, they would require extensive impacts to businesses on all four corners of the intersections and would also involve impacts to an important historical resource—the Surratt House.

- Although including this improvement is perfectly legal, staff has grave reservations about its inclusion. The project has not changed in scope since the FY 1989 CIP—the only things that have changed are the cost (which has increased appropriately) and the completion date (which has been pushed back from November 1990 to June 2007. Particularly when a project like this is used to justify policy actions, citizens should have some reliance upon the CIP document. In this circumstance, that reliance is very questionable. Notwithstanding the concern, however, staff will utilize the funded improvement consistent with past analyses.

Background conditions are summarized below:

<b>BACKGROUND TRAFFIC CONDITIONS</b>				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 5 and Surratts Road	1,822	1,814	F	F
Surratts Road and Brandywine Road	1,302	1,315	D	D
Brandywine Road and site entrance	future			
MD 5 and Brandywine Road	2,123	2,340	F	F
Brandywine Road and Floral Park Road	16.1*	43.9*	--	--
*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, an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations.				

The site is proposed for development as a residential subdivision. The site is proposed to be developed with 94 single-family detached residences. The site trip generation would be 70 AM peak-hour trips (14 in, 56 out) and 84 PM peak-hour trips (55 in, 29 out). The site trip distribution used in the traffic study has been deemed acceptable for the evaluation of site impacts. Therefore, we obtain the following results under total traffic:

<b>TOTAL TRAFFIC CONDITIONS</b>				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 5 and Surratts Road	1,840	1,817	F	F
Surratts Road and Brandywine Road	1,313	1,342	D	D
Brandywine Road and site entrance	future			
MD 5 and Brandywine Road	2,124	2,352	F	F
Brandywine Road and Floral Park Road	16.5*	47.9*	--	--
*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, an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations.				

Given these analyses, staff finds that two critical intersections within the study area would operate unacceptably in both peak hours. Each of these intersections, plus the Brandywine Road/Surratts Road intersection (which is part of the link of Surratts Road proposed for improvement by the CIP) are discussed in separate sections below.

#### ***MD 5/Surratts Road***

In response to the inadequacy at the MD 5/Surratts Road intersection, the applicant has proffered mitigation. This intersection is eligible for mitigation under the fourth criterion in the *Guidelines for Mitigation Action* (approved as CR-29-1994). The applicant recommends the improvements described below to mitigate the impact of the applicant's development in accordance with the provisions of Sec. 24-124(a)(6). The improvements include:

1. The addition of a northbound left-turn lane along MD 5.
2. The addition of a southbound left-turn lane along MD 5.

The impact of the mitigation actions at this intersection is summarized as follows:

IMPACT OF MITIGATION				
Intersection	LOS and CLV (AM & PM)		CLV Difference (AM & PM)	
MD 5/Surratts Road				
Background Conditions	F/1822	F/1814		
Total Traffic Conditions	F/1840	F/1821	+18	+7
Total Traffic Conditions w/Mitigation	E/1743	D/1732	-97	-89

As the CLV at MD 5/Surratts is between 1,450 and 1,813 during the PM peak hour, the proposed mitigation action must mitigate at least 150 percent of the trips generated by the subject property during the PM peak hour, according to the guidelines. Also, as the CLV is greater than 1,813 during the AM peak hour, the proposed mitigation action must mitigate at least 100 percent of the trips generated by the subject property during the AM peak hour and bring the CLV to no greater than 1,813. The above table indicates that the proposed mitigation action would mitigate at least 100 percent of site-generated trips during the AM peak hour, and it would mitigate more than 150 percent of site trips during the PM peak hour. **Therefore, the proposed mitigation at MD 5 and Surratts Road meets the requirements of Section 24-124(a)(6)(B)(i) of the Subdivision Ordinance in considering traffic impacts.**

The mitigation plan was reviewed by DPW&T and SHA. Comments from both agencies are provided under a separate heading later in this memorandum. SHA agreed that the mitigation was acceptable. DPW&T did not raise objection to the mitigation that was proposed.

The Planning Board should be aware that there are four other properties in the area that have subdivision applications pending at this time or have indicated an intent to staff that an application will soon be filed. These are:

1. Saddle Creek, 4-02126: This development of 403 residences is located on the west side of Brandywine Road south of Piscataway Creek. Staff estimates that this development would increase the CLV at the MD 5/Surratts Road intersection by 54 units in the AM peak hour and 70 units in the PM peak hour.
2. Walls Property, 4-03003: This development of 289 residences is located on the east side of Brandywine Road north of Brooke-Jane Drive. Staff estimates that this development would increase the CLV at the MD 5/Surratts Road intersection by 57 units in the AM peak hour and 20 units in the PM peak hour.
3. Heritage Reserve, 4-02127: This development of 214 residences is located on the west side of Brandywine Road with access from Floral Park Road. Staff estimates that this development would increase the CLV at the MD 5/Surratts Road intersection by 26 units in the AM peak hour and 25 units in the PM peak hour.
4. White Property (no application filed): This development of 136 residences is located immediately west of the Buckler Property with access through the Buckler Property. Staff estimates that this development would increase the CLV at the MD 5/Surratts Road intersection by 28 units in the AM peak hour and 9 units in the PM peak hour.

The following table summarizes these developments and their impacts upon the MD 5/Surratts Road intersection:

		Resulting Impact Upon Critical Lane Volume (CLV)	
Property	Development Proposed	AM Peak Hour	PM Peak Hour
4-02106, Buckler Property	94 residences	+18	+7
4-02126, Saddle Creek	403 residences	+54	+70
4-02127, Heritage Reserve	214 residences	+26	+25
4-03003, Walls Property	289 residences	+57	+20
White Property (no application filed)	136 residences	+28	+9
<b>Overall Change in CLV Resulting from Planned Developments</b>		<b>+183</b>	<b>+131</b>
<b>Maximum Allowable Change in CLV Using Mitigation</b>		<b>+89</b>	<b>+89</b>

It becomes apparent when examining the above table, not all developments that are under current discussion in this area can be approved using mitigation at MD 5 and Surratts Road. Additional possible at-grade improvements at this location will net little added capacity. Additional turning lanes will add little capacity and will certainly require additional right-of-way. Additional through lanes along MD 5 are unlikely to be approved, as four through lanes at this location would connect to three through lanes north of this location at the MD 5/MD 223 interchange. The master plan includes a proposal for a future interchange at this location, and while it has environmental approval based upon a study done by SHA for the MD 5 corridor (the Final Environmental Impact Statement was approved in 1988), SHA has not begun the design study nor does the interchange have any money allocated for construction.

Staff can approve of the use of mitigation for the subject property. The subject property is the first of several in the area; therefore, none of the other sites needs to be considered by the Planning Board as approved. However, staff is making the Planning Board aware that there is a significant

transportation adequacy issue at this location that will arise very soon, and the issue will not be easy to address.

#### ***MD 5/Brandywine Road***

The traffic study identifies an inadequacy at MD 5/Brandywine Road. The Planning Board found in 1990 that future development overwhelms this existing intersection and several others along US 301 and MD 5 in the Brandywine area, and little has changed to alter that finding. The improvements that are part of a Brandywine road club would provide adequacy in the area by widening the major facilities and by replacing the signalized intersections with interchanges. All subdivisions approved in this area since 1990 have received road club conditions.

In developing conditions of approval for the subject property, there are several findings that are needed at this time. These findings are as follow:

- The road club ratables for the Hampton subdivision (Preliminary Plan 4-99048) include the interchanges at MD 5/A-63 and US 301/A-63. The Hampton subdivision was assessed the residential equivalent of a pro-rata cost of \$0.50 per square foot of industrial space toward the road club improvements. Using trips as a basis for translating square foot costs into per unit costs, this pro-rata share per single family dwelling unit would be \$594.
- Given that the primary impact of the subject site would occur at the MD 5/Brandywine Road intersection (which would eventually be replaced by the interchange at MD 5/A-63), the resulting ratable should be one-half that associated with the Hampton subdivision. Therefore, the subject property should be assessed the residential equivalent of a pro-rata cost of \$0.25 per square foot of industrial space toward the road club improvements. Using trips as a basis for translating square foot costs into per unit costs, this pro-rata share per single-family dwelling unit would be \$297.
- The County Council, by letter to the Planning Board dated May 21, 1991, has requested that all cost estimates and future pro-rata payments include an inflation factor. This change in policy was made in order to ensure that adequate funding is available in the future to construct the facilities needed to provide adequacy. Therefore, the pro-rata should reflect current policy by including an inflation factor.

With the provision of road club improvements, the MD 5/Brandywine Road intersection would be replaced by an interchange slightly north of the current location. Therefore, with this and other road club improvements in place (which would be funded by the applicant in participation with other parties), adequate transportation facilities would exist in the vicinity of MD 5 and Brandywine Road.

#### ***Brandywine Road/Surratts Road and the Adjacent Link of Surratts Road***

As noted earlier, this improvement is funded in the FY 2003 CIP. This would include improvements to the link of Surratts Road between Brandywine Road and Beverly Drive; also, the Brandywine Road/Surratts Road intersection would be improved. Although including this improvement is perfectly legal, staff has grave reservations about its inclusion. As noted earlier, staff is very concerned that construction funding has not moved forward for several years, and this project keeps getting deferred.

For these reasons, staff raises the possibility that developers in the area should provide some funding toward this project. As earlier noted, the project first appeared in the FY 1989 CIP, and the timetable for spending the funds and completing this project has not advanced since that time. The

General Plan for Prince George's County does not offer much hope for advancing funding, either. The plan places "a medium priority on public sector provision of capital improvements" within the Developing Tier. This suggests that capital projects serving the Developed Tier or designated Centers would have a higher priority for funding. The General Plan also requires that the private sector fund "a greater proportion of the infrastructure needed to serve new development." As the CIP project for Surratts Road is indeed a necessary part of the transportation infrastructure, staff believes that the General Plan offers a degree of guidance to allow developments to be assessed a proportional share of the cost of a CIP improvement, particularly one that has not advanced to the construction phase for so many years.

If the Planning Board were to deem that applicants should pay a fair share toward the CIP project for Surratts Road, staff would suggest the following steps be utilized in determining a fair share:

1. As the project would improve the link of Surratts Road and the Brandywine Road/Surratts Road intersection, developments should pay according to their average peak-hour impact (average of the AM and PM impact) on the link and at the intersection.
2. The cost should utilize the current CIP cost estimate less funds that have been spent to date, or \$4.743 million in March 2002 dollars. The link should be assumed to include 85 percent of the cost (or \$4.032 million), and the intersection should be assumed to include the remainder (\$0.711 million).
3. Staff will determine total traffic utilizing the Brandywine Road/Surratts Road intersection, and total traffic using the link of Surratts Road immediately to the east, and determine a dollar amount per trip assigned to new developments. In doing this, staff will ensure that new developments will each pay according to impacts. The dollar amount per trip will likewise be applied to any future developments in the area.
4. The following table summarizes traffic using the Brandywine Road/Surratts Road intersection:

<b>Impacts at Brandywine Road/Surratts Road Intersection</b>			
Property	Peak Hour Traffic Using Intersection		
	AM Peak Hour	PM Peak Hour	Average Peak Hour
Background Traffic	2,169	2,601	2,385
4-02106, Buckler Property	+52	+67	+60
4-02126, Saddle Creek	+30	+123	+77
4-02127, Heritage Reserve	+8	+9	+9
4-03003, Walls Property	+170	+205	+188
White Property (nothing filed)	+81	+97	+89
Total Traffic	2,510	3,102	2,808

The properties add 423 trips out of 2,808 trips (or vehicles) during the average peak hour, or 15.06 percent. Therefore, new developments should be assessed  $(15.06\%) * (\$0.711 \text{ million}) = \$107,077$ . This amount would be  $(\$107,077) / (423 \text{ trips}) = \$253$  per trip assigned. The subject property has 60 trips assigned to this intersection, and the resulting payment would be \$15,180.

5. The following table summarizes traffic using the link of Surratts Road east of

Brandywine Road:

<b>Impacts along Surratts Road East of Brandywine Road</b>			
Peak Hour Traffic Using Link			
Property	AM Peak Hour	PM Peak Hour	Average Peak Hour
Background Traffic	1,001	1,219	1,110
4-02106, Buckler Property	+48	+59	+54
4-02126, Saddle Creek	+0	+86	+43
4-02127, Heritage Reserve	+0	+0	+0
4-03003, Walls Property	+149	+179	+164
White Property (nothing filed)	+71	+85	+78
Total Traffic	1,269	1,628	1,449

The properties add 339 trips out of 1,449 trips (or vehicles) during the average peak hour, or 23.40 percent. Therefore, new developments should be assessed  $(22.55\%) * (\$4.032 \text{ million}) = \$943,488$ . This amount would be  $(\$943,488)/(339 \text{ trips}) = \$2,783$  per trip assigned. The subject property has 54 trips assigned to this link, and the resulting payment would be \$150,282.

6. Taken together, the subject property would need to contribute  $(\$15,180) + (\$150,282) = \$165,462$  toward the Surratts Road CIP project. This should be collected on a pro-rata basis, payable to DPW&T, at \$1,760 per residence.

As a means of attempting to obtain funding for the Surratts Road CIP project and move it closer to completion, transportation staff recommend that the above pro-rata share be collected. Too many developments have been approved in the area with an assumption that this project would be completed, and staff recognizes that failure to complete this key project has worsened traffic in the area. Provision of some developer funding is fully consistent with the 2002 Prince George's County General Plan, and that funding will help correct a funding issue that has been allowed to persist for several years.

Both DPW&T and SHA have provided comments on the traffic study, and the comments are attached. DPW&T indicated that two intersections listed in the study would be operating at LOS F, with the issue not being addressed by the study. With regard to one intersection, MD 5/Brandywine Road, the study was indeed not very specific regarding the issue. DPW&T has, however, supported the use of the Brandywine road club as a means of funding long-term improvements at this location, and staff has addressed the inadequacy using that mechanism. With regard to the second intersection, MD 5/Surratts Road, DPW&T was not clear that mitigation is allowable at this intersection, and staff did determine that the mitigation actions would meet the requirements of the ordinance and the guidelines.

SHA determined that the mitigation improvements recommended by the applicant at MD 5/Surratts Road were acceptable. SHA also noted that the study did not address the MD 5/Brandywine Road intersection. Like DPW&T, SHA has supported the use of the Brandywine road club as a means of funding long-term improvements at this location, and staff has addressed the inadequacy using that mechanism.

Staff supports the access shown on the submitted plan. The plan shows Road “A” and Kaine Drive extending across the property to the undeveloped property to the west. Because that property has the potential to contain well over 100 residences, staff supports both streets and will encourage that property to utilize both streets when it develops. Given the environmental features that exist on the subject property where Penny Lane adjoins this site, staff does not support its extension onto the subject property. There are sufficient access points shown on the plan to serve this site.

Brandywine Road is a master plan collector facility, and the plan correctly reflects dedication of 40 feet from centerline. Several lots would potentially have driveway access onto Brandywine Road. This is acceptable, but due to the greater amount of traffic and the higher speeds along this facility, all lots should have driveways with a turnaround capability or should redirect their access onto Road “A” if possible. This would minimize the need for vehicles accessing these lots to back onto Brandywine Road.

Based on the preceding findings, the Transportation Planning Section concludes that adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George’s County Code if the application is approved with conditions.

7. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and the Adequate Public Facilities Regulations for Schools (CR-23-2001) and concluded the following. This analysis was performed based on the applicant’s original submittal of 95 lots. These findings will be revised in accordance with the Planning Boards action if approved.

**Finding**

Impact on Affected Public School Clusters

<b>Affected School Cluster #</b>	<b>Elementary School Cluster 5</b>	<b>Middle School Cluster 3</b>	<b>High School Cluster 3</b>
Dwelling Units	95 sfd	95 sfd	95 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	22.80	5.70	11.40
Actual Enrollment	4357	4959	9317
Completion Enrollment	220	43	172
Wait Enrollment	50	15	30
Cumulative Enrollment	33.84	31.68	63.36
Total Enrollment	4683.64	5054.38	9593.76
State Rated Capacity	3971	5114	8767
Percent Capacity	117.95	98.83	109.43
Funded School	N/A	N/a	Surrattsville addn.

Source: Prince George's County Planning Department, M-NCPPC, July 2002

The affected elementary and high school cluster capacities are greater than 105 percent. There is no funded school in the affected elementary school cluster. The Surrattsville addition is the funded school in the affected high school cluster. Therefore, this subdivision can be approved with a six-year waiting period.

These figures are correct on the day this memo was written. They are subject to change under the provisions of CB-40 and CR-23. Other projects that are approved, prior to the public hearing on this project, will cause changes to these figures. The numbers shown in the resolution of approval are the ones that apply to this project.

Based on this information, staff finds that the subdivision may be approved subject to conditions, in accordance with Section 24-122.02 of the Subdivision Regulations.

8. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of public facilities and concluded the following:

- a. The existing fire engine service at Clinton Fire Station, Company 25, located at 9025 Woodyard Road has a service travel time of 5.25 minutes, which is within the 5.25-minute travel time guideline for Block A, Lots 1-25, 34, 35, 43, 44 and Block B, Lots 1-8. All the other lots are beyond.

In order to alleviate the negative impact on fire and rescue services due to the inadequate service discussed, the Fire Department recommends that a fire suppression system be installed in all residential structures in accordance with National Fire Protection Association Standard 13D and all applicable Prince George's County laws. Since this is a matter of existing law, no condition is necessary.

- b. The existing ambulance service at Clinton Fire Station, Company 25, located at 9025 Woodyard Road has a service travel time of 5.81 minutes, which is within the 6.25-minute travel time guideline.
- c. The existing paramedic service at Clinton Fire Station, Company 25, located at 9025 Woodyard Road has a service travel time of 5.81 minutes, which is within the 7.25-minute travel time guideline.

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

9. **Police Facilities**—The proposed development is within the service area for Police District V-Clinton. In accordance with Section 24-122.01(c) of the Subdivision Regulations, the existing county police facilities will be adequate to serve the proposed Buckler property development. This police facility will adequately serve the population generated by the proposed subdivision.
10. **Health Department**—The Health Department notes that a significant amount of trash was found to occur on the property, including domestic trash and other debris such as cans, rusted tanks and white goods. This trash should be removed by the applicant and properly discarded. The abandoned well identified on the plan to be abandoned should be properly backfilled and sealed.



11. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. Stormwater Management Concept Plan # 35076-2002-00 has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. Development must be in accordance with this approved plan.
12. **Lot Size Averaging**—The applicant has proposed to utilize the lot size averaging (LSA) provision provided for in Section 24-121(a)(12) of the Subdivision Regulations for development of this property.

The property is approximately 46.02 acres and is in the R-80 Zone. Section 27-423 of the Prince George's County Zoning Ordinance establishes the zoning requirements for LSA. Specifically, in the R-80 Zone:

- A. The maximum number of lots permitted is equal to the gross acreage divided by the largest minimum lot size in the zone (9,500 square feet).
- B. At least 50 percent of the lots created shall equal or exceed the largest minimum lot size in the zone (9,500 square feet).

For the 46.02 acres located in the R-80 Zone, 196 lots would be allowed pursuant to a strict ratio of gross tract area to density permitted. The applicant proposes 94 lots; 68 the proposed lots meet or exceed 9,500 square feet. Therefore, the proposed subdivision meets the minimum Zoning Ordinance standards for LSA.

Further, Section 24-121(a)(12) requires that the Planning Board make the following findings in permitting the use of LSA. The following discussion is applicable to either of the scenarios discussed above regarding lot yield

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

The site has several significant environmental features to include wetlands, floodplain and steep and severe slopes. The applicant has utilized LSA to locate these features on the largest lots and within common open space parcels to be conveyed to the homeowners association. The proposed subdivision layout protects and enhances the existing natural features of the site that could not be accomplished utilizing conventional R-80 zoning standards.

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

The property abutting the north is zoned R-80 and was developed generally with lots of 10,000 square feet in size. The applicant has proposed the larger lots (average of 12,000 square feet) in the subdivision abutting the north property line. To the west is vacant R-80-zoned land. The average size of lots abutting this property line is 10,000 square feet, providing for versatility for determinations of compatibility with any future development to the west.

The property abutting to the south is PEPCO property zoned R-80. The applicant has proposed lots with an average lot size of 10,000 square feet along the south property line with a greater depth to accommodate a required *Landscape Manual* bufferyard along the public utility use.

The applicant's proposal is sensitive to the zoning and surrounding land uses and established lot sizes of the surrounding properties and provides an appropriate transition between the proposed lot sizes and lots of the adjacent residential properties.

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

The subject property has significant environmental features on-site that extend onto surrounding properties. The applicant has proposed the smaller lots in the subdivision to abut these natural features. With the smaller lots abutting the environmental features, these lots have an appearance of being larger than they are while providing better protection of these features by placing them in common ownership. In addition, the proposed design provides an appropriate transition to the adjacent properties in the vicinity of the floodplain, wetlands, and steep and severe slopes by placing these areas of transition in common ownership.

Staff supports the applicant's proposal to utilize the LSA provision for the development of this property.

13. **Limited Detailed Site Plan**—Parcels D and E are open space parcels to be conveyed to the homeowners association. These parcels will contain the required stormwater management facilities. The location of these stormwater management facilities is in highly visible locations within the subdivision. These facilities should be landscaped and screened in a manner that would provide pleasing views from the surrounding lots. Staff recommends the approval of a limited detailed site plan by the Planning Board or its designee prior to the approval of grading permits. This timing would allow for the evaluation of the technical stormwater management plan and allow staff to comment and work with the Department of Environmental Resources in the development of these plans.

## RECOMMENDATION

APPROVAL, subject to the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision the plan shall be revised as follows:
  - a. To provide the approved stormwater management concept plan number and approval date.
  - b. To provide totals in the lot size averaging chart.
2. Prior to the issuance of permits, a Type II tree conservation plan shall be approved.
3. Prior to final plat approval, the applicant shall demonstrate that the owner of Parcel 53 agrees to the relocation of the existing access easement serving Parcel 53.

4. Prior to the issuance of building permits, the applicant, his heirs, successors and/or assignees shall demonstrate that a homeowners association has been established and that the common areas have been conveyed to the homeowners association.
5. At the time of final plat, the applicant, his heirs, successors and/or assignees shall convey to the homeowners association Parcels A, B, C, D and E. Land to be conveyed shall be subject the following:
  - a. Conveyance shall take place prior to the issuance of building permits.
  - b. A copy of unrecorded, special warranty deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division (DRD), Upper Marlboro, along with the final plat.
  - c. All waste matter of any kind shall be removed from the property, prior to conveyance, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section or the entire project.
  - d. The conveyed land shall not suffer the disposition of construction materials, soil filling, discarded plant materials, refuse or similar waste matter.
  - e. Any disturbance of land to be conveyed to a homeowners association shall be in accordance with an approved detailed site plan or shall require the written consent of DRD. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement, and storm drain outfalls. If such proposals are approved, a written agreement and financial guarantee shall be required to warrant restoration, repair or improvements, required by the approval process.
  - f. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to a homeowners association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by DRD prior to the issuance of grading or building permits.
  - g. Temporary or permanent use of land to be conveyed to a homeowners association for stormwater management shall be approved by DRD.
  - h. Stormdrain outfalls shall be designed to avoid adverse impacts on adjacent land, owned by or to be conveyed to The Maryland-National Capital Park and Planning Commission (M-NCPPC). If the outfalls require drainage improvements on land to be conveyed to or owned by M-NCPPC, the Department of Parks and Recreation (DPR) shall review and approve the location and design of these facilities. DPR may require a performance bond and easement agreement prior to issuance of grading permits.
  - i. There shall be no disturbance of any adjacent land that is owned by, or to be conveyed to, M-NCPPC, without the review and approval of DPR.

- j. The Planning Board or its designee shall be satisfied that there are adequate provisions to assure retention and future maintenance of the property to be conveyed.
6. Prior to approval of the final plat, in accordance with Sections 24-134 and 24-135 of the Subdivision Regulations, the applicant, his heirs, successors and or assignees shall dedicate Parcel 63 and Parcel 2 located south of the PEPCO transmission line (24.32 acres) to The Maryland-National Capital Park and Planning Commission. Lands to be dedicated shall be subject to the following:
- a. An original, special warranty deed for the property to be conveyed (signed by the Assessment Supervisor, Washington Suburban Sanitary Commission) shall be submitted to the Subdivision Section of the Development Review Division, The Maryland-National Capital Park and Planning Commission (M-NCPPC), along with the final plat.
  - b. M-NCPPC shall be held harmless for the cost of public improvements associated with land to be conveyed, including but not limited to sewer extensions, adjacent road improvements, drains, sidewalks, curbs and gutters, and front-foot benefit charges, prior to and subsequent to final plat.
  - c. The boundaries and acreage of land to be conveyed to M-NCPPC shall be indicated on all development plans and permits, which include such property.
  - d. The land to be conveyed shall not be disturbed or filled in any way without the prior written consent of the Department of Parks and Recreation (DPR). If the land is to be disturbed, DPR shall require that a performance bond be posted to warrant restoration, repair, or improvements made necessary or required by the M-NCPPC development approval process. The bond or other suitable financial guarantee (suitability to be judged by the General Counsel's Office, M-NCPPC) shall be submitted to DPR within two weeks prior to applying for permits.
  - e. Storm drain outfalls shall be designed to avoid adverse impacts on land to be conveyed to or owned by M-NCPPC. DPR shall review and approve the location and design of these facilities. DPR may require a performance bond and easement agreement prior to the issuance of grading permits.
  - f. All waste matter of any kind shall be removed from the property to be conveyed. DPR shall inspect the site and verify that it is in acceptable condition for conveyance prior to final plat approval.
  - g. No stormwater management facilities, or tree conservation or utility easements, shall be proposed on lands owned by or to be conveyed to M-NCPPC without the prior written consent of DPR. DPR shall review and approve the location and/or design of these features. If such proposals are approved by DPR, a performance bond and an easement agreement may be required prior to the issuance of grading permits.
  - h. The applicant, his successors and/or assignees shall submit a letter to the Subdivision Section, DRD, prior to final plat indicating that the Department of Parks and Recreation has conducted a site inspection and found the land to be dedicated to M-NCPPC in acceptable condition for conveyance.

7. Prior to the issuance of grading permits that include stormwater management facilities, the Planning Board or its designee shall approve a limited detailed site plan (LDSP) to evaluate landscaping associated with the stormwater management facilities. Evaluation shall include plant materials, quantities and location of those plant units to provide pleasing views and enhance the overall appearance of the facilities.
8. Development of this property shall be in conformance with the approved stormwater management concept plan, 35076-2002-00.
9. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the 100-year floodplain and all stream buffers, except for areas with approved variation requests, and shall be reviewed by the Environmental Planning Section prior to certificate approval. In addition, 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 permitted.”
10. Prior to the issuance of any permits that impact wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall submit to the M-NCPPC Planning Department copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
11. Prior to signature approval of the preliminary plan of subdivision, a copy of a stormwater management concept approval letter shall be submitted.
12. Prior to signature approval of the preliminary plan of subdivision or the Type I tree conservation plan, the limit of disturbance on the plans will be corrected to encompass the areas proposed to be impacted as shown in the variation requests.
13. Development of this subdivision shall be in compliance with the approved Type I Tree Conservation Plan (TCPI/23/94-01). The following note shall be placed on the final plat of subdivision:

Development is subject to restriction shown on the approved Type I Tree Conservation Plan (TCPI/23/94-01), or as modified by the Type II tree conservation plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved tree conservation plan and will make the owner subject to mitigation under the Woodland Conservation/Tree Preservation Policy and Subtitle 25.”
14. The applicant, his heirs, successors and or assignees shall provide standard sidewalks along both sides of the internal public streets unless modified by the Department of Public Works and Transportation at the time of issuance of street construction permits.
15. In conformance with the *Adopted and Approved Subregion V Master Plan*, the applicant, his heirs, successors and or assignees shall construct an eight-foot wide, asphalt Class II trail along the subject property’s entire frontage of Brandywine Road unless modified by the Department of Public Works and Transportation at the time of issuance of street construction permits.
16. No building permits shall be issued for this subdivision until the capacity, as adjusted pursuant to the School Regulations, at all the affected school clusters are less than or equal to 105 percent or six

years have elapsed since the time of the approval of the preliminary plan of subdivision; or pursuant to the terms of an executed school facilities agreement where by the subdivision applicant, to avoid a waiting period, agrees with the County Executive and County Council to construct or secure funding for construction of all or part of a school to advance capacity.

17. The abandoned well shall be pumped, backfilled and/or sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative of the Health Department prior to final plat approval.
18. At the time of final plat approval, the applicant shall dedicate a right-of-way along Brandywine Road as shown on the submitted plan. Improvements within the dedicated right-of-way shall be determined by DPW&T.
19. Driveways to Lot 1, Block A, and Lot 3, Block B, shall be configured to gain access from Road "A." Driveways to Lots 2 through 4, Block A, and Lots 1 and 2, Block B, shall be designed with a turnaround capability to eliminate the need for vehicles accessing these lots to back onto Brandywine Road.
20. A fee calculated as \$1,760/residence x (*Engineering News-Record* Highway Construction Cost Index at time of payment)/*Engineering News-Record* Highway Construction Cost Index for March 2002).
21. Prior to the issuance of any building permits within the subject property, the following road improvements shall have full financial assurances, have been permitted for construction, and have an agreed-upon timetable for construction with SHA/DPW&T:
  - a. At the MD 5/Surratts Road intersection, provide a second northbound left-turn lane along MD 5.
  - b. At the MD 5/Surratts Road intersection, provide a second southbound left-turn lane along MD 5.

These improvements shall include any needed signal modifications, signage, and pavement markings.

22. The applicant shall contribute toward and participate in the construction of certain additional off-site transportation improvements as identified hereinafter. These improvements shall be funded and constructed through the formation of a road club that will include the applicant and any other properties for which road club participation is deemed necessary by the Planning Board.

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

For each single family detached unit, a fee calculated as \$297 x (the average Federal Highway Administration federal-aid highway composite bid price index for the latest available four previous quarters at the time of payment)/(the average Federal Highway Administration federal-aid highway composite bid price index for the four quarters preceding and including the first quarter of 1993).

Payment is to be made in trust to the road club escrow agent and shall be due, on a pro rata basis, at the time of issuance of building permits. Prior to issuance of any building permit(s), the applicant

shall provide written evidence to the M-NCPPC that the required payment has been made.

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

- a. Widen US 301/MD 5 from a four-lane road to a six-lane road beginning at Timothy Branch (north of Cedarville Road) and extending northerly to the US 301/MD 5 interchange (at T.B.). The construction shall be in accordance with presently approved SHA plans.
- b. Install a traffic signal at the A-63/Cedarville Road intersection, provided said signal is deemed warranted by DPW&T.
- c. Make minor widening/stripping improvements to the US 301/MD 5 interchange ramps.
- d. Widen US 301 from a four-lane road to a six-lane road beginning at the T.B. interchange (US 301/MD 5) and extending northerly to a point approximately 2,500 feet north of MD 381.
- e. Reconstruct the traffic signal at US 301/MD 381.
- f. Install a traffic signal at the MD 381/A-63 intersection, provided said signal is deemed warranted by DPW&T and SHA.
- g. Provide a grade separation at the point the spine road crosses US 301 northeast of T.B.
- h. Reconstruct the traffic signal at MD 5/Brandywine Road.
- i. Construction of an interchange in the area of US 301/MD 5 and Cedarville/McKendree Roads.
- j. Construction of an interchange in the area of MD 5 and A-63 north of T.B.
- k. Construction of A-63 as a six-lane arterial roadway (where off site) between the US 301/MD 5/Cedarville Rd./McKendree Rd. intersection and MD 5 north of T.B.
- l. Widen US 301/MD 5 from a six-lane road to an eight-lane road beginning at the T.B. interchange (US 301/MD 5) and extending southerly to Mattawoman Creek.
- m. Widen MD 5 from a four-lane road to a six-lane road beginning at the T.B. interchange (US 301/MD 5) and extending northerly to a point approximately 2,500 feet north of the planned intersection with A-63.

STAFF RECOMMENDS APPROVAL OF TREE CONSERVATION PLAN TCPI/23/94-01.